

Board of Trustees  
Village of Tarrytown  
Regular Meeting No. 23  
Via Zoom Video Conference  
September 8, 2020  
8:00 p.m.

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

\*Trustee Hoyt joined the meeting at 9:50 p.m.

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/31936> for instructions on how to join & participate.

## REPORTS

MOMENT OF SILENCE – ANTHONY RUGGIERO AND JOHN KELLY – 10 YEAR ANNIVERSARY – Mayor Fixell requested a moment of silence in memory of Anthony Ruggiero, a former DPW employee and John Kelly, a former Volunteer Firefighter who both lost their lives in a sewer accident 10 years ago.

MOMENT OF SILENCE – JOSEPH APOLLONIO, VILLAGE DPW EMPLOYEE – Mayor Fixell requested a moment of silence in memory of Joseph Apollonio who has recently passed away.

## REPORTS

Mayor Fixell noted in light of the convoy that is planned for this Saturday, he read the following: “First, we want it to be absolutely clear that our village and our police department categorically reject racial discrimination and police brutality. Our Village and Police Department support and believe that black lives matter and we also believe that there is much more work to be done in our country to make those 3 words a reality.

Second, we are proud that our police department has been proactive in implementing policies and procedures that further the goals of social justice and true community policing. We are also proud of the bravery and decency regularly demonstrated by our officers, but which was made especially clear during the roughest days of the pandemic when they literally risked their lives every day serving every member of this community.

And third, while we are confident that our department has implemented appropriate policies and procedures, we also know that ensuring social justice and rooting out discrimination is an ongoing

task which both requires continual review both from within the department and from the community at large. And we are completely committed to doing just that.”

The Village is in no way supportive of Saturday’s action. However, there are legal obligations that the Village must fulfill and he asked Village Administrator Slingerland to explain further.

Administrator Slingerland noted as the Village government administers and operates the Village, we have to do so objectively, non-political, non-partisan, and without bias in any fashion towards anyone or any one group. When we have had events like this, like “Back the Blue” who are having an event this Saturday, the Village has been coordinating with them to do so, so that they hold their event in a manner that minimizes any negative impact upon the Tarrytown community. We hope and expect the same standards apply to this and any future event held by any group as they have been held in the past and as they will be held moving forward. These activities are separate and distinct from the Village and they are separate and distinct from the Village’s intentions and desires as we operate the Village. We want to do the best possible to coordinate all involved and all interested parties. With regard to the Police Reform and Reinvention Committee, we want to work cooperatively together with all groups here in the Village and follow and carry out the goals set forth by the Governor for municipalities to go through this process for reform and reinvention of the local police. As the Mayor said and in his experience, we have a very fine Police Department, with a high level of diversity, but as everybody realizes, there’s always room for improvement. That is our goal to achieve that through this process. The Village looks forward to working with the members of the committee as well as the members of the community as we carry out the task set forward before us. We are at a crossroads in American history and we must do our best to work together, consider all view points and strive to achieve the best possible outcome.

Trustee McGovern noted that the Village pool will close after this coming weekend, September 13. The pool is still having lap swimming this week Monday through Friday, 7 – 10 a.m., you can register online on the Village’s website. The pool hours for the final weekend, Saturday and Sunday are as follows: 10 a.m. – 1 p.m. is the first session, 1:30 – 4 p.m. is the second session and 4:30 – 7 p.m. is the third session. The entire pool staff did a great job, particularly Mike and Kelly did an incredible job training the staff. It took a lot of coordination and they pulled it off without any problems.

Trustee Rinaldi noted that the entire pool staff did an incredible job getting the pool open and the pool season went quite smoothly.

### ADMINISTRATOR’S REPORT

Administrator Slingerland reported on the following:

– Main Street Conceptual redesign – The Village is moving ahead on the retention of an engineer. The Village received over ten proposals with a range of under \$10,000 to over \$40,000 to perform a conceptual evaluation and redesign of Main Street. This is to see what will work and make sense for the Village, it is not the actual redesign and the Village is not taking any action at this time. The Village will be working with a company, Provident Engineering, their offices are in Hawthorne, New York and we hope to get this done pretty quickly.

Trustee Brown noted that the study is looking at Main Street to possibly have angled parking on one side, possibly make Main Street one way and facilitate more dining in the streets.

Mayor Fixell noted, that the concept, if it works, would be a long-term, during good weather where the Village wouldn't be opening and closing Main Street on weekend nights. We will see if the design works and does not create traffic and/or parking problems. It requires a real look by professionals whether it is possible and whether it would work. This is just a preliminary, conceptual look and it is far from being implemented, even if they said it was possible.

#### Administrator's Report - continued

**Bike Rack deployment along Main Street** – The Village has begun the bike rack deployment along Main Street. This is a pilot program. There are two bike racks located in the mini-lot, at the entrance of the S. Washington Street lot, next to the liquor store. And we have setup at least one temporary event bike rack near Coffee Labs and the Music Hall. The goal is to see how these work. We are not affixing them to the ground at this time, we are looking to find the best locations for the bike racks. The intent is to have them on the weekends, when we anticipate the heaviest cyclists in the Village and try to adjust and be flexible as we get more bike traffic coming across the shared use path.

**Fitness Center MERV-13 upgrades** – The Village posted a request for quotes to upgrade the HVAC system at the Senior Center and the Recreation Center in order to operate the fitness facility. As the Governor said, there are a series of requirements, one of which we need to upgrade our HVAC system to MERV-13 from its current status. We received two quotes and the lowest quote was from a company based in Westchester County, who will replace the filters. The filters should be delivered and installed within 2 – 3 weeks. We will keep the community informed as we move ahead to upgrade the HVAC systems. Trustee Rinaldi asked once the systems are upgraded, how frequently do the filters need to be changed. Administrator Slingerland noted that he believes it is quarterly, but he will work with the HVAC company to be sure they give us an adequate supply to handle it for the year.

#### 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.

#### PUBLIC HEARING ON PROPOSED REZONING AND ZONING MAP AMENDMENT FOR 62 MAIN STREET (adopted)

A local law to rezone the property known as 62 Main Street, Tarrytown, New York (Section 1.70, Block 33, Lots 23, 23.1, 23.2)

Be it enacted by the Board of Trustees of the Village of Tarrytown as follows:

#### **Section 1. Rezone a portion of the Property.**

The Board of Trustees rezones that portion of the property located at 62 Main Street, Tarrytown, New York, which is designated on the tax assessment map of the Village of Tarrytown as Section

1.70, Block 33, Lots 23, 23.1, 23.2 (the "Property"), that is located in the RR Restricted Retail District to the M-1.5 Multifamily Residence District.

**Section 2. Apply SC Zone to the entire Property.**

Upon the rezoning of the RR portion of the Property as set forth in Section 1 above, the Board of Trustees applies the SC Floating/Overlay Zone to the Property.

**Section 3. Amending Zoning Map.**

The Village of Tarrytown Zoning Map shall be amended to reflect the Property's underlying zoning (M-1.5) and the application of the SC Floating/Overlay District to the Property.

**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.

**BY ORDER OF THE BOARD OF TRUSTEES  
OF THE VILLAGE OF TARRYTOWN**

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

Heather Haggerty, 18 Kaldenberg Place, believes that the proposed development at the YMCA is too big for the town. It will look like we dropped a Home Depot in our town. She would like to see one less level and overall the size is too large. She wondered if the developer or the town will be implementing a plan for composting at this site. Administrator Slingerland noted that the Village has a food waste composting program that residents can bring containers down by the waterfront, currently at the entrance to Lot F.

Trustee Brown noted that the best place to comment on the designs of this project is before the Planning Board. They are currently looking at the plan designs, which would include composting and encouraged Ms. Haggerty to make her valid comments by tuning into the Planning Board meetings.

Mike Love, 88 Main Street, noted that he believed that the developer of the project at 62 Main Street just bought the house next door to the property. He wondered how that house is going to be worked into the whole project. He asked what the traffic impact would be with the new development. Administrator Slingerland noted that as Trustee Brown said, any questions relating to this project, particularly traffic impacts, would be best to propose your questions and comments to the Planning Board as they are reviewing the site plan. Administrator Slingerland noted that if

Mr. Love wants to send him an email with his concerns, he would pass it along to the Planning Board for their consideration.

Diana Kolev, Attorney for Wilder Balter Partners, noted that Wilder Balter Partners is planning to redevelop the YMCA site with a multi-family senior community and has submitted a petition for rezoning to the Board of Trustees. The SEQRA review is complete and at the Board's last meeting held on August 17, 2020, a public hearing was held and the Board adopted the Senior Community Floating Overlay District. What they are asking tonight is for the Board to complete the process by rezoning the YMCA property from what it is currently the RR, M-1.5 District to entirely M-1.5 and then apply the new overlay district to the property. This will allow the developer to proceed with the site plan review that is pending before the Planning Board.

Mike Love, 88 Main Street, asked how many units are proposed at this site and how many parking spaces are proposed. Trustee Brown noted that they are proposing 109 units and 116 parking spaces for its residents and an additional 69 parking spaces for municipal parking for the Village. Mr. Love was glad to hear that the residents would have their own parking and the project would provide additional municipal parking.

Bill Balter, developer of 62 Main Street, noted that currently the YMCA has a 48 single-room occupancy. While the project is in development, we will be relocating the YMCA residents and when the project is complete, we will move them back in. We are proposing a total of 109 units. The suggested number of cars per unit is 1 car per unit especially because it is located in the downtown, and because it is an 80% of 55 and over development, where the average resident would be 70 years old. And we are creating 70 more parking spaces for municipal parking that will not be needed for the residents.

David Carpenter, YMCA resident, asked what the rents will be when the residents of the YMCA are moved back into the new development. Mr. Balter noted that for the current residents of the YMCA, the rent will be based on affordable income and basically, the rent should be exactly the same. Mr. Carpenter asked if the developer knows where the current YMCA residents will be moved to during the construction. Mr. Balter noted that they will help the residents move out and will help move them back in with help with the Housing Action Council, which is located in Tarrytown. They will help move people to locations based on the needs of the residents.

Alberta Jarane, Sleepy Hollow resident, business owner of 2 businesses on Main Street in Tarrytown, asked if a current YMCA resident does not return back to the newly developed site, does that unit remain as a low or fixed income unit or does it revert back to the active market place. Administrator Slingerland believes that the developer is in a long term agreement with New York State, that provides for those units to remain low or moderate income based on standards are under the agreement. Mr. Balter noted that there will be a new regulatory agreement once the development is complete and that will keep all 109 units to remain affordable for (50) fifty years.

VK, resident near the business district area in Tarrytown, asked where the municipal parking lot will be built. Mr. Balter noted that the current municipal parking lot on S. Washington Street (west) will basically get 70 parking spaces bigger with the existing access. The access for the residents parking will be on Windle Park, but the municipal parking lot will only have access from

the existing access on S. Washington Street. Mr. VK asked about the noise of the construction and that the construction noise could be going on for 2 years. Mr. Balter noted that from start to finish, they expect it to take just under 2 years. Mr. VK asked if the developer has given any thought to the fire horn that is located on Main Street. Administrator Slingerland noted that the fire horn is a topic for the Board of Trustees and the Fire Department.

Mrs. Schectman, 87 Main Street, noted that she had heard that the developer purchased the house next door to the YMCA, and she wanted to make sure the developer wasn't also going to purchase the beautiful Victorian house on the corner of Main Street and Windle Park. Mr. Balter noted that he is indeed buying 8 Windle Park, next door to the YMCA. He is not buying the house to incorporate it into the development. The current owner of 8 Windle Park had notified him that they were looking to sell the house. Mr. Balter noted that they are looking to use this house to help with the relocation of the current residents from the YMCA. Their intentions, after they move everyone back into the new development at 62 Main Street, will be to either sell the house at 8 Windle Park or keep it and rent it. It will not be used to incorporate it into the development and they are not looking to purchase the other two houses.

Grace Morelli, 28 Windle Park, noted that her house is over 150 years old and she wanted to know if there was a survey done to make sure that the digging, 20 feet from her house, is not going to affect the foundation of her house. Mr. Balter noted that prior to construction, they will be asking all the adjacent neighbors to perform a pre-construction survey of their foundations. They are only planning to do manual rock removal, they have no plans to blast. They will use vibration monitors all around the property and they will provide a report to all the adjacent neighbors. Ms. Morelli asked what will happen if there is damage from the digging. Mr. Balter noted that they will be doing supportive excavation which basically ensures that there isn't a problem. But if something were to happen, they will have to deal with it financially. He's been doing this kind of work for 30 years and he never had that problem.

Diana Kolev, Attorney for Wilder Balter Partners, noted as stated earlier, the concerns from the speakers can all be addressed at the Planning Board meetings. The action they are asking the Board to take tonight pertains to the rezoning and the floating zone as it relates to this property.

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

Trustee Zollo moved, seconded by Trustee Brown, and unanimously carried, that the Following resolution be approved: Approved: 6-0-1

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

WHEREAS, on or about January 10, 2020, Wilder Balter Partners Inc. ("Petitioner") petitioned the Board of Trustees of the Village of Tarrytown ("Village Board") for amendments to the Zoning Code of the Village of Tarrytown to establish a Senior Community Floating/Overlay Zone ("SC Floating/Overlay Zone"), and for amendments to the Zoning Map of the Village of Tarrytown to rezone the real property at 62 Main Street, designated on the Tax Assessment Map of the Village of Tarrytown as Section 1.70, Block 33, Lots 23, 23.1, 23.2 ("Property"), located partially in the RR

Restricted Retail District ("RR District") and partially in the M-1.5 Multifamily Residence District ("M-1.5 District"), to SC Floating/Overlay Zone to the Property, to facilitate the redevelopment of the Property currently occupied by the Family YMCA at Tarrytown; and

WHEREAS, Petitioner proposes to redevelop the Property and construct a building that is approximately 50 feet and four stories high, with 109 dwelling units (14 efficiency/studio units and 95 one (1) bedroom units), and a parking structure in which 69 parking spaces on the ground level will be for Village of Tarrytown public use and 116 parking spaces on two below-ground levels will be for building residents (the "Project"); and

WHEREAS, the Planning Board on June 22, 2020, after undertaking a coordinated review under the State Environmental Quality Review Act ("SEQRA"), issued a Negative Declaration finding that the Project, the proposed amendments to the Zoning Code, and the amendments to the Zoning Map will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared; and

WHEREAS, as set forth in the Planning Board's memorandum to the Board of Trustees dated June 26, 2020, the Planning Board also recommended: (1) the adoption of the SC Floating/Overlay Zone to allow for redevelopment of the Property with the Project; and (2) the rezoning of the RR District in the front portion of the Property to the M-1.5 District to cover the entire Property and make the redevelopment feasible; and

WHEREAS, on August 17, 2020 the Village Board adopted Local Law No. 7 of 2020 amending the Zoning Code of the Village of Tarrytown to add "Senior Community" as a new definition in §305-5(B), to add in §305-33-1 "Senior Community Floating/Overlay Zone" to certain districts, and to add a new §305-6 entitled "SC Floating/Overlay Zone"; and

WHEREAS, the Board of Trustees has considered Petitioner's proposed rezoning of the portion of the Property located in the RR District to the M-1.5 District and the application of the SC Floating/Overlay Zone to the Property in accordance with the newly adopted Local Law No. 7 of 2020; and

WHEREAS, a notice of public hearing was published in the Journal News on August 21, 2020; and

WHEREAS, a public hearing was held on the proposed action on September 8, 2020; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby adopt Local Law No. 8 of 2020 to rezone 62 Main Street as SC Floating/Overlay Zone and the corresponding change to the Zoning Map.

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

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

Administrator Slingerland noted that this is the ongoing discussion on the SAO Zone. The Board of Trustees has made some updates, some of the key items is that they have reduced the overall

height from 120 ft. to 6 ft. and there has been changes to the scorecard. The Village Board is working with the Village Attorney and the Village Consultant on the identification and definition under a separate provision in the Village Code that would cover the view sheds that we want to protect along the waterfront. The Village will be working on this and it could take a couple of weeks.

David Barnett, 104 Main Street, noted that after listening to the last meeting of the Board of Trustees, a question came up as to what percentage of the river's views should be permissible to do away with. Since this topic is primarily design oriented, he provided his professional design credentials so the Board recognizes his credibility to speak on this subject. He reminded the Board of the importance of the public views that Tarrytown is so important to possess. He believes the answer should be zero percent of the river's view should be compromised. To prove his point, he asked the Board to take a stroll on Cottage Place, all you see is the back of Asbury Terrace, a 9-story building that completely hides the Hudson River and the Palisades from view. He understands that the Village had no control when it came to the HUD project, but the zoning discussions we are having now is the Village's responsibility. Shouldn't it be our priority to preserve the charm and character that makes Tarrytown so unique? Just look at the two village's to the south, Irvington and Dobbs Ferry, they are both utilizing their riverfronts in a smart and aesthetically, beautiful way, based on careful research and studies.

Trustee Butler noted that he too is a professional designer and he believes that the Mayor and Board of Trustees have worked on making sure that all the development in Tarrytown to be smart, thoughtful and controlled. On the subject of the river's view, this Board has been working tirelessly and we continue to work on it. With all the development that has happened in Tarrytown, the Board has strived to make Tarrytown a beautiful Village to live in and the Board continues to work on keeping Tarrytown a beautiful place. He accepts Mr. Barnett's comments, and asked that he trusts the Village Board.

Howard Smith, 87 Main Street, noted that regarding the scorecard, he doesn't think that any 2 people from the Village would agree on the numbers on the scorecard, let alone the notion, that the scorecard's criteria is worth the exact same weight. People would be shocked to learn that out of 100 points, only 3 of the criteria have to do with the architectural legacy of the Village, which doesn't seem to be very protective of the Village. The irony is that there is a lot of trust from the public with what the Village government has done so far under the existing regulations, which makes him all the more concerned about the implications of changing them. He is concerned about the timing to consider taking action on this zoning change. At this time, the parking lots at Metro North are sparsely being used and Metro North is announcing without additional federal funds, they may have to cut train service by as much as 50%. Employers in the city are making allowances for their employees to work from home indefinitely, and they are being very cautious about returning to a pre-pandemic workplace environment. Locally, small businesses and restaurants on Broadway and Main Street are struggling to remain open. During the past few months, the discussion on the proposed SAO has been via Zoom. A medium that is not universally accessible to all members of the community. Furthermore, the Zoom medium has a way of controlling, sanitizing, and minimizing the public's participation compared to what the Trustees would otherwise experience if people can attend Board meetings in person. The harmful implications for the democratic process is significant and any major decisions should be made in a



Zoom environment would be suspect. Mr. Smith strongly urged the Board not to consider adopting changes to the zoning of this significance until such times there is more certainty as to what is going to happen post-pandemic and this whole notion of a plan with this anchor concept of transit oriented development can be reconsidered.

Mike Love, 88 Main Street, noted that he values and enjoys the river views from Main Street very much. He thinks that the height restriction should be limited. Development should be done in the least impactful way for the residents of the Village. He believes that the Village government does as much as they can to preserve what values and visual appearances that this Village does have. However, he believes this proposed zoning change has a potential impact on our waterfront and that it should not be adopted via Zoom.

Mayor Fixell noted that the whole idea behind the view shed protections, would be to in fact identify those public view sheds and specify whether they could be impacted at all. There are some views that are very expansive, such as if you are looking at the river from Broadway near Washington Irving School, that is such a wide view, that if a small construction that might come into that view may not have an impact. But there are other sites such as lower Main Street that may fall under 100% rule that you could not impact that view at all. The idea is to look at the public views and come to some sort of consensus in the community as to what might be reasonable if someone was to propose to build something there. The difficulty that we are facing is that the way the law is currently written, this notion of significance is not defined. The concept is to try and find something that would be defensible and protective at the same time. The question of having zero percent everywhere is probably not sustainable. It may be, but we have to look at and determine whether every single river view should be 100% protected. That is the question that is before the Board and the community as a whole. There may be views that should not be touched at all and there may be others that could have some small impact on them and you would still preserve the vast view that you have now.

Village Attorney Zalantis noted that currently, there are no regulations in the Village protecting these public views. The intent of the legislation that the Board would be considering would be to be more protective of these public views. In fact, the Village is acting proactively to protect these views from future developments.

Trustee Brown noted that the proposed Station Area Overlay zoning and protecting river views are two separate issues and the topic of protecting view sheds is outside of the SAO. The proposed SAO is adding a kind of zoning that a developer could apply for where they would have to prove a lot of benefits to the Village. The SAO is not changing zoning to allow a certain thing, the SAO is adding another option that developers and the Planning Board could look at so that the public would have even more options and more say on what gets developed on the waterfront.

Dolf Beil, 108 Main Street, noted that the appearance seems to be if you are in favor of a development, you get 5 minutes to speak and if you are not, you get 3 minutes to speak. He has concerns with Franklin Courts, Phase 3, which makes a significant impact and would allow between 323 and about 1,000 units at that density. He is convinced that a generic EIS is needed to comply with SEQRA because you are dealing with more than one developer. Allowing the applicant to determine whether there is any impact is improper and he has provided documentation for that. There are clearly multiple parcels in this overlay with a significant environmental impact. On the

overview, this 15 acre rezoning cannot be seen from any of the sites that are in your visual analysis. Mr. Beil shared slides (attached to the official minutes) and noted that he is not complaining about the existing Franklin Courts situation, he is totally in support of workforce housing. But before we look at expanding that, somebody needs to look at the financial impact.

Barbara Barnett, 104 Main Street, noted that we are still deeply enmeshed in the COVID-19 pandemic; concerts, sporting events, restaurants, school openings and many other businesses are on hold. In this time of uncertainty, we may not agree how things will return to normal, but she believes we can all agree that it is going to be a new normal. People have a revived appreciation of the outdoors. Pierson Park is overflowing with people, which is wonderful. However, even though she lives across the street from the park, she only goes there early in the morning with her dog to avoid the crowds. Instead she goes to parks in Irvington, Dobbs Ferry, Valhalla and Ossining because they are much less congested. Maybe the new normal will be that Tarrytown will need more open outdoor space. With this in mind, she suggests that the Village hold off on a decision on the SAO until we can realistically determine the needs and desires of the residents of Tarrytown in the new normal.

Amanda Sanella, 108 Main Street, noted that she recently moved from the New York City, where her view of the Hudson was inhibited by a building. She speaks from personal experience that having a view interrupted by a building makes it much less impactful. The expansive view here in Tarrytown was one of the draws for her to come to Tarrytown. Tarrytown is so special because of the beautiful river views and the beautiful outdoor space is less congested than New York City.

Stew Schectman, 87 Main Street, noted that he understands the height went from 120 ft. down to 60 ft. and the SAO is proposed now only on the east of the tracks. This was a low industrial area and is zoned with a 30 ft. height restriction, which doesn't look as attractive to a potential developer. He doesn't suggest to keep it industrial, but he doesn't understand why the Village wants to increase it to 60 ft. Suddenly the Village is looking to approve 60 ft. and 29 S. Depot Plaza is a parcel in the SAO area. The justification for the SAO and the transit oriented development is now in question. He believes that 60 ft. would be very obstructive to many places in Tarrytown.

Grace Morelli, 28 Windle Park, noted that she understands that the SAO is only for the property near the waterfront. She asked about height restriction in the downtown area, specifically, the YMCA property. It is proposing to be 4 stories high, which is much bigger than anything else in the area. It will tower over her house. She feels that the Village is looking to build tall buildings on the waterfront, in the downtown, Main Street and Broadway and it is not fitting to the this historic Village. She enjoys all of the views to the river throughout the Village. She doesn't understand what is wrong with 1 or 2 story buildings. She is not in favor of over-sized buildings. She appreciates how the Board listens and that the Board is working very hard to protect the resident's river views and the Village as a whole.

Howard Smith, 87 Main Street, noted that it would be very helpful if we can get more of an explanation on why the assignment of points to a criteria are helpful. He doesn't understand why the Village is boxing themselves in this way as opposed to using all these criteria's simply as guidelines and don't restrict yourself to assigning a certain number of points. There's no way you can take it upon yourself appropriately to quantify the values of this community by putting 3 points on this and 6 points on that. No two people would agree on that. It is leading you down a rabbit

hole. If you would use these as guidelines, it would provide a transparent representation to any potential developer the things that the community really cares about, but you would not be binding yourselves to scoring them. The limitations of a scorecard are acknowledged by within the regulations through this use of a bonus point system. He doesn't understand the justification for a bonus system that can over-ride 25% of all the points associated with evaluating a proposal. He believes that it is filled with problems that this Board and future Boards will regret having saddled themselves with. With regard to getting into percentage points relating to view sheds, again you are restricting yourselves and setting yourself up to litigation and conflict. He believes that the existing view shed should be the baseline. Anybody who proposes to modify that with a project, should automatically have to go through a rigorous waiver process that should be reviewed publically.

Trustee Brown noted that the very last thing Mr. Smith said about reviewing the view sheds by scoring it in the same way the SAO would do. If Trustee Brown understood Mr. Smith correctly, it is the same thing that he subscribed.

Howard Smith, 87 Main Street, noted that he wasn't trying to be inconsistent, if it came across that way, it is not what he was suggesting. He is suggesting not scoring anything on view sheds or any criteria on development, but using the approach that the Village has been using, which is your own judgement. You can keep all the criteria associated with the scorecard, consider those things when you are evaluating somebody's proposal that would have an impact on a view shed, but don't limit yourselves to a scoring system to assigning point values. He believes it is a disservice to the comprehensive plan because it is not a representative of the values expressed in the comprehensive plan and it will lead to a lot of conflict. The Village has done a great job with the regulations that are now in place. Assigning a point value to a score card is still a subjective judgement. Stay away from scoring and codifying them in your regulations. Put standards and guidelines in and use them to guide your decisions, but give yourselves some flexibility.

\*9:50 p.m. – Trustee Hoyt arrived to the meeting.

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

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

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 Monday, September 21, 2020, Regular Meeting of the Board of Trustees at 8 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.

#### APPOINTMENT OF TEMPORARY PART-TIME LABORER IN THE PARKS DEPARTMENT

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

Roll Call – Mayor Fixell, Yes, Trustee Brown, Yes, Trustee Butler, Yes, Trustee Hoyt, Yes,

Trustee McGovern, Yes, Trustee Rinaldi, Yes, Trustee Zollo, Yes

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby authorize the appointment of Ben McCoy as Temporary Laborer (aka Part Time Availability) for the Parks Department in the Village of Tarrytown at an hourly salary of \$18.00, effective Wednesday, September 9, 2020 through November 25, 2020, subject to all Civil Service rules and regulations.

#### FIRE DEPARTMENT MEMBERSHIP CHANGES

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

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve the following Fire Department membership changes recommended at the August 18, 2020 Board of Fire Wardens meeting. Members: Jimmy Santana, Yernauan Baishokan and Jose Guzman have been approved for out-of-town active membership at Washington Engine. Antonio Franciosa has been approved for active membership at Washington Engine. Domenic Morabito Jr. has been approved for active membership at Phenix Hose. William H. Logan II has transferred from Riverside Hose to Washington Engine. Ricardo Cantilana, Joe Vercesi and Matt Heymann have been approved as crew members of Marine 5. Kevin Craig and Richard Miscioscia have resigned from active membership from Conqueror Hook and Ladder. Chris Murray has resigned from active membership from Riverside Hose. Alicia Goldstein has resigned as crew member from Marine 5. Drivers: Scott Weaver Sr. has been approved as driver of Utility 61 and Daniel Mosa has been approved as driver of Marine 5/Marine 31.

#### APPOINTMENT TO THE TRAILS COMMITTEE

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

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby reconstitute the Advisory Trails Committee of the Village of Tarrytown to work with the Trails Committee as coordinated with Scenic Hudson and the Village of Sleepy Hollow, which shall meet approximately on a monthly basis; and

BE IT FURTHER RESOLVED that the Board of Trustees does hereby re-appoint Dean Gallea, Susan Allman and Ian Colley as members of the Advisory Trails Committee, for a term that will end at the annual organizational meeting of the Village of Tarrytown in December, 2020.

#### POLICE REFORM AND REINVENTION COMMITTEE

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

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

BE IT RESOLVED that pursuant to Governor Cuomo’s New York State Executive Order for Police Reform and Reinvention Collaborative, the Board of Trustees does hereby authorize establishment of a Police Reform and Reinvention Committee to ensure that the Village of Tarrytown’s Police Department actively engages with stakeholders in the community and immediate action is needed to eliminate racial inequities in policing, to modify and modernize policing strategies, policies, procedures and practices and to develop practices to better address the particular needs of communities of color to promote public safety, improve community engagement and foster trust.

BE IT FURTHER RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby appoint the following as members of the Ad Hoc Committee for Police Reform and Reinvention:

**Steering Committee:**

- Leadership of the Local Police Department John Barbelet
- PBA Union Rep – Dennis Smith, President
- Local non-profit and faith-based community groups
  - Reverend Judith Williams, Shiloh Baptist Church
  - Reverend Upton, Foster AME Zion Church
- Local office of the DA – Paul Noto, Deputy District Attorney, or designee
- Local elected officials – Trustees Karen Brown, Paul Rinaldi and Doug Zollo
- NAACP Representative from the Town of Greenburgh Janice Griffith

**Stakeholder’s Committee:**

- Diane Torstrup, Martling Avenue
- Sara Levine – Half Moon Lane
- Katie Scully – Hillside Place
- Robert Cannata – Benedict Avenue
- Loretta London – Wilson Park Drive
- Allie Meizlish – Tarryhill Road
- Sitara Herur-Halbert – Leroy Avenue
- Brian Balthazard – Crest Neighborhood
- Robin Warner – Mechanics Avenue
- Robert Wingate – North Broadway
- Kisha Bush – Hamilton Place
- Lissette Mendez-Boyer – Grove Street
- Ed Montolio, Lake Terrace
- Frank Giampiccolo, Hamilton Place

- Frank Morabito, Church Street
- Erik Marvin, Halfmoon Lane
- (other residents who may express interest in joining this committee, to a maximum of \_\_\_\_ persons)

BE IT FURTHER RESOLVED that the following Village Staff members are appointed as ex-officio members only

Village Administrator and Assistant Village Administrator

**RESOLUTION AWARDING THE 2020 CONTRACT FOR ROAD MILLING AND PAVING PROJECT**

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

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

WHEREAS, the Village of Tarrytown, in a cooperative relationship with the Villages of Ardsley, Dobbs Ferry, Elmsford, Hastings and Irvington, has solicited bids for the 2020 Road Milling and Paving Project; and

WHEREAS, on August 5, 2020, the Village of Irvington received five (5) bids for the 2020 Road Milling and Paving project and are summarized below for the proposed work in the Village of Tarrytown:

<u>CONTRACTOR</u>	<u>TOTAL BID (all participating Villages)</u>
- Waters Construction Company	\$1,762,202.00
- Consorti Bros. Paving & Sealcoating, Inc.	\$1,834,613.80
- ELQ Industries, Inc.	\$1,836,122.04
- Montesano Bros., Inc.	\$1,852,597.86
- PCI Industries Corp.	\$1,876,732.60

WHEREAS, in accordance with the contract, each partner municipality will separately authorize the Contract and be responsible for payment of services performed within their respective municipality and the quantities of work required directly to the contractor; and

WHEREAS, the paving will take place on Sunnyside Avenue, Lake Avenue, Union Avenue and Irving Place; and

NOW, THEREFORE, BE IT RESOLVED, that the Village Board of Trustees of the Village of Tarrytown does hereby authorize the award of the contract, for the work to be performed in the Village of Tarrytown, for the 2020 Road Milling and Paving to Waters Construction Company of New Rochelle, New York, in accordance with their unit prices contained in their bid of August 5, 2020.

BE IT FURTHER RESOLVED that the Board of Trustees does hereby authorize and direct the Village Administrator to execute an agreement with Waters Construction Company.

AGREEMENT FOR PAYMENT IN LIEU OF TAXES (PILOT) WITH THE TOWN OF GREENBURGH AND 62 MAIN STREET DEVELOPMENT FUND COMPANY

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

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

WHEREAS, on or about January 10, 2020, Wilder Balter Partners Inc. (“Petitioner”) petitioned the Board of Trustees of the Village of Tarrytown (the “Village Board”) for amendments to the Zoning Code of the Village of Tarrytown to establish a Senior Community Floating/Overlay Zone (“SC Floating/Overlay Zone”), and for amendments to the Zoning Map of the Village of Tarrytown to rezone the real property at 62 Main Street, designated on the Tax Assessment Map of the Village of Tarrytown as Section 1.70, Block 33, Lots 23, 23.1, 23.2 (“Property”), located partially in the RR Restricted Retail District (“RR District”) and partially in the M-1.5 Multifamily Residence District (“M-1.5 District”), to SC Floating/Overlay Zone, to facilitate the redevelopment of the Property at 62 Main Street currently occupied by the Family YMCA at Tarrytown (“YMCA”); and

WHEREAS, Petitioner proposes to redevelop the Property and construct a building that is approximately 50 feet and four stories high, with 109 dwelling units (14 efficiency/studio units and 95 one (1) bedroom units), and a parking structure (the “Garage”) in which 69 parking spaces on the ground level will be for Village of Tarrytown public use (the “Municipal Spaces”) and 116 parking spaces on two below ground levels will be for building residents (the “Project”). The Municipal Spaces will be accessible from the Village’s South Washington Street Municipal Parking Lot; and

WHEREAS, Petitioner is willing to grant to the Village a permanent easement to the benefit of the Village running in perpetuity for public use of the Municipal Spaces (the “Easement”), as an integral part of the Project, without any upfront land or construction costs to the Village for the Municipal Spaces, and which easement would provide the Village with the right to install and maintain meters or other means of collecting payment for public use of the Municipal Spaces and with the right to receive all income from the Municipal Spaces; and

WHEREAS, Petitioner has expressed its consent to the imposition by the Village of Tarrytown Planning Board as part of Site Plan Approval of a reasonable condition requiring Petitioner to construct the Municipal Spaces and grant the Easement in form acceptable to both Petitioner and the Village; and

WHEREAS, once construction of the Project is complete, Petitioner and its successors or assigns (“Garage Owner”) will retain ownership of the Garage subject to the Easement to the Village for use of the Municipal Spaces. Petitioner reserves the right to create a commercial condominium in which the Municipal Spaces constitute one of the condominium units, in which case the Garage Owner would be the owner of the unit, subject to the Easement; and

WHEREAS, to alleviate the costs of development of the Municipal Spaces, Petitioner proposes to enter into a payment in lieu of taxes agreement ("PILOT Agreement") with the Town of Greenburgh, in the form annexed hereto as Exhibit A and incorporated herein, pursuant to which real estate taxes that would otherwise have been payable for the Property, as improved by the Project, will be abated in the approximate amount of the portion of the debt service for Petitioner's construction loan that is allocable to the construction of the Municipal Spaces; and

WHEREAS, the Town of Greenburgh is the municipality with the authority to enter in the PILOT Agreement, since it performs the property assessment function on behalf of the Village of Tarrytown.

WHEREAS, if the PILOT Agreement is entered into, Petitioner proposes that the Garage Owner would be responsible for all Garage capital improvements, structural elements, repairs, and repaving for the life of the PILOT Agreement, and the Village would be responsible for all ordinary maintenance of the Municipal Spaces. After the PILOT Agreement expires, the Garage Owner would continue to be responsible for all Garage structural elements but in addition to ordinary maintenance, the Village would also be responsible for repaving the Municipal Spaces as necessary; and

WHEREAS, the Village Board acknowledges that the Village will benefit from use of the public Municipal Spaces and will be impacted by the PILOT Agreement.

NOW, THEREFORE, BE IT RESOLVED that based upon the foregoing, the Board of Trustees of the Village of Tarrytown does hereby consent to the PILOT Agreement.

#### H-BRIDGE – PROFESSIONAL SERVICES

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

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

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 EDG Engineering, New York, New York, for additional design services, and for construction management services, to continue the repair project on the H-Bridge in conjunction with the New York State Department of Transportation on the Bridge New York grant program.

#### REVIEW AND UPDATE OF THE VILLAGE'S WORKPLACE VIOLENCE PREVENTION PROGRAM

Administrator Slingerland noted that the Village's Workplace Violence Prevention Policy has been updated to reflect the Board's concerns that if there are any allegations of workplace violence against either an elected official or the Village Administrator, that the Village would have an independent, third party perform that investigation.

Trustee Brown moved, seconded by Trustee McGovern, and unanimously carried, that the



Following resolution be approved: Approved: 7-0

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

BE IT RESOLVED that the Board of Trustees does hereby approve the updated Workplace Violence Prevention Program prepared by Public Sector HR Consultants as the official Workplace Violence Prevention Program for the Village of Tarrytown; and

BE IT FURTHER RESOLVED that the Board of Trustees does hereby re-establish a Hazard Reduction Team. The team's responsibilities will include, but not limited to:

- Conducting or coordinating a comprehensive risk evaluation of the workplace to identify any factors or situations that may place employees at risk of violence;
- Conducting or coordinating employee surveys and interviews to obtain feedback on the risk factors employees believe are present in the workplace;
- Developing and implementing risk reduction strategies and plans for responding to acts of violence;
- Coordinating employee training and education programs relating to workplace violence;
- Coordinating investigations of workplace violence incidents and implementing any necessary measures to reduce or eliminate the likelihood of similar incidents occurring;
- Reviewing the Workplace Violence Prevention Program at least annually.

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby authorize the following Village employee positions as members of the Hazard Reduction Team: Village Administrator, Assistant Village Administrator, Police Chief and the Village Treasurer as members of the Hazard Reduction Team for the Village of Tarrytown.

#### PURCHASE OF BODY CAMERAS FOR POLICE

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

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

WHEREAS, as one of the Village's goals relating to Governor Cuomo's New York State Executive Order for Police Reform and Reinvention Collaborative, the Board of Trustees has established that it would serve the Tarrytown community well to pursue and implement police body cameras; and

WHEREAS, Chief Barbelet and his staff have researched alternative companies and costs involved with setting up a police body camera system in the Village; and

WHEREAS, the Village has found that Axon Enterprise, Inc. ("Axon") has the goods and services required to satisfy the Village's needs, which are only manufactured and available for purchase from Axon. Some of the unique features built into this system include as follows:

- Complete leveraging of Axon Evidence sharing to allow fast, efficient, digital and secure sharing of records and cases to D.A.'s and Prosecutors.
- The Axon component is equipped with a Signal Sidearm Sensor and can be installed on common duty holsters and by drawing a service handgun from the holster, it would send a signal from the Axon Signal Sidearm sensor. The Axon system is equipped with Axon Signal technology transitions from the Buffering to Event mode.
- The Axon system allows quick views for users to track calls for service and reports in draft, ready for review, checked for further information, or submitted to Records for archiving.
- The Axon system allows software as a Service (SaaS) delivery model that allows the Village to write, manage and share digital incident reports without local storage infrastructure or software needed.

WHEREAS, after conducting a good faith review of potential sources, it is determined that Axon is the only practicable and reasonable source and the Axon system is marketed only by Axon and is required in the public interest and therefore, Axon is a sole source provider.

WHEREAS, entering into a contract with Axon with the above-described Axon system is a sole source contract and therefore, is an exception to the GML § 103's public bidding requirement for purchase contracts over \$20,000.

NOW, BE IT RESOLVED, that the Board of Trustees of the Village of Tarrytown does hereby declare to award a sole source purchase contract for body cameras for the Police Department to Axon Enterprise, Inc. and the Board of Trustees approves the sole source procurement contract with Axon Enterprises, Inc. in a total approximate amount of \$251,000 over five years, based on the quote provided, as amended, dated August 20, 2020, with additional amounts that may become necessary for any additional services or equipment that may be required (such as for automatic activation component, and other similar equipment and related services).

BE IT FURTHER RESOLVED, that the Board of Trustees of the Village of Tarrytown does hereby authorize and direct the Village Administrator to execute an agreement with Axon Enterprises, Inc. in form acceptable to the Village Attorney and to take the necessary and appropriate actions to effect this purchase and deployment of equipment.

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF THE BOARD OF TRUSTEES HELD ON AUGUST 17, 2020

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

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

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 August 17, 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: 7-0

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve Abstract No. 4 of Audited Vouchers in the total amount of \$567,641.36 to be paid in the following amounts:

General	\$ 444,158.22
Water	\$ 48,377.65
Sewer Fund	\$ 1,327.06
Capital	\$ 38,734.00
Library	\$ 19,592.08
Trust & Agency	\$ 15,452.35
Total	\$ 567,641.36

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

Sitara Herur-Halbert, Leroy Avenue, noted that two months ago, this Board adopted a resolution that stated that black lives matter and that we categorically reject racial discrimination and police brutality. These words were repeated at the start of this meeting. Yet, today, the Village has failed to uphold both the word and spirit of this resolution. By refusing to take a stronger stance about Saturday's Back the Blue rally, this body is doing their own police department, residents, visitors, and business owners a disservice.

Mike Love, 88 Main Street, as a business owner, he would not like to see an event like this Saturday's Back the Blue event, in the Village from either parties. He believes they are very disruptive to businesses. This event is going to bring elements who don't live in our village and who don't care about our village. He is concerned about what could happen if things get heated up and in light of the COVID pandemic, will people wear masks and practice social distancing.

Dylan Hume, 22 Cottage Place, noted that he is distressed about the upcoming rally on Saturday. He believes that Back the Blue or blue lives matter are racist statements designed to provoke people of color and those who are opposed to racist policing, while completely bypassing police reform issues as was discussed in tonight's meeting regarding police body cameras and police

reform committees. These are positive conversations about police reform. He saw Back the Blue signs around town saying, "enough is enough," which is inflammatory and provocative statements. How is it that Tarrytown has become a focal point for such racist organizing? Do we as a Village have no recourse to prevent a literal parade in support of open racism?

Giselle Rodriguez, 30 Lake Terrace, noted that she moved to Tarrytown from New York City because it was beautiful and peaceful and a very diverse community. She goes to Pierson Park on weekends with her children as well as many others to enjoy the outdoors. She can't imagine if this convey descends upon the park while she is there with her children. She urged the Village to let the community know about this upcoming rally to avoid any clashes. She wants to know if the Village can fine the people who illegally posted signs on public property. The language on the signs, "military trucks," "enough is enough," "calling all patriots." This is completely antagonizing and inciting a lot of anger among our community and that is not who we are. She is appalled and disheartened that signs are posted at our Village Firehouses. She wants to know the route of this rally, so she can stay away with concerns of the COVID pandemic. She asked if the Mayor's statement at the beginning of the meeting will be posted and how will the Village publically condemn this rally. If the Village chooses neutrality, you are actually choosing the side of the oppressor.

Kelsey Padgett, resident of Pocantico Hills, noted that she echoes the prior comments made by Giselle and Sitara. She asked the Board what the Village can do about this upcoming rally. Can the Village be out there issuing noise complaints, issuing tickets to people not wearing masks? She believes the Village should put out a message that this is not welcome in our community.

Oscar Rodriguez, Sleepy Hollow resident, noted that he is appalled that this rally is happening in our community. He noted that the Village has to be out there and issue tickets to people not wearing masks. We want to keep our COVID virus exposure low. He frequents the park in Tarrytown on the weekends with his family and he is concerned what is going happen there on Saturday.

Alberta Williams Jarane, business owner of both Mint Premium Foods and Pik Nik on Main Street, noted that her father was a San Francisco Police Officer and her uncle was the first black Sergeant on the San Francisco Police force. She attended all white schools. Her mom was an educator in the poorest community in San Francisco. What that 60 years of learning in different environments has taught her is the need of courage to not be afraid. Black lives matter is here, it is now and it is always. People come to Tarrytown and Sleepy Hollow because of its diversity, its openness to people of all backgrounds and genders. To have this hateful demonstration by Back the Blue, white racist organization is completely unacceptable. On Saturday, she will be standing in front of her business with her black lives matter shirt, proud and unafraid.

Reverend Osiris Imho, noted that he is disturbed by what he is hearing about the rally on Saturday. We don't have to back the police because we do that every day. Our taxes pay the police to protect our communities. He has a health concern that the rally can bring the COVID virus into our town. The community is now scarred, black lives and blue lives can't matter until we all matter. This demonstration shows that they don't care about black lives. He believes that this issue should be discussed with the new Police Reform Advisory Board.

Mike Love, 88 Main Street, noted that his concern is with health. will everybody practice social distancing and wear masks. He doesn't support this event on Saturday because of the impact it could have health wise, emotionally and financially to the town. How will the Village Board ensure the safety and well-being of our community?

Mark Rogers, 139 Altamont Avenue, suggested that this rally not be seen as a freedom of expression given the kind of words that were used on banners to announce the rally. No matter who is saying enough is enough, bring your military vehicles, they are intending to suggest physical harm, whether or not they will actually carry it out. I don't believe the Village of Tarrytown welcomes physical harm.

Sitara Herur-Halbert, Leroy Avenue, thanked all the speakers tonight and thanked all the people who signed the letter, which has over 270 signatures, asking the Village to take a strong stance on this matter. She understands that this is freedom of speech and a constitutional right, but she also has a fundamental right to feel safe and welcome in the town that she lives in, and she has lived here for over a year and she has not once felt that. She is concerned with the current pandemic virus and the fact that most the folks at the Back the Blue rally were not wearing masks. She is concerned that this hatred is given a platform.

Alberta Williams Jarane, business owner in Tarrytown, noted that there was a fire department parade and one of the first vehicles to come down the street was a blue vehicle with "all lives matter" clearly marked on the side of the vehicle. Administrator Slingerland noted that this was brought to his attention and the Board established a policy that any kind of political statements are not allowed in a parade that is sponsored by a Village organization. Ms. Jarane agreed with Administrator Slingerland's action and applauds his actions, but that it does underscore that we do have a problem in our Village and to pretend that it doesn't exist, is just as bad as allowing it to exist.

Rob Wingate, North Broadway, noted that he hopes with the formation of the Police Reform Advisory Committee that there would be some opportunity for the Village, when convening a committee, to reinforce and work with committee members so that part of the charge of that committee is understood that the primary intention is to try to improve community relationships with the municipality and law enforcement level with black Americans and local black residents. Has there been thought given whether the Village will be giving reverse 911 calls to members of the community to alert them to what the route is going to be, if there is a route known in advance. He hesitates to ask that question, because he doesn't want to encourage the Village to legitimize this activity in anyway. He thinks it is deleterious to the health and well-being of our community. He doesn't support it. He also recognizes that the Village feels it has an obligation to support first amendment rights. This has a mental health affect and it has negative effects on relationships between black residents and immigrants in our community and the Village.

Administrator Slingerland noted that there was a comment on the chat section that by refusing to stop the clock, that Administrator Slingerland silenced Alberta Jarane. Administrator Slingerland noted that if Alberta felt that he silenced her or curtailed her in any way from speaking, Ms. Jarane is certainly welcome to speak further. That was certainly not his intent.

Ms. Jarane noted that as a community, our children model the behavior from people with very strong moral standards. These people on Saturday do not reflect that, they reflect the worse of who we are. We have to draw a line and be able to stand in front of it and she for one will stand right in front of it.

Lori Semeraro, 205 Martling Avenue, noted that you can support good policing and police officers and still support black lives matter, they are not mutually exclusive. She is concerned about the signage that say, "call for military vehicles," are we going to see tanks coming down Main Street? Not even our police have these types of vehicles. Administrator Slingerland noted that this event will take place down by the waterfront, they will be departing the Village up Main Street. The military vehicles cannot be active duty military vehicles, they will be refurbished, vintage vehicles. Tanks would not be permitted, they will have to be street legal vehicles. Ms. Semeraro is also concerned about the signage that reads "enough is enough" and "calling for military vehicles." She feels that these words violate the same as if someone yelled "fire" in a crowded theater. This is instigating people and she believes it is no longer about a constitutional right. Ms. Semeraro noted that one of the signs is located at the firehouse on Rte. 119. Administrator Slingerland noted that he will contact the Fire Chief about that.

Ed Montolio, 30 Lake Terrace, noted that he is a black man and a member of the Recreation Committee and is highly disappointed with the Board allowing this event to occur. When did this rally ask to take place and why are we dealing with this on Tuesday, when the rally is taking place on Saturday. He understands the first amendment allows the right for people to speak, but this is a family town and black lives matter. He believes the Board and the Village need to publically and loudly decry this rally. He believes that Trustee Butler, as a black man, should be appalled by this whole event.

Trustee Brown noted that she had found about the rally this morning from a text. She would also like to know when the Village and the Police Department found about this event. She feels that this rally has grown into an event including a parade of vehicles, balloons, etc. and sounds like it would require permits. She is also heartbroken that this is happening in our Village.

Trustee Rinaldi asked if the Village had issued any permits for this rally. Administrator Slingerland noted that the Village had not issued any permits.

Trustee Butler noted that he is a black man, grew up in Bed-Stuy and understands hardship and went to war to protect this country. His son is a Tarrytown police officer who is on the front line to protect the Village of Tarrytown. As a brother, he would appreciate Mr. Montolio to reach out to him and say hello.

Giselle Rodriguez, 30 Lake Terrace, asked if the Village can provide the specific route of the parade or the convoy. When the parade goes up Main Street, will they be protected and after departing on Main Street, where will they go from there. Administrator Slingerland noted that they are travelling on Main Street, it won't be a protected route, although the Village will have police there to manage traffic.

Trustee Brown asked if the Board can get together before Saturday to discuss this rally and get answers for the public and to better understand what will be going on. Administrator Slingerland

noted that he can arrange to have a discussion with the Police Chief with some of the Board members over the next few days.

Mayor Fixell noted that he is heartbroken and disgusted by this and if he had a magic wand, he would make it go away. However, he believes the Village's hands are tied and we are stuck with this terrible situation. It is not something we want or asked for and it is reprehensible.

Trustee Butler noted that he believes the Police Chief understands the gravity of this situation and that he has support of his police department. He hopes that the rally will go off peacefully and he agrees that some of the Board members should have a discussion on the rally before Saturday.

### ADJOURNMENT

On the motion of Trustee Hoyt, seconded by Trustee Butler, the meeting was adjourned at approximately 11:30 p.m. by vote of seven in favor, none opposed.

Dear Board Members,

I'm writing to summarize material contained in the following slides. The first five present concerns associated with two announced projects - 29 S. Depot Plaza and Franklin Court's Phase 3. The next four show financial impact and provide source documentation for facts only mentioned previously.

In brief:

- 1/ A Generic EIS is needed.
- 2/ Franklin Court's Phase 3 produces significant tax increase.
- 3/ The SAO opens up unintended consequences.

We now know at least two parcels will be directly involved in the SAO area. Before re-zoning 15+ acres of Village heartland, you need to examine impact on the environment and Village finances.

Best regards,

Dolf Beil

9/1/20



# **New Concerns**

## **Franklin Court's Phase 3**

**323 SAO Units at Planned Density**

**2 Known Projects**

## **SEQR**

**Generic EIS Needed**

## **Impact**

**Applicant Determination is Improper**

## **Multiple Parcels in Overlay**

**Segmentation is Forbidden**

# SAO Units

## 29 South Depot Plaza & Phase 3 Densities

<u>Site</u>	<u>Acres</u>	<u>29 SDP</u>	<u>Phase 3</u>
Walgreen's	3.8	283	97
Village Hall	2.2	163	56
29 S. Depot Plaza	1.2	88	30
American Paper #39	1.5	<u>115</u>	<u>39</u>
<b>Controlable</b>		<b>649</b>	<b>223</b>
Franklin Court	6.7	496	170
Current		<u>-70</u>	<u>-70</u>
<b>Not Controlable</b>		<b>426</b>	<b>100</b>
		<b>1,075</b>	<b>323</b>
<b>TOTAL</b>	<b>15.4</b>		

## **7. When may a generic EIS be preferable to a site- or project-specific EIS?**

**Agencies that frequently undertake, fund, or approve actions that are essentially similar in nature and effect may find that a generic EIS that addresses those repetitive actions may save work by reducing the need for individual EISs or negative declarations. Similarly, a generic EIS may be appropriate when an agency is considering a new, or substantially revised plan, program, or policy that will affect a wide range of resources or geographic areas, and for which an exploration of a range of mitigation measures that would work in various circumstances is needed. A generic EIS may also be the most effective way for an agency to assess potential significant cumulative impacts from two or more small projects that individually do not have a significant impact on the environment.**

### **3. Can a negative declaration be based on results of future studies about potential impacts?**

**No. A negative declaration must be based on the facts available to the lead agency at the time of the determination. Issuing a negative declaration and then requiring the project sponsor to conduct studies to determine the magnitude of an impact is improper. At the time the lead agency makes its negative declaration, the lead agency must have sufficient information to show that no impacts will be significant.**

### **3. What is the basic test for segmentation?**

When trying to determine if segmentation is occurring, agencies should consider the following factors. If the answer to one or more of these questions is yes, an agency should be concerned that segmentation is taking place.

- **Purpose: Is there a common purpose or goal for each segment?**
- **Time: Is there a common reason for each segment being completed at or about the same time?**
- **Location: Is there a common geographic location involved?**

# UPDATE: PHASE 3 IMPACT

## Facts

Current Units	70
M3 Zoning - Allowed Units	91
Students in Franklin Court	30
Property Tax Paid (PILOT)	\$66,602
Taxpayer Cost / Student	\$22,652
School Property Tax	\$60,583,346

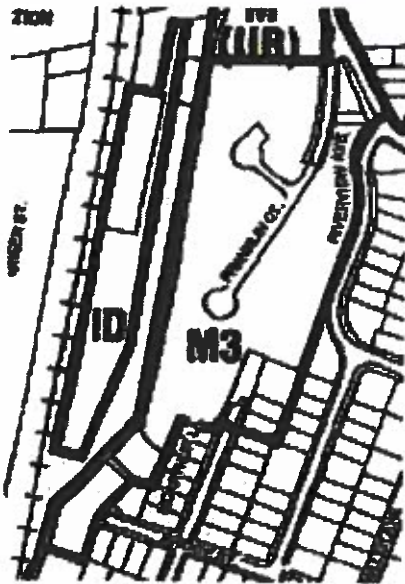
## Projection

Additional Franklin Court Units	100
Students / Unit	0.43
New Franklin Court Students	43
New School Cost	\$970,800
New Revenue	\$95,146
Shortfall	\$875,654
School Tax Increase	1.4%
Contribution to Other Services	\$0

Note: Adjusted for 100 New Units

# Franklin Court Source Docs

Location: 50 WHITE ST UNIT 70-29-32	Parcel ID: 1.70-29-32
Location	General Information
50 WHITE ST TARRYTOWN, NY 10591	<b>Living Units</b> 70 <b>Alternate ID</b> 1249200



Zoning Schedule  
Multifamily Residence Districts

Zone	Use	Minimum Lot Size (square feet)
M-3	Multifamily	15,000/first unit, 3,000/each additional unit
<b>Land Area</b>		<b>289,674</b>
<b>1st Unit</b>		<b>-15,000</b>
<b>Remaining</b>		<b>274,674</b>
<b>Per Unit</b>		<b>3,000</b>
<b>Allowed Units</b>		<b>91</b>

Count	SLastname	SFirstname	CNumber	Street
1		JOSEPH		Franklin Court
2		GILBERT		Franklin Court
3		Sarina		Franklin Court
4		Gerald		Franklin Courts
5		Carlos		Franklin Ct
6		Sophia		Franklin Ct
7		Kyla		Franklin Court
8		Abiel		Franklin Ct
9		Julissa		Franklin Courts
10		ERIK		Franklin Courts
11		Denny		Franklin Courts
12		ALEXA		Franklin Court
13		ALISSA		Franklin Ct
14		Redacted		Franklin Ct
15		Redacted		Franklin Ct
16		Justin		Franklin Courts
17		Liana		Franklin Ct
18		Rafael		Franklin Ct
19		Johan		Franklin Ct
20		Melody		Franklin Ct
21		Joshua		Franklin Courts
22		ABIGAIL		Franklin Ct
23		Kiley		Franklin Ct
24		Tanyon		Franklin Ct
25		Joel		Franklin Ct
26		Leon		Franklin Court
27		Caleb		Franklin Court
28		Mia		Franklin Ct
29		Maya		Franklin Ct
30		Riley		Franklin Ct



# Franklin Court Source Docs - 2

VILLAGE OF TARRYTOWN (SUZY) - [GR1040/V1/L1 Daily Receipts Collection]

Enter Search Criteria

Trans Date: 06/01/2018 - 06/30/2020 Roll Type: Mode: Search

Batch No: Receipt Type: Status:

Description: %PILOT% Receipt No: Receipt Total:

Trans Date	Receipt No	Batch No	Payor Name	Reference	St	Amount
10/29/2018	8108613	GEN 9	TARRYTOWN MUNIC	2018 PILOT	P	69,472.43
10/21/2019	8111545	GEN 7	TARRYTOWN MUNIC	2019 PILOT	P	66,602.00

<https://www.publicschoolreview.com/new-york/union-free-school-district-of-the-tarrytowns-school-district/3628650-school-district>

The school district's spending/student of \$22,652 is less than the state average of \$34,144. The school district spending/student has stayed relatively flat over four school years.

Revenue Source	Explanation of Revenue	2020-2021 Proposed	% of Budget
Property Taxes	Property Tax Bills Collected by Town of Mt. Pleasant & Town of Greenburgh and STAR Reimbursement from New York State	60,583,346	74.28%



# Franklin Court Source Docs - 3

**ORDERED**, that the assessments of the property of Petitioners designated as Section 1.70, Block 29, Lot 32, be and the same are hereby confirmed or reduced, corrected and fixed for the assessment years as follows:

<u>Assessment</u> <u>Year</u>	<u>Tax</u> <u>Year</u>	<u>Reduced</u> <u>From</u>	<u>Reduced</u> <u>To</u>	<u>Reduction</u>
2011	2012	668,200	128,790	539,410
2012	2013	668,200	126,900	541,300
2013	2014	668,200	132,570	535,630
2014	2015	668,200	125,770	542,430
2015	2016	668,200	116,700	551,500
2016	2017	7,371,300	4,704,530	2,666,770
2017	2018	7,371,300	4,704,530	2,666,770
2018	2019	7,982,700	4,763,970	3,218,730
2019	2020	<u>7,982,700</u>	<u>4,763,970</u>	3,218,730

and so reduced and confirmed, it is further

**Index 66672 / 2017 Ordered 2/18/20**

<b>Paid</b>	<b>\$66,602</b>
<b>Old Assessment</b>	<b>\$7,982,700</b>
<b>New Assessment</b>	<b>\$4,763,970</b>
<b>% Reduction</b>	<b><u>40.3%</u></b>

## TAX FACTS

<b>Assessment</b>	<b>\$7,982,700</b>	<b>\$4,763,970</b>	<b>PILOT</b>
<b>Tax</b>	<b>\$262,305</b>	<b>\$156,540</b>	<b>\$66,602</b>

# Summary

- 1/ With two “active” projects, a Generic EIS will be needed.
- 2/ Phase 3’s density will produce a significant tax increase.
- 3/ The SAO thus opens up unintended consequences.