

Board of Trustees/Planning Board
Village of Tarrytown
Special Meeting No. 16
December 21, 2005 7:45 p.m.

PRESENT: Mayor Fixell, presiding; Trustees Basher, Crucy Burkhardt, Butler, Chillemi, Pollack, Zollo; *Planning Board Chairman Friedlander; Planning Board Members *Aukland, *Demers, *Stone; Village Administrator McCabe; Village Attorney Shumejda; Secretary D'Eufemia

ABSENT: Planning Board Member Tedesco

FERRY LANDINGS LLC AND FERRY INVESTMENTS
WATERFRONT PROPERTY (LOWER MAIN STREET)

ACCEPTANCE OF FEIS

Ms. Melissa Kaplan-Macey of BFJ Planning reviewed with the Boards the changes that are being made to the FEIS. She stated the applicant has addressed all the comments that have been presented and BFJ recommends the FEIS be accepted as complete and be made available for public review.

Trustee Chillemi moved, seconded by Trustee Basher, that the following resolution be adopted:

Whereas, the Village Board of Trustees and Planning Board, co-lead agencies for the Ferry Landings FEIS, had several meetings with the applicant in the spring of 2005 to discuss a preferred alternative for the FEIS, and

Whereas, the co-lead agencies held two public workshops to refine the preferred alternative in the summer of 2005, and

Whereas, the co-lead agencies provided direction to the applicant, National RE/Sources, on how to revise the FEIS, and

Whereas, BFJ Planning, as advisors to the co-lead agencies, reviewed initial drafts of the revised FEIS in November 2005, and

Whereas, the co-lead agencies received the completed FEIS on December 12, 2005, and

Whereas, on Monday, December 19, 2005, the co-lead agencies reviewed the FEIS to confirm its completeness and adequacy and discussed all changes that they wished to see incorporated into the document, and

Whereas, all of those changes were transmitted to the applicant in a memo dated December 21, 2005; and

Whereas, all changes specified in that memo were made by the applicant and were submitted to the Village and verified by the Village's consultant, BFJ Planning on December 21, 2005;

Now, Therefore, Be It Resolved, that the co-lead agencies accept the FEIS for Ferry Landings for purposes of public distribution and comment.

The Board of Trustees was polled. All assented.

Mr. Demers moved, seconded by Dr. Friedlander, that the Planning Board approves the following resolution:

Whereas, the Village Board of Trustees and Planning Board, co-lead agencies for the Ferry Landings FEIS, had several meetings with the applicant in the spring of 2005 to discuss a preferred alternative for the FEIS, and

Whereas, the co-lead agencies held two public workshops to refine the preferred alternative in the summer of 2005, and

Whereas, the co-lead agencies provided direction to the applicant, National RE/Sources, on how to revise the FEIS, and

Whereas, BFJ Planning, as advisors to the co-lead agencies, reviewed initial drafts of the revised FEIS in November 2005, and

Whereas, the co-lead agencies received the completed FEIS on December 12, 2005, and

Whereas, on Monday, December 19, 2005, the co-lead agencies reviewed the FEIS to confirm its completeness and adequacy and discussed all changes that they wished to see incorporated into the document, and

Whereas, all of those changes were transmitted to the applicant in a memo dated December 21, 2005; and

Whereas, all changes specified in that memo were made by the applicant and were submitted to the Village and verified by the Village's consultant, BFJ Planning on December 21, 2005;

Now, Therefore, Be It Resolved, that the co-lead agencies accept the FEIS for Ferry Landings for purposes of public distribution and comment.

The Planning Board members were polled. Messrs. Demers, Aukland, Stone and Friedlander assented.

Mayor Fixell stated as soon as the applicant has copies of the FEIS made, it will be available for public review at Village Hall and the Library. A public workshop is being scheduled for January 10th and Findings probably will not be made until January 31st or later.

*Planning Board members did not participate in the remainder of the meeting.

STATE ENVIRONMENTAL QUALITY REVIEW ACT ACTION REGARDING
APPROVING A MEMORANDUM OF AGREEMENT BETWEEN THE VILLAGE OF
TARRYTOWN AND NATIONAL RESOURCES, INC. WITH RESPECT TO THE
PROPOSED FERRY LANDINGS DEVELOPMENT PROJECT

Trustee Chillemi moved, seconded by Trustee Butler, that the following resolution be adopted:

Whereas, the Village Board has reviewed the information contained in the short form EAF and other information previously submitted in a Draft Environmental Impact Statement regarding proposals by Ferry Landings, LLC, and the proposed Amended Restated Memorandum of Agreement between Ferry Landings, LLC and the Village of Tarrytown ("Memorandum of Agreement"), and

Whereas, the Village Board proposed to enter into the Memorandum of Agreement with Ferry Landings, LLC, and

Whereas, the proposed action requires approval solely by the Village Board.

Now, therefore, it is Resolved the Village Board hereby declares itself lead agency for purpose of review of the proposed Memorandum of Agreement under the State Environmental Quality Control Act, and it is further

Resolved the Village Board finds that the Action will not have a significant environmental impact and a Draft Impact Statement will not be prepared and

consequently, the Village Administrator is directed to file a negative declaration under SEQRA, for the following reasons:

1. There will be no substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels, nor will there be a substantial increase in solid waste production or a substantial increase in potential for erosion, flooding, leaching or drainage problems;
2. There will be no removal or destruction of large quantities of vegetation or fauna, substantial interference with the movement of any resident or migratory fish or wildlife species, impacts on a significant habitat area, substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources;
3. There will be no impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to subdivision 617.14(g) of this Part;
4. There will be no material conflict with the community's current plans or goals as officially approved or adopted;
5. There will be no impairment of the character or quality of important historical, archaeological, architectural, or aesthetic resources or of existing community or neighborhood character;
6. There will be no major change in the use of either the quantity or type of energy;
7. There will be no hazard to human health;
8. There will be no substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;
9. The Action shall not encourage or attract a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the Action;
10. There will be no material demand for other actions that would result in one of the above consequences;
11. The Action shall not result in changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment;
12. The Action shall not result in two or more related actions being undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment but when considered cumulatively would meet one or more of the criteria in this subdivision.
13. All aspects of the development described in the Memorandum of Agreement are subject to compliance with the State Environmental Quality Review Act, as amended, and the regulations promulgated thereunder ("SEQRA") and final review and approval by the Boards, Departments and Commissions of the Village, County and State and therefore all actions proposed in the Memorandum of Agreement are subject to modification and are not assured of approval.
14. The conditional Memorandum of Agreement and the transactions contemplated therein are subject to review and approval under SEQRA. Therefore, both Parties' obligations to act under the Memorandum of Agreement shall be subject to compliance with SEQRA and approvals issued in accordance with SEQRA and all rules and regulations promulgated thereunder. The Parties' obligations to act under the Memorandum of Agreement is also conditioned upon the issuance of approvals, consents, permits or other items, including zoning changes. The conditional Memorandum of Agreement specifically provides that the Village is not required to grant any approvals and that Ferry Landings LLC may withdraw if approvals are not granted. Therefore, the conditional Memorandum of Agreement is subject to termination if the project contemplated therein cannot meet the requirements of SEQRA.

15. Consequently, there are no impacts resulting from the Action, because if adverse impacts are found during the review and approval process, which cannot be adequately mitigated, the requisite approvals, consents, permits or other items, will not be granted and the conditional Memorandum of Agreement will be voided.

The Board of Trustees was polled. All assented.

RESOLUTION APPROVING A MEMORANDUM OF AGREEMENT BETWEEN THE VILLAGE OF TARRYTOWN AND NATIONAL RESOURCES, INC. WITH RESPECT TO THE PROPOSED FERRY LANDINGS REDEVELOPMENT PROJECT

Trustee Basher moved, seconded by Trustee Chillemi, that the following resolution be approved:

Whereas, the Village of Tarrytown previously entered into an Agreement with Ferry Landings, LLC, and

Whereas, the Village Board proposes to enter into an Amended and Restated Memorandum of Agreement with Ferry Landings, LLC (“Memorandum of Agreement”), which modifies the original agreement, and

Whereas, the Village Board declared itself lead agency under SEQRA for the purpose of considering whether to approve the execution of the Memorandum of Agreement (the “Action”), and

Whereas, the Village Board found that the Action would not have a significant environmental impact and that a Draft Environmental Impact Statement would not be prepared and consequently, the Village Board directed the Village Administrator to file a negative declaration.

Now, Therefore, it is Resolved that the Village Board hereby authorizes Mayor Drew Fixell to execute the Memorandum of Agreement, under the terms presented to the Village Board, once the Mayor and Village Attorney are satisfied as to the form of the Memorandum of Agreement.

The Board of Trustees was polled. All assented.

RESOLUTION – APPROVAL OF APPOINTMENT OF OFFICE ASSISTANT/FINANCIAL SUPPORT – AZUCENA MOLINA

Trustee Basher moved, seconded by Trustee Pollack, and unanimously carried, that the following resolution be approved:

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby appoints Azucena Molina to the position of Office Assistant/Financial Support effective December 22, 2005, at an annual salary of \$42,456, Step 3, subject to all civil service rules and regulations.

ADJOURNMENT

Trustee Basher moved, seconded by Trustee Chillemi, and unanimously carried, that the meeting be adjourned – 8 p.m.

Kathleen D’Eufemia
Secretary