

Board of Trustees  
Village of Tarrytown  
Regular Meeting No. 24  
One Depot Plaza  
Tarrytown NY 10591  
November 21, 2022  
7:00 p.m.

PRESENT in person: Mayor Brown presiding; Trustees: McGovern; Mitchell; and Rinaldi. Village Administrator Slingerland; Village Attorney Zalantis; Village Treasurer Morales; Village Clerk Gilligan and Deputy Clerk Fasman

REGULAR MEETING: 7:00 P.M.

The meeting began with the Pledge to the Flag.

#### BOARD MISCELLANEOUS AND LIAISON REPORTS

Trustee Rinaldi wished to recognize the people who died yesterday in Colorado and the thwarted attempt to target New York synagogues. Trustee Rinaldi wished to remind people that hate crimes, anti-Semitic and anti LGBTQIA crimes in 2021 increased by fifty percent. It is consistent rhetoric that's been seemingly accepted and tolerated in our society. Trustee Rinaldi wishes to remind people that we have had some moments of that here in Tarrytown, and he hopes we can all be dedicated to keeping our rhetoric as to not to accept that in our community.

Deputy Mayor McGovern thanked all the people who assisted with the Judy Dunbar Turkey Trot on Sunday. The volunteers were great, and in particular Anthony Ross and his crew, Dan, Kyle and the recreation crew and the Recreation Advisory Committee all did a fantastic job. There were some very fast runners, a lot of turkeys were given away, and fun was had by all. The holiday tree lighting will take place on December 3<sup>rd</sup>, in conjunction with the TaSH Holiday Market and the Winter Stroll Event sponsored by the Sleepy Hollow Tarrytown Chamber of Commerce.

Trustee Mitchell wished to share that this past Friday he along with Dan Pennella did a flood tour of the village with Westchester County Legislator Jewel Williams Johnson. A lot of information was exchanged throughout the tour.

Mayor Brown reported that she along with some other trustees attended a press conference in Ossining for a seven million dollar grant that Ossining received to be an incubator community for E-bikes. Tarrytown is on the list of communities up next. We are going to monitor how this works in Ossining, and learn some good lessons. Hopefully a second round of grants for E-bikes will come around, and we can bring E-bikes to the village.

#### CERTIFICATE OF APPRECIATION: HALLOWEEN PARADE COMMITTEE

Mayor Brown noted that this year's parade was the best parade the village ever had. It was reported that there were over 12,000 people, 40 floats and many, many marchers. It was really a glorious day. This committee has organized this parade year after year and helped it grow into what it is today. Everyone on the committee does so much more than the parade. They are valued members of our business community, and emergency services units along with Joe Arduino who was our Recreation Supervisor for a generation. It gives Mayor Brown such joy and pride to call these people her friends. The certificates of appreciation were awarded to Joanne Murray, Joe Arduino Co-Chairs along with Mary Kohrherr, Veronica Black, Suzanne Stephans, Kelly Murphy, Chris Brazil and Julia McCue. Mayor Brown also offered condolences to Joe Arduino whose mother Rode Arduino passed away a few days earlier. Our hearts are with you and your family.

## *Certificate of Appreciation*

*WHEREAS, the Village of Tarrytown hosted the 20th Annual Halloween Parade on October 29, 2022; and*

*WHEREAS, after a hiatus during the COVID-19 pandemic, the parade's return in its size, scale, and spectacle brought much needed wonder and delight to the Village of Tarrytown for residents and visitors alike; and*

*WHEREAS, an event of this magnitude requires a high level of planning, coordination, and communication with multiple constituencies to ensure the event runs smoothly; and*

*WHEREAS, the Halloween Parade Committee, a group of dedicated volunteers, spent countless hours working on all aspects of the grand event, from booking vendors to organizing performers to outreach and communications, while working effectively and productively with Village staff;*

*NOW, THEREFORE BE IT RESOLVED, that I, Karen G. Brown, by virtue of the authority vested in me as Mayor of the Village of Tarrytown, and on behalf of the entire Board of Trustees and all our residents, do hereby tender to Joanne Murray, Co-Chair of the Halloween Parade Committee, this certificate of public recognition, extending our deep appreciation for her distinguished service To the Village.*

### PRESENTATION - SLEEPY HOLLOW TARRYTOWN CHAMBER OF COMMERCE, LAURA REY IANNARELLI

Ms. Iannarelli, President of the Chamber of Commerce gave an update on upcoming chamber events. The Winter Stroll is taking place on December 3<sup>rd</sup> starting at 5:30. There will be trolleys running throughout the event, along with carolers, and storytelling. The merchants and restaurants will be involved as well. Just a small portion of Main Street will be closed for this event. The Chambers networking meeting will take place on December 15<sup>th</sup> from 5:30-7:30 pm. Three board members terms are up, and three new members will be coming in. the 2023 map is in the works, and should be coming out soon. She asked the board if they could encourage any new businesses that come into town to stop by the chamber and consider joining. It would be nice if the Village and Chamber could somehow team up to welcome new businesses. The Board of Trustees are encouraged to attend the December 15<sup>th</sup> networking event.

PUBLIC HEARING – LOCAL LAW TO AMEND THE VILLAGE CODE CHAPTER 305 – ZONING TO ENACT NEW PROVISIONS TO REGULATE CANNABIS RETAIL DISPENSARIES IN THE VILLAGE OF TARRYTOWN. (FULL TEXT OF LOCAL LAW #10-2022 APPENDED TO THIS AGENDA)

A motion was made by Deputy Mayor McGovern, and seconded by Trustee Mitchell to open the Public Hearing.

Peter Bartolacci from Miller Avenue asked if the map that was referenced at the last meeting is published. He was advised that the map is posted on the village website. Mr. Bartolacci then noted that he put together some numerical figures so that a value judgement could be made and what would be best for the town. As he has previously stated, he is opposed to having dispensaries on Main Street and on the downtown part of Broadway. Children walk by these areas going back and forth to school, and it could potentially encourage day trippers to visit and smoke outside. For the record, to make \$150,000 in tax revenue you would have to sell the equivalent of 44.35 pounds of cannabis per week. The state is making the money, not the municipalities. To make \$60,000 you would have to sell 17 pounds. That is a boatload of cannabis. Mr. Bartolacci asked the board to put the pieces of the puzzle together, and ask themselves is this really something that will benefit everyone. He is not opposed to dispensaries, but we do not need them on Main Street or Broadway. Put them further out, maybe at a strip mall.

Mayor Brown noted that this item will be adjourned until January 3<sup>rd</sup> after it gets reviewed by some other boards and the county.

Mayor Brown motioned to adjourn the hearing until January 3<sup>rd</sup>, with Trustee Mitchell seconding. All were in favor.

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby continue the public hearing on the proposed Local Law to amend the Village Code Chapter 305 – Zoning to enact new provisions to regulate cannabis retail dispensaries in the Village of Tarrytown to the Tuesday, January 3, 2023, Regular Meeting of the Board of Trustees at 7:00 p.m. for ongoing consideration and public discussion.

PUBLIC HEARING – LOCAL LAW TO AMEND THE VILLAGE CODE CHAPTER 305 – ZONING TO ENACT NEW PROVISIONS TO ALLOW AND REGULATE ACCESSORY DWELLING UNITS (ADUS) IN THE VILLAGE OF TARRYTOWN (FULL LANGUAGE OF THE PROPOSED LAW ATTACHED TO THIS AGENDA).

A motion was made by Mayor Brown, and seconded by Deputy Mayor McGovern to open the Public Hearing.

Ida Doctor stated that this is the first time she is hearing about ADUs. She has lived here for 43 years, and the Crest area along with other areas of the village do not have the capacity to have multiple family dwellings. As it is now, there is already difficulty driving up Crest Drive. If you add in more people, there is not enough parking. If the area becomes multiple family, the real estate prices will suffer. She is against the ADU legislation. She bought her home in a single family area, and wishes it to remain that way.

Dolf Beil from White Plains does not have a strong feeling about the ADU issue, but has strong feelings about the public involvement. As people were making comments at the last meeting, the board justifiably presented the information that came from the committee. It appears that the board is defending that position. Mr. Beil feels the board would be well served to send this back to the committee and ask them to meet with the residents or anyone else who wants to comment. Factual questions that are not understood could be better explained in a less formal environment. The ultimate resolution would be to have one public session with the committee answering questions. All committees under all circumstances should make their meetings open to the public. The environment as it currently stands is conflict producing. Please consider this option for next time. Mayor Brown noted that this is the public outlet to discuss these things. Presentations regarding ADUs have been had more than once. This is the mechanism to go through the process. The committees report to the Board of Trustees, and then it gets taken to the public. Mr. Beil inquired why every other committee does not operate that way. All other committees interact with the public and bring the board a fully baked pie. That did not happen here. Comments made at prior meetings clearly indicate this. Treating everyone equally makes sense. The perception is that there is a small group that interacts with the board on an unlimited basis, but the public is limited to three minutes. Administrator Slingerland noted that everyone

can submit written comments, and there is no limit on the amount of written comments that can be submitted. This is the third public session that the board is considering the ADU law and another public hearing will be held in January. Mr. Beil stated that he has submitted written comments and they are not responded to and blown off. The board would be well served to establish a uniform operating procedure. Administrator Slingerland that there are two advisory boards that are not subject to the open meetings law, and one is the Housing and Affordability Council. As the Mayor stated, the time for public input is at these public hearing sessions. People can always submit written questions and comments and the Board will consider them prior to making any decisions. For the record, the Planning Board, Zoning Board, Recreation Committee and the Transportation and Mobility Council are all interactive and allow the public to come before them to submit input.

John Naughton from Independent Street inquired about detached pre-existing garages and what height could you build an ADU. Mayor Brown replied that if they are non-conforming they cannot be built up. Attorney Zalantis noted there may be building codes regulations that would need to be considered as well. Mr. Naughton stated he has three garages on his property, and this affects him as well as other people. He feels a lot of residents are not aware that this is happening. Mr. Naughton feels that this needs to be thought out more, and more community outreach needs to be done. It's a major change that will change the character of the village. Tax paying residents should vote on this not the Board of Trustees this way everyone in the community can have their voice heard. Mayor Brown noted that there is no evidence that anywhere in Westchester where this has been implemented there has been a change of character in the community. It is a way to help affordability and address the housing crisis in a way that does not affect communities and neighborhoods as much as new development.

Peter Bartolacci from Miller Avenue agrees that this should be voted on. It's a major change, and it is not something the Board should be the sole decision maker on. The ADU topic has been around for years, with some places adopting it. An article Mr. Bartolacci read noted that if a person decides to build an ADU it was required that the property owner must live in the main part of the house. He understand that the objective is to keep senior citizens in their homes when they might be "house rich and cash poor". If the board changes the law as it currently stands, there might be a significant benefit to the village in terms of cost for taxpayers. As an example is a home is occupied by a senior who has no children in the schools, rents out the main house to a family with children. The children are now going to school which could entail a cost increase in taxes due to the education costs. The Board should consider amending the law so that the owner has to live in the main part of the house. Mayor Brown responded that the Board did consider that option. One concern is that a senior would sell the house and if a family purchased it, there would still be additional children in the school district. Are we better off is the senior can no longer afford to live here? The second concern is a question of constitutionality of telling a homeowner what rooms they can occupy. Ardsley has it in their proposed law, but it hasn't been passed yet.

John Stiloski a business owner in Tarrytown asked the Board if they knew how many ADU permits will be issued in the first few years. Mayor Brown replied that they have no way of knowing except to observe what has happened in other communities. Mr. Stiloski stated he understands what the benefits of an ADU is for the homeowner, but what is the benefit for people or businesses that do not have an ADU? With a development you know how many units there will be and how much parking is required. With ADUs, there is no way of knowing the environmental impact or impact on traffic. In one neighborhood there could be one ADU, or twenty ADUs. There is no benefit, it will just be a burden. You are putting two family houses in one family areas. School taxes could increase which would impact everyone. Mr. Stiloski stated that it appears the Governor Hochul took the ADU law off the table. Does anyone know why? Mayor Brown replied that the state did not take it off the table, and it is still something that they are encouraging. Instead of trying to force the ADU regulation, the state is offering incentives. A municipality could have a higher rating and possibly some types of funds could be obtained. It's theoretical at the moment but from what she has heard it is not off the table and the state is just looking for a more positive way to get it done. Mr. Stiloski asked if the village would receive money if we pass the ADU law. Mayor Brown said she didn't know. Mr. Stiloski inquired if the village would receive money for non-profits or receive some type of grant. Mayor Brown replied that funds towards no-profits are very specific. Mr. Stiloski continued by asking what is the benefit to the Village? While he sees the upside for the resident, where the benefit for the rest of the village? We have illegal apartments already. Maybe we should enforce those instead. A single family home could end up being surrounded by ADUs.

A motion was made by Deputy Mayor McGovern which was seconded by Trustee Rinaldi with all in favor to continue the Public Hearing until January 3<sup>rd</sup>, 2023. Mayor Brown noted that the

Board hopes to have forms and other materials ready in the near future to make it easy for people who wish to take advantage of ADUs.

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby continue the public hearing on the proposed Local Law to amend the Village Code Chapter 305 – Zoning –to enact new provisions to allow and regulate accessory dwelling units (ADUs) in the Village of Tarrytown to the Tuesday, January 3, 2023, Regular Meeting of the Board of Trustees at 7:00 p.m. for ongoing consideration and public discussion.

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

Logan Spector property manager from National Resources regarding Tarrytown Marina spoke about Fire Boat McKean returning to Tarrytown. Mr. Spector presented a letter regarding the vessel. Mr. Spector the read the letter which is attached to these minutes. Deputy Clerk Fasman stated that the vessel application is for historic status and will not affect the Tarrytown Marina. The boat cannot receive historic status without a permanent address. The historic designation would only apply to the boat, not the marina, but the boat is tied to the marina in the application. Deputy Mayor McGovern noted that the Village has not heard from Tarrytown Marina, and the discussions we had about this were in a different light. Mayor Brown asked what say does the Board have if it's a private marina. Administrator Slingerland replied that if the boat is parked along the seawall, that is village property. Mr. Spector stated that will not be the final position of the boat. The plan is to have the boat within the village property of the marina, but it will not intrude on the mooring fields for the main channel. The seawall is only temporary. The eventual plan is to have the boat docked in the sway inside the marina next to the parking lot. This would be after the dredging is completed. For the restoration project to be viable the boat really needs to be in Tarrytown. Mayor Brown is concerned with historic preservation and wishes to understand what it means to have a Tarrytown address. Attorney Zalantis wished to confirm that they are asking to store the boat on village property to which Mr. Spector stated yes that is correct until the dredging is completed. Once the dredging is complete, it would be moved onto Tarrytown Marina property. Mayor Brown reiterated that we have to know what really happens after it gets its historical designation, as we all know that once something obtain historic status, there are a lot of rules that have to be followed. Is it possible to use the marina address and not Tarrytown's when submitting the application? Attorney Zalantis noted that the deadline for them to submit the application is December 8<sup>th</sup>. Mr. Spector noted that the intended permanent space for the boat would be next to Barleys near where the current hospital/transient dock is located. Mr. Spector has also obtained the permit for the dredging which is valid through 2026 with a three year extension option. The boat is fully operational and there are already plans in place for it to attend events next year. Attorney Zalantis expressed her concern that we are allowing village land to be used for essentially permanent docking of the boat. Mr. Spector stated that they are essentially like every other boat in the marina under signed contracts. This particular boat is three times the length of a regular boat. Mayor Brown then stated that the board would not move o object this evening as there was an item on the agenda to object to the boats historic preservation application. We will look into this further and see what it means to have the boat there and the implications of having designated as a historical. In addition, Trustee Rinaldi would like to see a rendering of the vessel and a map of the areas it could possibly be located.

Miguel Valle from Tarrytown spoke about the Fire Boat McKean. Mr. Valle stated that the boat was brought to Tarrytown and it has been getting repaired over a period of time. Ideally the boat could be utilized for educational purposes. It was not only involved in 9-11, it was also involved in the Miracle on the Hudson rescue. There are future events that we plan on bringing the boat to as well. The John McKean Foundation is the owner of the boat, and the boat is completely operational. Once the seawall is repaired we plan on opening it up to the public. Administrator Slingerland noted that if they plan on utilizing the boat as an attraction, it would require a site plan review by the Planning Board. Mr. Valle also wished to let the board know that they have applied for a one million dollar grant, and we are hope to hear back sometime in December. It was agreed that resolution twelve which had to do with the boat would be tabled until a meeting could be set up with all of the interested parties.

HOLIDAY METER PARKING

On a motion made by Trustee Rinaldi, and seconded by Deputy Mayor McGovern with all voting aye the following resolution was approved. Approved: 4-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve the holiday parking meter program for the 2022 holiday season by designating certain parking meters to be covered to allow free parking subject to a two-hour time limit (posted parking limits shall be enforced), for the period from Monday, December 5, 2022 through Tuesday, December 27, 2022 at the following locations: all downtown business district street meters, municipal lots on South Washington Street East, McKeel Avenue, Neperan Road, and South Broadway.

RESOLUTION AUTHORIZING BUDGET AMENDMENT AND APPROPRIATION FOR NYS RETIREMENT SYSTEM EXPENSE

On a motion made by Deputy Mayor McGovern, and seconded by Trustee Mitchell with all voting aye, the following resolution was approved. Approved: 4-0

WHEREAS, the Village of Tarrytown has billed and accrued funds for annual expenses, including pension expenses for the NYS Police and Fire Retirement System (NYS PFRS) related to police officers and uniformed officers assigned to perform traffic safety services for utility work taking place in the Village of Tarrytown; and

WHEREAS, at the end of the Fiscal Year ending May 31, 2022, the reimbursed funds collected that were in the Police Department Accounts for these pension expenses were accumulated in the General Fund Fund-Balance account, which are needed now to pay the subsequent year's (FY 2022/2023) expenses for additional uniformed officer retirement expenses; and

WHEREAS, as part of the reorganization of departments and increases in staffing in other departments, the Village incurred additional payroll expenses that resulted in additional expenses for the NYS Employee Retirement System (ERS) and additional funds are needed to cover these new and additional positions; and

WHEREAS, the Village Administrator and Village Treasurer have calculated the total additional expenses necessary will be approximately \$104,825 for ERS and \$311,799 for PFRS.

NOW, THEREFORE, BE IT RESOLVED, that in order to properly fund this payment to the NYS Retirement System, a budget amendment is herein approved by the Mayor and Board of Trustees as follows:

**Budget Amendment:**

**Increase Appropriations and Increase Expenses for NYS ERS**

Budget line	Description	Original Amount	Change + /(-)	New Total
Revenues 1120	Sales Tax	2,510,000	104,825	2,614,825
Expenses A.9010.451	Emp. Ret. Sys.	493,562	104,825	598,387

**Increase Appropriations from Unassigned Fund Balance and Increase Expenses for NYS PFRS**

Budget line	Description	Original Amount	Change + /(-)	New Total
Approp Cash Surplus	Unassigned	775,000	311799	1,086,799
Expenses A.9010.452	P. F. Ret. Sys.	1,321,743	311799	\$1,633,542

AND, BE IT FURTHER RESOLVED, that the Village Administrator and Village Treasurer are authorized to take the necessary and appropriate actions to implement these budget amendments and process payment in the next accounts payables to prevent any accrual of charges, late fees or interest associated with the pension payments to the NYS Comptroller's Off.

#### LOW INCOME HOUSEHOLD WATER ASSISTANCE PROGRAM

On a motion made by Trustee Mitchell, and seconded by Trustee Rinaldi with all voting aye, the following resolution was approved. Approved: 4-0

BE IT RESOLVED that the Board of Trustees authorizes the Village Administrator to execute a vendor agreement with the New York State Office of Temporary and Disability Assistance on behalf of the Tarrytown Water Department to participate in the Low Income Household Water Assistance Program; and

BE IT FURTHER RESOLVED that the Village Administrator and the Treasurer are authorized to take the necessary and appropriate actions to implement it.

#### APPOINTMENT TO PARKS AND RECREATION ADVISORY COUNCIL

On a motion made by Deputy Mayor McGovern, and seconded by Trustee Mitchell with all voting aye, the following resolution was approved. Approved: 4-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby appoint Shakthi Manjanath, a student at Sleepy Hollow High School, as a member of the Parks and Recreation Advisory Council.

#### FIRE DEPARTMENT MEMBERSHIP CHANGES

On a motion made by Deputy Mayor McGovern, and seconded by Trustee Mitchell with all voting aye, the following resolution was approved. Approved: 4-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve the following Fire Department membership changes recommended at the November 15, 2022 Board of Fire Wardens meeting.

Removed from Membership: Gianluca Queirolo has been removed from membership of Riverside Hose in good standing.

Obie Amarante has been removed from membership of Conqueror Hook and Ladder in good standing.

#### APPROVAL OF THE MINUTES OF THE BOARD OF TRUSTEES MEETING OF November 7<sup>th</sup>, 2022

On a motion made by Trustee Mitchell, and seconded by Deputy Mayor McGovern the following resolution was unanimously approved. Approved 4-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve the minutes of the Board of Trustees Meeting, plus the extracts of minutes for the bond resolutions, held on Monday, September 19th, 2022 as submitted by the Village Clerk.

#### APPROVAL OF AUDITED VOUCHERS

On a motion made by Deputy Mayor McGovern and seconded by Trustee Mitchell, the following resolution was approved. Approved 4-0

Roll Call: Deputy Mayor McGovern; Yes, Trustee Mitchell; Yes, Trustee Rinaldi; Yes, Trustee Yes; Mayor Brown; Yes

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve Abstract No. 09 of Audited Vouchers in the total amount of \$3,294,752.20 as presented by the Village Treasurer, to be paid in the following amounts:

General	\$ 2,851,165.27
Water	\$ 278,716.39
Sewer Fund	\$ 15,128.16
Capital	\$ 43,812.00
Library	\$ 98,735.12
Trust & Agency	\$ <u>7,195.26</u>
Total	\$ 3,294,752.20

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

Dolf Beil from White Plains stated that he had sent an email to all of the board members about volunteering. Thank you for including in the village emails information about volunteering. On the village website there is a dropdown menu describing what the volunteer committees are. It is his opinion that four of them have not met in five years, and most importantly the CPMC is active, but has not met in a while. In Mr. Beil’s opinion this is the most important committee out there, and it is not on the drop down. He pointed this out in writing to the board and the response he received is that it will not be changed. He does not understand why an obvious clerical error would not be changed. His conclusion is that the board is going to disband the CPMC, and if that’s the case, he strenuously objects. Mr. Beil then read the topics that the CPMC addresses such as growth, business, tourism, fiscal, mobility, transit, access, neighborhoods, legacy, affordability, infrastructure, identity, diversity, climate change, culture, environment, connection, river, pollution, ecology and resources. Please put the CPMC on the drop down menus so that people who want to volunteer are aware of this valuable committee. To not let people know that this valuable committee is there is disappointing.

ADJOURNMENT

Mayor Brown wished everyone a Happy Thanksgiving. We should be grateful for this village we live in even if there are disagreements. We live in a great place and we are all just trying to make it better.

There being no further business to come before the Board, the meeting was adjourned at 8:17 pm on a motion made by Trustee Mitchell, and seconded by Deputy Mayor McGovern with all voting aye: 4-0

Kristine Gilligan  
Village Clerk