

VILLAGE OF TARRYTOWN  
BOARD OF TRUSTEES  
REGULAR MEETING 7:00 P.M.  
Monday, November 21, 2022  
Tarrytown Village Hall  
One Depot Plaza, Tarrytown, New York

---

Members of the Public may attend in person or remotely. For those members of the public interested in viewing and/or participating in the meeting remotely, visit <https://www.tarrytowngov.com/home/events/39781> for instructions on how to join & participate via zoom.

---

REGULAR MEETING: 7:00 P.M.

1. Board Miscellaneous and Liaison Reports
2. Changes and/or Additions to the Agenda
3. Administrator's Report
4. Certificate of Appreciation: Halloween Parade Committee
5. Presentation - Sleepy Hollow Tarrytown Chamber of Commerce, Stephanie Rodnick and Laura Rey Iannarelli
6. 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)

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.

7. 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).

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.

8. 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.

9. Holiday Meter Parking

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.

10. Resolution Authorizing Budget Amendment And Appropriation For NYS Retirement System Expense

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.

11. Low Income Household Water Assistance Program

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.

12. Objection to John D. McKean Fireboat application for Historic Preservation Status at the Tarrytown Marina

WHEREAS the Village Administrator received notice on November 1, 2022 indicating that an application on behalf of the John D. McKean Fireboat located at Tarrytown Marina in Tarrytown, NY would be considered at the December 8 meeting of the New York State Board for Historic Preservation; and

WHEREAS the Village of Tarrytown is the sole owner of Tarrytown Marina which includes the docks and slips under long-term lease/franchise with Tarrytown Marina LLC, and the Board of Trustees is authorized to manage and protect Village property as per NY Village Law § 4-412(1); and

WHEREAS the Board of Trustees did not consent to having the John D. McKean Fireboat dock at its marina, nor were they advised by the proprietor of the vessel of an application for State Historic Preservation Status for the John D. McKean Fireboat at the Tarrytown Marina, and the John D. McKean Fireboat has no historical ties to the Village of Tarrytown since it was originally docked and operated in the waters in and surrounding New York City;

NOW THEREFORE BE IT RESOLVED that the Board of Trustees authorizes the Village Administrator to issue a letter of strong objection to the listing of the John D. McKean Fireboat at the Tarrytown Marina on the State or National Register of Historic Places.

13. Appointment to Parks and Recreation Advisory Council

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.

14. Fire Department Membership Changes

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.

15. Approval of the Minutes of the Board of Trustees Meeting of November 7th, 2022

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve the minutes of the Board of Trustees Meeting held on Monday, November 7th, 2022 as submitted by the Village Clerk.

16. Approval of Audited Vouchers

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

17. 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

18. Adjournment

LOCAL LAW #10 - 2022

A local law to amend Chapter 305 of the Tarrytown Code, entitled "Zoning" to add new provisions regarding Cannabis Retail Dispensaries

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

**Section 1.** Amending Section 305-5 entitled "Word usage, terms defined" to add a new definition of Cannabis Retail Dispensary as follows:

**BUSINESS**

Any person, firm, association, partnership, corporation or other entity, whether for profit or not for profit.

**CANNABIS RETAIL DISPENSARY**

**A licensed adult-use cannabis retail dispensary in accordance with and subject to New York Cannabis Law**

**CELLAR**

The portion of a building that is partly or entirely below grade which has more than 1/2 of its height, measured from floor to ceiling, below the average finished grade of the ground adjoining the building.

**Section 2.** Amending Section 305-37 entitled "Neighborhood Shopping NS Zone" to add a new permitted use in subsection A(2) as follows:

**(k) Cannabis Retail Dispensary, provided that any signage contain only letters or numbers and shall be prohibited from including any images.**

**Section 3.** Amending Section 305-39 entitled "Restricted Retail RR Zone" to add a new permitted principal use in subsection A as follows:

**(9) Cannabis Retail Dispensary subject to site plan approval and off-street parking requirements, neither of which can be waived by the Building Inspector under section 305-132(C), and provided that payment is made into the parking fund in accordance with section 305-63(C)(7)(d) and further provided that any signage contain only letters or numbers and shall be prohibited from including any images.**

**Section 4.** Amending Section 305-40 entitled "General Business GB Zone" to add a new permitted principal use in subsection A as follows:

**(18) Cannabis Retail Dispensary, provided that any signage contain only letters or numbers and shall be prohibited from including any images**

**Section 6: 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 7: 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.

LOCAL LAW #11 - 2022

A local law to amend Chapter 305 of the Tarrytown Code, add a new subsections to permitted accessory uses in all single-family residential districts of an Accessory Dwelling Unit

**Section 1.** Amending § 305-5 entitled “Word usage, terms defined” to add the following definition under subsection B:

**ACCESSORY DWELLING UNIT or ADU**

An accessory residential dwelling unit that provides independent living facilities for one or more persons, including a separate kitchen, bathroom, and sleeping area that is located wither within the same structure as, or on the same lot as, a primary dwelling unit.

**Section 2.** Amending § 305-14 entitled “Residential R-80 Zone” Section “B” entitled “Permitted Accessory uses” to add a new subsection making Accessory Dwelling Units a permitted accessory use:

(15) Accessory Dwelling Unit

(a) Intent: The Village seeks to legalize and control existing accessory dwelling units in single-family residential zones and regulate new conversions or new construction of accessory dwelling units in single-family residential zones; to diversify housing while ensuring single-family residential zones maintain their character; to ease single-family homeowners’ financial burden by allowing a means of rental income, to provide for the health, safety and welfare of the Village of Tarrytown’s residents and the occupants of accessory dwelling units.

(b) Required standards. The Building Department shall grant a permit for the creation, legalization or construction of an accessory dwelling unit (ADU): (a) within or as an addition to an existing one-family dwelling in all single-family residential zones (R-60, R-40, R-30, R-20, R-15, R-10, R-7.5 and R-5); (b) within an existing detached building in all single-family residential zones; (c) within a new detached building that meets the district’s requirements for accessory buildings in the R-60, R-40, R-30, R-20, R-15 residential zones; and (d) within an existing detached building on a lot in the R-10, R-7.5 and R-5 residential zones, but there shall be no construction of a new building for an ADU in the R-10, R-7.5 and R-5 residential zones, subject to any applicable building and fire code standards and subject to these standards:

- 1) Number of ADUs per lot: There shall be no more than one ADU per lot.
- 2) Owner-occupancy. The owner of the single-family residence lot must reside as the owner’s primary residence in either the main dwelling unit or the ADU.
- 3) Floor area: An ADU shall have a minimum habitable floor area of 300 square feet and a maximum habitable floor area of 1,000 square feet. Notwithstanding the foregoing, an ADU shall not have a habitable floor area of more than 50% of the habitable floor area of the lot’s primary dwelling.



- 4) Bedrooms. The maximum number of bedrooms in an ADU shall be two.
  - 5) Setbacks and Building Coverage. Notwithstanding any other provision of this Chapter, an existing building that is legally non-conforming with current dimensional or coverage regulations may be legally changed in use, in whole or in part, to an ADU provided that the dimensional non-conformity is not increased and provided the height of an existing building that fails to meet setback requirements is not increased.
  - 6) Entrances. No new entrances to the street-facing façade of a main building may be added for the purpose of creating an ADU
  - 7) Height of ADU. Notwithstanding any other provisions of this Chapter, the maximum building height shall be the lesser of: (1) 25 feet; or (2) the height of the one-family dwelling principal building.
  - 8) Minimum term of rental: The rental term of an ADU shall be for at least six months.
  - 9) Parking. No additional parking is required for an ADU provided that existing off-street parking is not reduced below that which is otherwise required through the creation of the ADU.
  - 10) Adequacy of Septic System: If the lot is serviced by a septic system the owner must demonstrate that the existing septic system can handle the addition of any ADU by securing the necessary permits from the Westchester County Department of Health.
  - 11) Land Use Board Review. No land use board review is necessary for an ADU permit except if: (i) (a) a new addition to an existing one-family dwelling is created for the ADU and the addition increases footprint, square footage or FAR triggering the requirement for Planning Board site plan approval under § 305-132(A)(1); (b) an existing garage is converted to an ADU resulting in the need for on-site parking triggering the requirement for Planning Board site plan approval under § 305-132(A)(2); and/or (c) there is a change, addition or modification to land or buildings designated as an historic district or historic landmark by the Village Board triggering the requirement for Planning Board site plan approval under § 305-132(A)(3); and/or (ii) Architectural Review Board approval under § 9-4(A)(4).
- (c) Penalties for offenses.
- 1) Any owner or builder, or any agent of either of them, who fails to secure a permit for the construction of creation of ADU, who allows occupancy of an ADU

without a certificate of occupancy for the ADU, or who constructs or causes to be constructed an ADU in violation of the provisions of this chapter shall be in violation of this chapter and subject to penalties under § 305-115 of this chapter.

- 2) It shall be unlawful to use, establish, maintain, operate, occupy, rent or lease any portion of any premises as an ADU in the Village of Tarrytown without first having obtained a permit and certificate of occupancy for the ADU from the Village of Tarrytown Building Department.
- 3) All ADU owners who have not previously obtained a permit and certificate of occupancy for an ADU located on their lots shall apply to the Building Department within six months following the effective date of this section (and if necessary, the Zoning Board of Appeals). If application is so made within said six-month period, the owner of the ADU shall not be deemed in violation of this section. If application is not made within said six-month period, the owner of the ADU shall be deemed in violation of this chapter and shall be subject to the penalties provided herein.

**Section 3: Amending § 305-15 entitled “Residential R-60 Zone” Section “B” entitled “Permitted Accessory uses” to add a new subsection:**

(15) Accessory Dwelling Unit in compliance with § 305-14(B)(15).

**Section 4: Amending § 305-16 entitled “Residential R-40 Zone” Section “B” entitled “Permitted Accessory uses” to add a new subsection:**

(15) Accessory Dwelling Unit in compliance with § 305-14(B)(15).

**Section 5: Amending § 305-17 entitled “Residential R-30 Zone” Section “B” entitled “Permitted Accessory uses” to add a new subsection:**

(15) Accessory Dwelling Unit in compliance with § 305-14(B)(15).

**Section 6: Amending § 305-18 entitled “Residential R-20 Zone” Section “B” entitled “Permitted Accessory uses” to add a new subsection:**

(15) Accessory Dwelling Unit in compliance with § 305-14(B)(15).

**Section 7: Amending § 305-19 entitled “Residential R-15 Zone” Section “B” entitled “Permitted Accessory uses” to add a new subsection:**

(15) Accessory Dwelling Unit in compliance with § 305-14(B)(15).

**Section 8: Amending § 305-20 entitled “Residential R-10 Zone” Section “B” entitled “Permitted Accessory uses” to add a new subsection:**

(15) Accessory Dwelling Unit in compliance with § 305-14(B)(15).

**Section 9: Amending § 305-21 entitled “Residential R-7.5 Zone” Section “B” entitled “Permitted Accessory uses” to add a new subsection:**

(15) Accessory Dwelling Unit in compliance with § 305-14(B)(15).

**Section 10: Amending § 305-22 entitled “Residential R-5 Zone” Section “B” entitled “Permitted Accessory uses” to add a new subsection:**

(15) Accessory Dwelling Unit in compliance with § 305-14(B)(15).

**Section 11.** Amending 305 Attachment 3 regarding list of “Permitted Accessory Uses” to add the following under Single-Family Residence Districts:

P. Accessory Dwelling Unit in compliance with § 305-14(B)(15).

**Section 12: Severability**

## Board of Trustees – Monday, November 21, 2022 Regular Meeting Agenda

---

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 13: 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.