

**VILLAGE OF TARRYTOWN
BOARD OF TRUSTEES
WORK SESSION 6:15 P.M.
WEDNESDAY, AUGUST 28, 2019
Tarrytown Village Hall
One Depot Plaza, Tarrytown, New York**

Executive Session

Superintendent of Public Works Candidate

Board of Trustees Concerns

Open Session

1. Award of Salt Shed Reconfiguration Contract
2. Tarrytown Merchant Request – 3 Hour Parking on Main Street
3. CitiBank Lot Parking Rules
4. Appointment – Intermediate Clerk Building/DPW Departments
5. ARB Law Review
6. Station Area Overlay Zone – Continued Discussion
7. Village Code Amendment – No U-Turns – Main Street
8. Green Landscaping Licensing – Delete Annual Reports from Code
9. Toll Brothers – Acceptance of 3 Open Space Parcels; Lot 10 Trail & Access Easement
10. Pool Rules
11. Code Changes to Update References to Superintendent of Public Works
12. Appointment - Laborer DPW
13. Appointment - Parking Task Force Members
14. Appointment - Housing Affordability Task Force Members
15. Crest Area Water Main Replacement – Phase I
16. Fire Department Membership Changes

Executive Session

- A. Elizabeth Mascia Child Care Center Lease Amendment

Kathy Deufemia

From: Richard Slingerland
Sent: Wednesday, August 7, 2019 5:28 PM
To: Bruce Weinberg
Cc: Jessica Weinberg; Stephanie Rodnick; Kathy Deufemia; Joshua Ringel
Subject: RE: Tarrytown Merchant Petition - Request to Alter parking rules

Bruce:

Good afternoon.

Please note that we'll include the Tarrytown Merchant Petition for discussion on the August 28th Work Session. We have an earlier Work Session on August 14th, but that agenda already has close to 30 items on it.

I received your phone call from this past Monday, and am still catching up on calls and e-mails since I returned from vacation. I will give you a call tomorrow.

Best regards,

Rich

Richard Slingerland
Village Administrator
Village of Tarrytown
One Depot Plaza
Tarrytown, New York 10591
914-631-1785
fax: 914-909-1208
e-mail: rslingerland@tarrytowngov.com

From: Bruce Weinberg <bruweinberg@gmail.com>
Sent: Thursday, July 18, 2019 5:17 PM
To: Richard Slingerland <rslingerland@tarrytowngov.com>
Cc: Jessica Weinberg <jessicahelenweinberg@gmail.com>; Stephanie Rodnick <info@sleepyhollowtarrytownchamber.com>
Subject: Tarrytown Merchant Petition - Request to Alter parking rules

Richard

Thank you so much for reaching out to me today. As we discussed, I would very much appreciate if you would take up for consideration with the Board of Trustees changes to a few of the parking rules around town. Specifically on John Street, Dixon, Kaldenberg Place, Central Avenue, North Washington Street and a few other side streets, maximum metered parking is currently 2 hours and No Parking rules on Tuesdays and Fridays between the hours of 9am to 11am severely affect available customer parking for the merchants who mostly open their businesses by 9am. Increasing the meters to 3 hours and changing the times that no parking is allowed to 6am - 9am so that our streets can be cleaned would result in an increase in availability without costing the Village significantly.

On July 17th I visited every merchant on both North Broadway and Main Street. Of approximately 50 merchants in town, an overwhelming 37 or 74% are in favor of this change while 2 merchants or 4% were opposed and 11 merchants or 22% were either not opened or the owner/manager was not around. Of the 11 merchants that were not available 6 of them were restaurants who I am sure would be in favor of a change to the parking rules as patrons in those establishments usually would stay in town longer than current parking rules apply.

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Attached please find a scanned copy of the petition I used with the names of the stores and signatures of all these owners. Thank you again for your willingness to listen and please express to the Board my deepest appreciation for their consideration. Please note that this petition was my idea and not that of the Chamber of Commerce. That said, I have copied them as well on this email so they can be informed of my efforts.

Sincerely
Bruce Weinberg

Bruce Weinberg
18 North Broadway
Tarrytown, NY 10591

Mobile # - (917) 817 0225
Email - bruweinberg@gmail.com

> On Jul 17, 2019, at 7:16 PM, Bruce Weinberg <bruweinberg@gmail.com> wrote:

>
> Hi Richard
> Appreciate your note and looking forward to your call tomorrow at 1 pm
> Please call my mobile #. 917 817 0225
> Have a good evening
> Bruce
>
> Sent from my iPhone

>> On Jul 17, 2019, at 6:43 PM, Richard Slingerland <rslingerland@tarrytowngov.com> wrote:

>>
>> Bruce:
>>
>> Good afternoon.
>>
>> I wanted to let you know I received your call about a petition signed by businesses in the Village that you want to present to the Board.
>>
>> I can call you tomorrow afternoon, sometime after say 1 pm. I'm fairly booked before that.
>>
>> Best regards,
>>
>> Rich
>>
>>
>> Sent from my iPhone

On-Street Parking Time Limits

Municipality	Time Limit (Majority)	Parking Meters (Y/N)
City of White Plains	1HR (3HR after 6PM)	Yes
Hartsdale Parking District	90Min	Yes
Village of Scarsdale	90Min	Yes
City of Beacon	2HR	No
City of New Rochelle	2HR	Yes
City of Rye	2HR	No
Village of Ardsley	2HR	Yes
Village of Croton-on-Hudson	2HR	No
Village of Dobbs Ferry	2HR	Yes
Village of Elmsford	2HR	Yes
Village of Hastings-on-Hudson	2HR	Yes
Village of Irvington	2HR	No
Village of Larchmont	2HR	Yes
Village of Mamaroneck	2HR	Yes
Village of Pelham	2HR	Yes
Village of Ossining	2HR	Yes
Village of Sleepy Hollow	2HR	Yes
Village of Pleasantville	2HR/1HR/12HR	Yes
Village of Briarcliff Manor	2HR/1HR/30M	No
Village of Tuckahoe	2HR/1HR/30M	Yes
Village of Bronxville	2HR/90M/30M	Yes
Town of New Castle	3HR	No
Village of Nyack	3HR	Yes
Village of Portchester	3HR	Yes

LOCAL LAW ____ - 2019

A local law to amend Chapter 9 of the Code of the Village of Tarrytown entitled Architectural Review Board to amend the review of certain building permit applications by the Architectural Review Board

Section 1. Be it enacted by the Board of Trustees 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 2. Chapter 9, Section 4. (A) "Referral of applicants for building permits" shall be amended to read as follows:

Chapter 9, Section 4. (A) shall be re-titled – Referral of applicants for building permits or other work for Architectural Review."

Section 3. Chapter 9, Section 4. (A) "Referral of applicants for building permits or other work for Architectural Review" shall be amended to read as follows:

Section 4. (A) Referral of applicants for building permits or other work for Architectural Review:

Except where an application for a certificate of appropriateness must be submitted to the Architectural Review Board pursuant to the Landmark and Historic District Act (Chapter 191, Historic Districts and Landmarks), every application for a building permit shall be referred by the Building Inspector to the Architectural Review Board, provided that:

- (1) ~~There will be construction, reconstruction or alteration of any building or structure that affects the exterior appearance of the building or other structure and is visible from any public street;~~
- (2) ~~The proposed plans include construction, reconstruction or alteration of any deck or uncovered porch that affects the exterior appearance of the building or other structure, is visible from any public street and exceeds 25 square feet, including steps;~~
- (3) ~~The proposed plans include construction, reconstruction or alteration of existing/new windows or security grills that affect the exterior appearance of the building or other structure and are visible from any public street; or~~
- (4) ~~The proposed plans include construction, reconstruction or alteration of any fence or wall exceeding three feet in height or 20 feet in length that is visible from any public street, involving any of the following shall be referred by the Building Inspector to the Architectural Review Board:~~

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ARB review is required for applications requiring Planning Board approval, as well as other projects, which are as detailed as follows:

1. Construction of a new building
2. Reconstruction or rehabilitation of buildings with prior Architectural Review Board approval, which differs from that prior ARB approval;
3. Rehabilitation of buildings that involves more than replacement with materials (windows, doors, siding, or garage doors) that are not of the same kind, and which are visible from a public street. For example, while replacement of wood double-hung windows with vinyl double hung windows would not require ARB approval, replacement of double-hung windows with casement windows would.

Additions that increase the existing building footprint by 25% or more;

4. All additions of any size for buildings built before 1929. For buildings built ^{or later} after 1929, additions that increase the existing building footprint ^{by} of 25% ^{or} by or more.

5. Fences that are in the front yard or front yard set back ^{within the required minimum} and higher than thirty inches (30").

6. Walls, including retaining walls, that are in a front yard or front yard setback, ^{within the required minimum} higher than thirty inches (30") and are visible from a public street.

- 6.7. Walls, including retaining walls, that are over 30 inches ^(30") and that are within ^{the required minimum} side or rear yard setback.

- 7.8. Applications for signage or awnings;

- 8.9. Applications for a property within the Restricted Retail RR Zone or commercial properties outside the RR Zone involving;

(a) Construction, reconstruction or alteration of any building or structure that affects the portion of the exterior appearance of the building or other structure that is visible from any public street, except applications involving only fences, retaining walls, steps, and /or sidewalks;

(b) Construction, reconstruction or alteration of any deck or uncovered porch that affects the exterior appearance of the building or other structure, is visible from any public street and exceeds 25 square feet (such size calculation shall include any steps); or

(c) Construction, reconstruction or alteration of existing/new windows or security grills that affect the exterior appearance of the building or other structure and are visible from any public street.

(d) Painting using different colors than those that exist on the building, that affect the exterior appearance of the building or other structure and are visible from any public street.

4. B. Exceptions – Since it is the intent of the Board of Trustees to provide a process for routine maintenance or changes and upgrades to buildings that do not result in major, detrimental departures from the original construction and design of a structure, applications that are excepted from ARB review include:

1. additions that increase the existing building footprint by less than 25% for buildings built after 1929 (see section 4. A. 5.)

2. fences that are only in the rear yard or side yard set back, and not fronting on a street

3. walls, including retaining walls, that are

a. less than thirty inches (30") in height;

b. not visible from the street.

c. not adjoining to the neighboring property.

within a required minimum front yard, side yard or rear yard setback.

4. steps, and/or sidewalks

5. painting a building or structure the same colors

Question:
Distinction between
front yard & front yard
setback in 4.A.6?

5.

6. painting a building or structure and changing colors from the existing colors, provided that the colors are in the Benjamin Moore Historical Color Chart, and the Benjamin Moore White and Off-White Color Charts, as they may be updated from time to time, maintained in the Building Department, or an equivalent color palette that has only slight variations in color hues.

7. Adding storm widows to existing windows without making further changes.

Section 4: The current Section 9-4 (B), (C), and (D) should be renumbered to 9-4 (C), (D) and (E).

Section 5: Supersession of other laws.

All laws, ordinances, rules and regulations of the Village are modified and superseded by this article with respect to their application to parking and enforcement.

Section 6: Severability

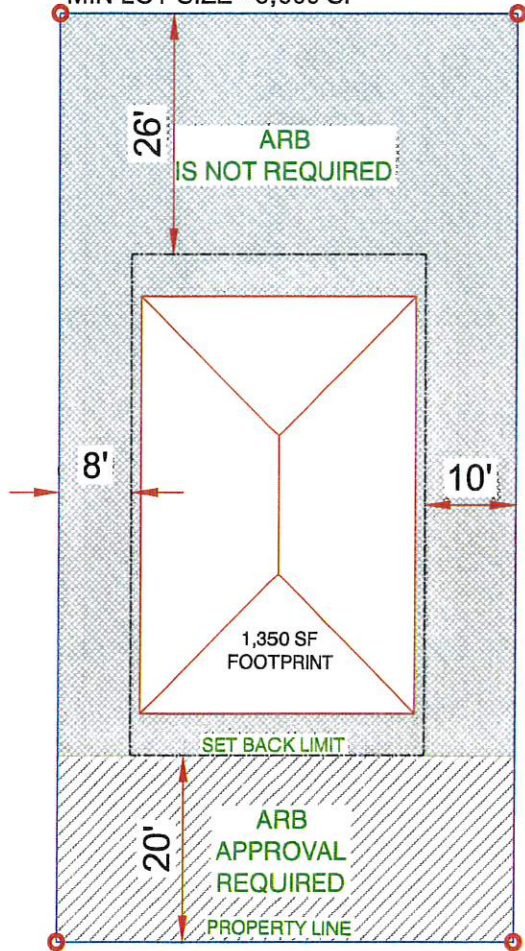
If the provisions of any article, section, subsection, paragraph, subdivision or clause of this local law shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause 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.

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EXAMPLE:
R-5 ZONE
MIN LOT SIZE - 5,000 SF



RIGHT-OF-WAY

CURB LINE

ROAD CENTERLINE

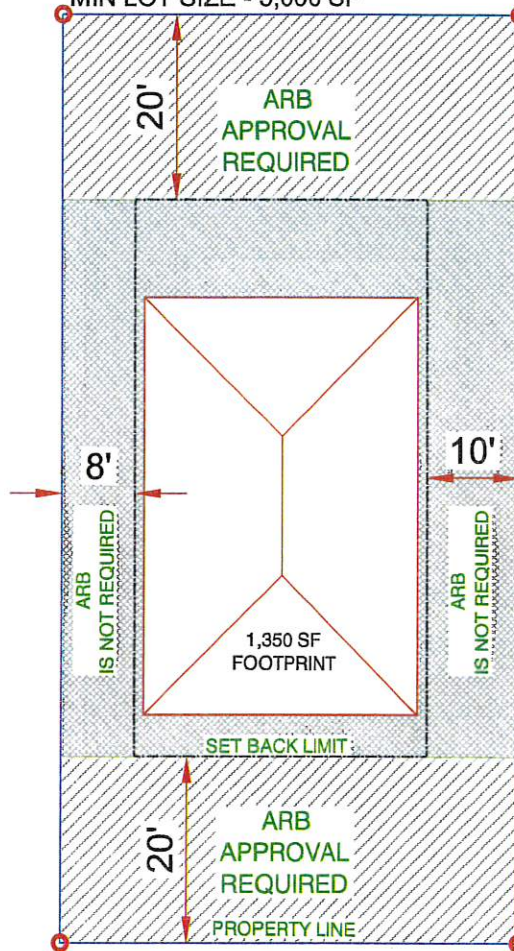
FRONTAGE ON SINGLE ROAD

ROAD CENTERLINE

CURB LINE

RIGHT-OF-WAY

EXAMPLE:
R-5 ZONE
MIN LOT SIZE - 5,000 SF



RIGHT-OF-WAY

CURB LINE

ROAD CENTERLINE

FRONTAGE ON TWO ROADS

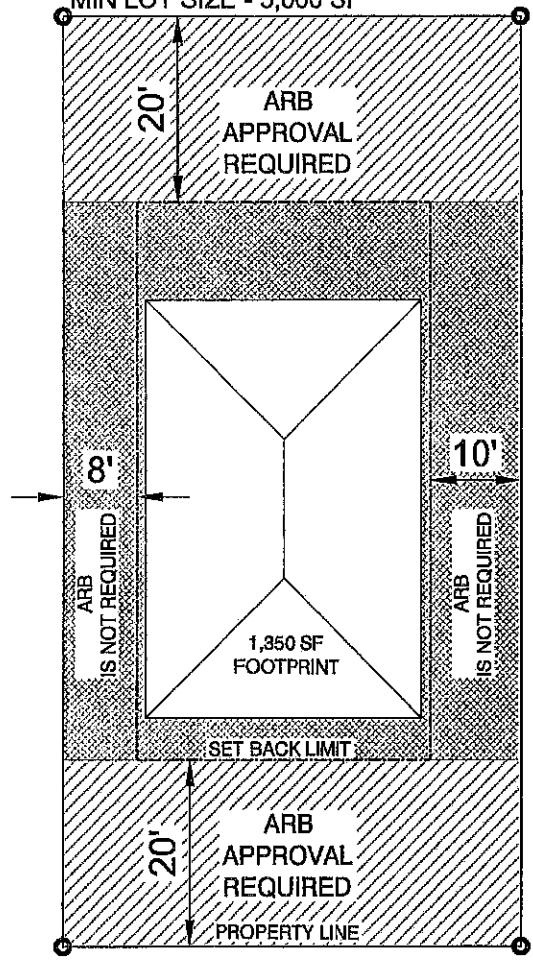
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ROAD CENTERLINE

CURB LINE

RIGHT-OF-WAY

EXAMPLE:
R-5 ZONE
MIN LOT SIZE - 5,000 SF



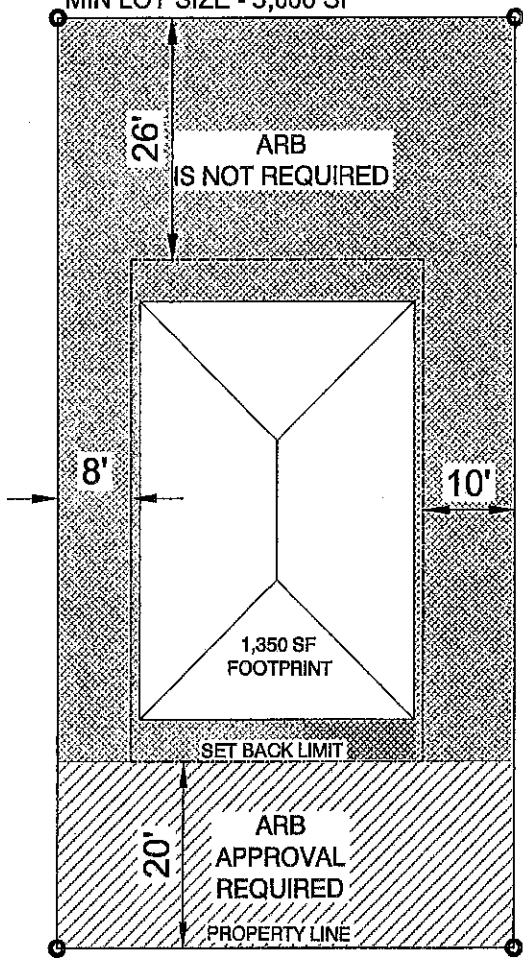
RIGHT-OF-WAY

CURB LINE

ROAD CENTERLINE

FRONTAGE ON TWO ROADS

EXAMPLE:
R-5 ZONE
MIN LOT SIZE - 5,000 SF



RIGHT-OF-WAY

CURB LINE

ROAD CENTERLINE

FRONTAGE ON SINGLE ROAD

DRAFT – FOR INTERNAL DISCUSSION & REVIEW

Village of Tarrytown
Comprehensive Plan & Station Area Zoning

ARTICLE ____ STATION AREA OVERLAY

1. Intent and Purpose

The intent and purpose of the Station Area Overlay District (SAO) is to create a built environment that implements the goals and objectives for the station area as detailed in the Tarrytown Comprehensive Plan. Property owners with an eligible parcel(s) in this district can apply to receive an SAO designation which can be affixed to a qualifying parcel of land. Once a parcel receives an SAO designation, the parcel is governed by the use, dimensional and other provisions of the SAO zoning regulations, and SAO zoning replaces the existing zoning. The intent of the SAO is to enable and implement the goals and recommendations outlined in the Village of Tarrytown Comprehensive Plan. The SAO is designed to provide flexibility that will allow different types of uses and forms, while still protecting the interests of the Village. The intent is to allow exceptional and signature developments that are consistent with the Comprehensive Plan, while the specifics have not yet been imagined.

2. Definitions and Word Usage

Unless defined herein in the general definitions in Chapter 305, the following definitions apply.

Affordable Housing

Reference § 305-130.

Blue / Green Strategies

Refer to Blue Roofs and Green Infrastructure below.

Blue Roofs

Rooftop systems that control the discharge of stormwater into a municipal system by detaining stormwater on a roof and until the peak rate of discharge is reduced. (Source: adapted from New York State Department of Environmental Conservation)

Cooperative Housing, Collective Housing, Cooperative Living, or Share Housing

A shared living arrangement in a multi-unit building where certain facilities are shared between building occupants, for example kitchen, living, or toilet/bathing facilities.

Green Infrastructure

Green infrastructure includes a wide array of practices at multiple scales to manage and treat stormwater, maintain and restore natural hydrology and ecological function by infiltration, evapotranspiration, capture and reuse of stormwater, and establishment of natural vegetative features. On the local scale green infrastructure consists of site- and neighborhood-specific practices and runoff reduction techniques. (Source: NYSDEC, Stormwater Management Design Manual)

LEED

Leadership in Energy and Environmental Design (LEED) is a rating system devised by the United States Green Building Council (USGBC) to evaluate the environmental performance of a building and encourage market transformation towards sustainable design. (Source: U.S. Green Building Council)

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Tarrytown Station Area Zoning

LEED Certification

A designation given to projects that demonstrate adherence to prerequisites and earn credits across nine measurements for building excellence from integrative process to indoor environmental quality. Based on the number of credits achieved, a project earns one of four LEED rating levels: LEED Certified, LEED Silver, LEED Gold or LEED Platinum. The LEED rating systems work for all buildings at all phases of development and are meant to challenge project teams and inspire outside-the-box solutions. (Source: U.S. Green Building Council)

Live-Work Space or Live/Work Unit

A building or space within a building used jointly for commercial and residential purposes. (Source: American Planning Association / Planning Advisory Service)

Passive House Standards

Passive House building is an internationally recognized, performance-based energy standard in construction that comprises a set of design principles used to attain a quantifiable and rigorous level of energy efficiency within a specific quantifiable comfort level. A passive building is designed and built in accordance with these five building-science principles:

- 1) Employs continuous insulation throughout its entire envelope without any thermal bridging.
- 2) The building envelope is extremely airtight, preventing infiltration of outside air and loss of conditioned air.
- 3) Employs high-performance windows (typically triple-paned) and doors.
- 4) Uses some form of balanced heat- and moisture-recovery ventilation and a minimal space conditioning system.
- 5) Solar gain is managed to exploit the sun's energy for heating purposes in the heating season and to minimize overheating during the cooling season

(Source: Passive House Institute US)

Shared Parking

A land use/development strategy that optimizes parking capacity by allowing complementary land uses to share spaces, rather than producing separate spaces for separate uses. In effect, shared parking makes spaces publicly accessible rather than reserved for a particular tenant or property owner. Parking may be privately constructed and operated, depending on a contractual agreement, but should remain within the government's jurisdiction for long-term transport planning purposes. (Source: Institute for Transportation and Development Policy)

Transit-Oriented Development (TOD)

A land use strategy that focuses development around locations that are well served by transit, and that typically includes a mix of land uses, and a more dense development pattern. (Source: Westchester County Planning)

Workforce Housing

One or more dwelling units made available to households earning between 60 and 120 percent of Westchester Area Median Income. (Source: adapted from Urban Land Institute)

Acronyms

MDP Master Development Plan
MNR Metro-North Railroad
MHW Mean High Water
SAO Station Area Overlay
SLR Sea-Level Rise

Tarrytown Station Area Zoning

3. Boundaries of the Station Area Overlay District

The boundaries of the SAO District are shown on the SAO District Map at _____.

4. Authority

The Village Board has the authority to grant eligible parcel(s) an SAO designation as set forth below in §305-XX.E "Eligibility". A parcel located within the mapped SAO District must receive an SAO designation by the Village Board prior to the Planning Board determining whether to grant or approve a Site Development Plan.

5. Eligibility

This section sets forth standards under which parcels would be eligible for SAO designation by the Village Board. The criteria in this section are separate and distinct from site plan and subdivision requirements which address more specific site layout and design requirements.

1. The parcel is located within the SAO designated area as identified on the Village Zoning Map
2. The applicant states their intention to submit a Master Development Plan consistent with § 305-XX(9).
3. The decision to approve or decline a parcel for SAO designation is purely a legislative determination entirely within the legislative discretion of the Village Board. The Village Board shall have the right to reject any parcel for SAO designation at any stage of the process. As part of its decision to approve a parcel from SAO designation, the Village Board shall determine what the proposed site development plan is consistent with the following SAO objectives:
 - a. Promote sustainable development and growth; improve local mobility and regional access; reduce dependence on personal vehicles; connect all parts of the village; expand housing options for a diverse, multi-generational community; protect natural resources; connect and enhance open space resources; strengthen connections to the Hudson River; reduce greenhouse gas emissions; and, minimize local impacts of climate change.

6. Procedure for SAO Designation

An SAO designation can only be granted by the Village Board subject to the following procedure.

1. Pre-application conference. The applicant must, prior to formal submission of their SAO designation application, meet in a pre-application conference with the SAO review staff made up of Village Staff and one member of the Planning Board, to review the requirements and procedures and discuss the planning concepts for the proposed development. The Applicant will pay the pre-application meeting fee (as established by the Village Board).
2. Submission of an application package for a SAO designation to the Village Clerk: The application package shall contain the following required documents and fees:
 - a. an SAO Designation Application Form.
 - b. A conceptual plan.
 - c. Long-form Environmental Assessment Form.
3. Preliminary Village Board action. At its sole discretion, the Village Board will determine whether to consider or not consider the SAO designation application. If the Village Board decides to consider the SAO designation application, it shall refer it to the Planning Board for their recommendation and continuing review as

- ~~set forth below. (i) to reject the SAO designation application; or (ii) to refer it to the Planning Board for Master Development Plan review and Site Development Plan review.~~
4. Village Board Referral to the Planning Board. If the Village Board determines that the application may continue and refers it to the Planning Board, the Applicant is required to submit a Master Development Plan consistent with § 305-XX(9) and a site development application in accordance with Article XVI, including all required forms, plans and documents, as well as, required fees and escrow.
 5. Master Development Plan and Site Development Plan review by the Planning Board: The Planning Board shall begin the Site Development Plan review, review the Master Development Plan based upon the Performance Criteria set forth in § 305-XX(10), and schedule a public hearing on Master Development Plan and Site Development Plan application in accordance with the requirements set forth in Article XVI. During this step, the Village Board will receive periodic updates from the Planning Board as part of the coordinated review.
 - ~~5.a.~~ As soon as practicable, the Planning Board shall complete the scoring process and ~~assign-recommend~~ a score based upon the Scorecard (Attachment ___) ~~and Performance Criteria and shall advise the Village Board of the score. The Village Board can accept the Planning Board recommended score or modify the score as it deems appropriate. The Master Development Plan must receive a passing score to proceed.~~
 - a. ~~Upon the Village Board assigning a passing score but p~~Prior to determining whether to grant or deny Site Development Plan approval, ~~the Planning Board shall issue a written report to the Planning Village Board recommending that the Planning Board shall send a written report to Village Board setting forth: (1) the Planning Board's evaluation of the Master Development Plan based upon the eight Performance Criteria and the Planning Board assigned score based upon the Scorecard (Attachment ___); and (2) the Planning Board's recommendation that the SAO designation be granted, with or without conditions, or denied and its reasons for such recommendation ("SAO Recommendation"). The Master Development Plan must receive a passing score based upon the Scorecard to proceed.~~
 - b. Before issuing its ~~report SAO Recommendation~~ and/or taking any action, the Planning Board shall fully comply with SEQRA.
 - c. While the Village Board is considering the Planning Board's report, any public hearing before the Planning shall be adjourned and held open until such time as the Village Board makes a determination on the proposed SAO designation.
 6. Decision of Village Board. Upon the Village Board's receipt of the Planning Board's ~~report SAO Recommendation~~, along with Master Development Plan, if the Village Board elects to proceed it shall schedule a public hearing on the proposed SAO designation and following said hearing, may by resolution, act either to approve, approve with modifications and/or conditions, or disapprove the SAO designation. The Village Board shall fully comply with SEQRA prior to issuing any designation.
 7. Completion of Land Use Review Process. If the Village Board determines to approve the SAO designation (including to approve with modification and/or

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Tarrytown Station Area Zoning

conditions), the Planning Board will place the application on its first available agenda and will continue with its Site Development Plan review and any other required land use approvals (such as preliminary and final subdivision review). The Applicant shall not be able to apply the SAO designation unless and until the Planning Board grants Site Development Plan approval.

7. Use Regulations

A. Pre-existing Uses and Buildings.

Any building permit or Site Development Plan approval issued before the date of adoption of this Section shall remain in effect for the underlying zone that the parcel is located within until a project is granted an SAO designation by the Village Board as set forth in §305-XX E Eligibility. Buildings existing before the date of adoption, or subsequent amendment, of this Section are allowed to expand and modify as permitted under the underlying zoning unless they have previously received an SAO designation. Once a parcel receives an SAO designation, the parcel is governed by the use, dimensional and other provisions of the SAO zoning regulations, and SAO zoning replaces the existing zoning.

B. Permitted Uses

Any principal use permitted in any district in the Village of Tarrytown or any combination of such uses is a use permitted in the SAO provided the proposed use's Master Development Plan receives a receive a passing score by the Village Board on the SAO Scorecard as described in § 305-XX(9)(C).

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8. Density/Development Regulations

A. Building Height Measurement in SAO

Building height for buildings permitted in the SAO district is measured from the average elevation of the existing (predevelopment) grade of the property, or from a plane formed by the Base Flood Elevation from the Federal Emergency Management Agency's 2014 preliminary Flood Insurance Rate Map (pFIRM), or subsequent revisions, plus three feet, whichever is higher. Building height is the vertical distance from the higher of these points to the highest point of the roof for flat roofs, to the deckline of mansard roofs and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

B. Maximum Building Height.

1. The maximum base height permitted for buildings east of the Metro North Railroad tracks is six stories or 72 feet, whichever is less. After six stories or 72 feet, a 40-foot setback is required, with the maximum tower height of ten stories or 120 feet, whichever is less. The maximum building height permitted west of the Metro North Railroad tracks is five stories or 60 feet, whichever is less. Reference Neighborhood Character below for a complete description of the Performance Criteria.

2. The rooftop obstructions are not permitted to exceed the maximum building height unless granted a waiver by the Planning Board. For the purpose of this provision, rooftop obstructions are defined as:

- Parapets less than four feet,
- Stair and elevator bulkheads,
- Cooling towers, water tanks, and other mechanical equipment which occupy less than 20% of the roof area,
- Skylights or other daylighting devices,
- Decking and other surfaces for recreational activities,
- Vegetation, planting boxes less than four feet, soil and drainage systems, arbors, trellises, water collection devices and sun control devices,
- Solar energy systems less than four feet.
- And other similar type items

Tarrytown Station Area Zoning

In no case can rooftop obstructions exceed the maximum building height by more than 10 feet, west of the Metro North Railroad tracks, or 20 feet, east of the Metro North Railroad tracks.

9. Master Development Plan and SAO Scorecard

For any Applicant seeking SAO designation, the applicant shall prepare a Master Development Plan (MDP). The MDP shall be consistent with the adopted Tarrytown Comprehensive Plan and Tarrytown's adopted Local Waterfront Revitalization Plan (if applicable, currently N/A). The purpose of an MDP is to provide additional information so that the proposed use and development can be evaluated based upon the Performance Criteria set forth in § 305-XX(10) and assigned a score based upon the SAO Scorecard (see Attachment ____).

A. Master Development Plan.

At minimum, an MDP shall include the following drawings and materials: (a) site plan that complies with the requirements of Article XVI; (b) Landscape plan; (c) Streetscape plans and elevations; (d) Parking plan; (e) Visual Analysis including rooftop obstructions if applicable; (f) Preliminary Infrastructure Analysis; (g) Preliminary Fiscal Analysis; (h) Affordable Housing Plan (if applicable); and (ig) Phasing plan, if the project is to be built in phases

The MDP must also include a discussion of required utilities and a plan for the supply of water and wastewater disposal, which must include a discussion of the current condition and capacity of all public utilities that the development will be required to use. The MDP must also show how any development in the SAO will be resilient to periodic storm events, and long-term sea level rise, and how it incorporates energy, graywater, and other sustainability measures. The MDP must also include a viewshed analysis and photosimulations that demonstrate the development's impact on the viewpoints identified in section _____. The MDP shall also contain such other information as the Planning Board deems necessary to demonstrate how the proposed development performs against the Performance Criteria found in § 305-XX(10)

B. Review of MDP

The Planning Board shall review and evaluate the MDP according to Performance Criteria identified in § 305-XX(10). The Planning Board, may refer the Master Development Plan to a planner, attorney, engineer, landscape architect, environmental expert or other professional necessary to enable it to review such application. Fees for such services will be paid in accordance with § 305-138(B) and § 305-138(C).

C. Scoring the MDP

The Planning Board will use the SAO Scorecard (see Attachment ____) to evaluate a MDP's performance against the Performance Criteria. The scores an MDP receives on each component of the performance criteria will be determined by the Planning Board, as assisted by professional staff and experts working on their behalf. At their option, the Planning Board may also choose to weight elements of the scorecard differently based upon the nature of the development described in the MDP. Using the SAO Scorecard and a 100-point scale, a score of 75 is a passing score. A passing score is a condition to the granting of Site Development Plan approval. An MDP that does not receive a passing score will not be eligible for SAO Designation and a failing MDP will not be referred from the Planning Board to the Village Board for further review.

10. Performance Criteria

Master Development Plans are evaluated against eight Performance Criteria. Performance Criteria and their Components are categories of public concern identified in the Village of Tarrytown Comprehensive Plan against which all MDPs are evaluated. Performance Criteria are made up of Components, which are implemented through the SAO Scorecard. MDPs must receive a passing score from the SAO Scorecard to be eligible for an SAO designation by the Village Board. Low scores in one Performance Criterion may be offset by high scores in other Performance Criteria to achieve a passing score. There are eight Performance Criteria, each with their own Goals and Components as set forth below:

1. Land use

Goals:

East of the tracks, the mix of land uses in the Station Area will help create a dynamic, transit-oriented neighborhood that anchors the area around the Metro-North Railroad (MNR) Station. This land use mix will promote the village as a regional hub and destination, while serving Tarrytown's residential population through the provision of neighborhood amenities, as well as broadening the local economy and growing the tax base. Any residential component should include a mix of housing unit sizes and models that will serve the needs of a wide range of living needs and incomes. Office spaces may include co-working, incubator spaces, and live-work.

West of the tracks, the mix of land uses will prioritize public access and water-based recreational uses that enable the waterfront to become a year-round destination within the village.

Components:

- The MDP incorporates the mix of uses reflecting the goals of the area. Retail uses will be planned to support the other proposed uses of the SAO and not supplant the existing downtown retail.
- The MDP shows workspaces that are flexible and expand the range of offerings within Tarrytown.

2. Mobility & Access

Goals:

All developments will enhance pedestrian safety and access within the SAO. All developments and their pedestrian, vehicle, and bicycle access will be coordinated with the street network, connect to each other and facilitate access to the waterfront, the Station, the adjacent downtown area, and encourage access to Tarrytown and nearby destinations beyond the Station Area.

Components:

Tarrytown Station Area Zoning

- The MDP shows Complete Streets, defined as roadways planned and designed to consider the safe, convenient access and mobility of all roadway users of all ages and abilities.¹
- The MDP improves connections between new facilities and all transit modes at Depot Plaza.
- The MDP provides access to new and existing parks.
- The MDP demonstrates that every unit has a direct pedestrian route to the MNR station, including through a building, provided public access is maintained, or to an intersection that has a direct pedestrian route to the train station.
- Where applicable, the MDP improves the connection between the MNR Station and downtown.

3. Transportation & Parking

Goals:

All developments will support the transit-oriented goals for the Station Area while providing parking types and levels sufficient for the land uses proposed.

Components:

- The MDP demonstrates how all parking needed by residents, workers, customers, and visitors will be provided. Solutions may be shared or separate, structured on-site, off-site, above ground, or below ground. Any parking facilities must include car share, bicycle parking, and electric vehicle / electric bike charging infrastructure.
- All parking solutions should minimize surface parking lots.
- The MDP demonstrates how it will accommodate different modes of transportation, which may include bicycles, bike share, ride share, and transit.
- Any commuter parking that is displaced will be replaced in a structure within the SAO.

4. Affordable Housing

Goals:

Any residential component of developments within the SAO will expand the supply of permanently affordable housing and offer alternative models of housing within Tarrytown in order to serve a range of resident incomes and household types. The minimum requirement for the affordable component will follow § 305-130, although it is highly desirable to exceed the quantity and/or level of affordability provided by the code minimums.

Components:

- The MDP includes a mix of unit types, sizes, and price points. These may include workforce housing, live/work units, and cooperative housing.
- The MDP includes residential units for both renters and owners.
- The MDP should include units that are managed as permanently affordable housing.² All affordable units should be integrated within mixed-income buildings.

¹ As discussed in Chapter 398 of the Laws of the State of New York. Information about Complete Streets is distributed by NYS DOT here: <https://www.dot.ny.gov/programs/completestreets>. The Planning Board may update or replace these guidelines as necessary.

² Reference § 305-130.

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Tarrytown Station Area Zoning

- The MDP includes a provision for senior housing in the Station Area. Innovative siting of senior housing, such as it being located near or within the same building as day-care or nursery schools, is encouraged.

5. Neighborhood Character

Goals:

Development in the SAO will create a sense of place and arrival at the train station, completing the waterfront neighborhood. Development east of the tracks will maintain a scale and block structure that supports street-level activities and enhances the transition from the waterfront, to the Station Area, and to the village downtown. Development in the SAO will not impact public scenic views of the Hudson River and Palisades.

Components:

- The Visual Analysis, included with the MDP, must demonstrate no significant impact on public scenic viewsheds, including views to the Hudson River and Palisades. The technique for photosimulations is described in § 305-XX(11). This impact will be demonstrated with verifiable digital photomontages of the proposed development from the following viewpoints:
 - View along Willey St at N Broadway – toward the Hudson River
 - View from Neperan Rd at Grove St – W/NW toward the Hudson River
 - View along Altamont Ave – W toward the Hudson River
 - View along Benedict at Rosehill Ave – toward the Hudson River
 - View along Main St at Broadway – toward the Hudson River
- The MDP shows uses that are consistent with residential and recreational uses (e.g. MDP demonstrates no impacts to air quality, water quality; the MDP does not describe uses that introduce significant noise and vibrations).
- The MDP contains active and transparent ground floor uses designed for pedestrian access and circulation with building orientation planned to improve wayfinding, access, and contribute to a sense of arrival at the train station.
- The MDP shows a development that is designed primarily around the pedestrian and not the automobile.
- The MDP's landscape plan is complete and includes native plantings, street trees and full-cutoff, non-polluting light fixtures to encourage dark sky lighting. The landscape plan must be coordinated with any village street furniture.

Methods:

The photosimulations required to demonstrate the impact on the viewpoints listed in the Neighborhood Character Performance Criteria must be performed as follows.

1. The photosimulations must be produced using a technique that merges an existing conditions photograph with an elevated 3D computer model of the Master Development Plan and references. The existing photograph and the 3D computer model must be merged using references that exist in both the photograph and the 3D model. The photosimulations should accurately represent the MDP using photorealistic textures that portray the facades and building colors proposed. Streets, sidewalks, landscaping, and anything placed on a roof are a part of the MDP and should be shown in the photosimulations. The lighting used in the photosimulation should be set to the time of day and time of year of when the photographs were taken.

Tarrytown Station Area Zoning

2. The existing condition photographs should be taken from the viewpoints identified from the location that provides the best view toward the project. They must show leaf-off, no snow conditions and must be taken when atmospheric conditions are clear. Photographs should be taken with at least a 50mm equivalent (normal) lens or telephoto lens. Wide angle lens may only be used when they are necessary to include all elements of the MDP within the frame of the photograph.
3. The Planning Board may require an audit of the photosimulations to ensure that the proper methods have been used and that they accurately reflect all of details of the MDP. The applicant must provide reasonable access to the data used to produce the visual simulations, and the personnel who produced the visual simulations must be granted to auditors identified by the Planning Board, should the Planning Board believe that such audit is required.

6. Infrastructure

Goals:

All developments will minimize their impact on existing infrastructure.

Components:

- The MDP includes an infrastructure plan providing for stormwater capture as per code and incorporates blue / green strategies, including for example: green roofs, blue roofs, detention tanks, green infrastructure, and permeable surfaces within or under the development site inclusive of roads and sidewalks. At a minimum, all streetscapes must include green infrastructure.
- The development shall not result in a net increase in infrastructure costs to the Village.
- The MDP utilizes onsite renewable sources to meet its energy requirements
- The MDP places new infrastructure below grade *as feasible and necessary* for resiliency plans.

7. Open Space

Goals:

All developments will improve access to and continuity between existing public open spaces and the Hudson River.

Components:

- The MDP identifies public and private open spaces within all developments.
- Where applicable, the MDP preserves public view corridors and respects a development buffer of 50 feet from shoreline as measured by the Mean High Water (MHW) line along the Hudson River, except where the use of water is an integral part of such structure.
- Riverfront facades shall not exceed 150 feet in length.
- The MDP provides public access to the water, including points where the public may reach the river. This may include one or more kayak and/or boat launches with adjacent storage racks.

Tarrytown Station Area Zoning

8. Sustainability & Resiliency**Goals:**

All developments will promote human health and safety and minimize resource consumption, including water and energy, waste, and greenhouse gas emissions. Development should incorporate renewable energy systems, adaptability to a changing climate, and resiliency to extreme weather events.

Components:

- The MDP demonstrates holistic consideration for the environmental performance of sites and buildings, which may be satisfied through building and site design that achieve LEED Silver or higher ratings,³ or conform to / exceed Passive House Standards,⁴ or equivalent standards in effect at the time of application.
- The MDP is designed to account for sea level rise, as described in 6 NYCRR Part 490, and to be adaptable to changing projections. The MDP must demonstrate that it does not worsen the potential for flooding within the SAO. The base level(s) of any building must be designed to enable adaptation for sea level rise, including retrofit for wet flood proofing.
- The MDP site and buildings are designed to moderate the impacts of extreme heat and rain events.
- Greywater is captured to irrigate landscaping, gardens or parks.

11. Expiration, Revocation, and Enforcement

An SAO designation shall expire if the SAO designated use or uses cease for more than 24 consecutive months for any reason, if the applicant fails to obtain the necessary Building Permits or fails to comply with the conditions of the site development plan approval as described in § 305-143.

An SAO designation may be revoked by the Village Board of Trustees if the permittee violates the conditions of the site development plan approval or engages in any construction or alteration not authorized by the site development plan. Any such unauthorized or unapproved construction or alteration will immediately trigger a suspension of all work on site and fines as determined by the Village Board of Trustees.

³ <https://new.usgbc.org/leed-v4>

⁴ https://www.passivehouse-international.org/index.php?page_id=150

Affordable & Senior Housing

(Category N/A for non-residential development, and development with fewer than 10 dwelling units)

Number of valid criteria (enter 1, 2, 3,
4, 5 or 6)

6

Criteria	Score	Explanation
Permanently affordable housing	1	0=Zero to 9% of units 1=10 to 19% of units 2=20 to 29% of units 3=30% or more of units
Level of affordability	1	0=None, or more than 120% of AMI 1=Average between 81% and 120% of AMI 2=Average between 61% and 80% of AMI 3=Average 60% or less of AMI
Location of affordable units	1	0=No affordability 1=Off-site 2=On-site, separate building 3=On-site, mixed in-building
Mix of units types	3	0=Little variation of unit types and price points 1=Variation of either price points or unit types 2=Varies price points and unit types 3=Varies price, unit types, and provides options for rental and ownership
Ownership	3	1=100% renter or owner-occupied 3=Substantial mix of renter and ownership options
Senior housing	2	1=No provision for senior housing 2=Provision of on or off-site senior housing 3=Provision of on-site senior housing and day-care/Nursery School combination
Total Affordability Performance		
Possible	18	
Achieved	11	
Normalized to 12.5 scale	7.6	

6

Neighborhood Character		
Number of valid criteria (enter 1, 2, 3, 4, or 5)	5	
Criteria	Score	Explanation
Impact on public scenic viewsheds	1	0=Significant impacts 1=Significant impact on one view 2=No significant impact on any viewpoint 3=No impact on any viewpoint
Ground floor uses	2	0=Neither active nor transparent 1=Active uses or transparent 2=Active uses and transparent 3=Active uses and transparent designed for pedestrian access and circulation with building orientation to improve wayfinding, access and contribute to a sense of arrival at MNR
Design	2	0=Design is auto-dependent: with many curb cuts, buildings setback from the street, and parking in front 1=Design is auto oriented: curb cuts minimized, parking in building or in rear 2=Design is pedestrian oriented: buildings at or near the streetline, curb cuts minimized 3=Design is pedestrian dependent: prioritizes pedestrians and non-motorized travel over vehicles
Landscape plan	2	0=Landscape plan not complete and/or acceptable 1=Acceptable, and includes native plantings and street trees 2=Excellent and includes native plantings and street trees and full-cutoff, non-polluting light fixtures for dark sky lighting 3=Excellent and includes native plantings and street trees and full-cutoff, non-polluting light fixtures for dark sky lighting. The landscape plan designed with appropriate village street furniture
Uses	3	0=Proposed uses not compatible with residential and recreational uses 1=Proposed uses marginally compatible with residential and recreational uses 2=Proposed uses substantially compatible with residential and recreational uses 3=Proposed uses entirely compatible with residential and recreational uses
Total Neighborhood Character Performance		
Possible	15	
Achieved	10	
Normalized to 12.5 scale	8.33	

Infrastructure		
Number of valid criteria (enter 1, 2, 3, 4, 5 or 6)	6	
Criteria	Score	Explanation
Existing stormwater runoff	3	0=No change 1=Reduced 2=Eliminated 3=Eliminated using best practices
Stormwater capture	3	0=No plan 1=Minimally provided 2=Provided 3=Provided using best practices
Village water costs	2	0=Net increase in Village water costs 2=No net increase in Village water costs 3=Net decrease in Village water costs
Village sewer costs	2	0=Net increase in Village sewer costs 2=No net increase in Village sewer costs 3=Net decrease in Village sewer costs
Infrastructure design	3	0=Infrastructure elements visible 1=Infrastructure elements minimally visible 2=Infrastructure elements minimally visible and incorporated into design 3=Infrastructure elements not visible
Onsite Renewable Energy	3	0=Less than 10% energy requirements provided by onsite renewable sources 1=10% to 20% energy requirements provided by onsite renewable sources 2=20% to 40% energy requirements provided by onsite renewable sources 3=40% or more energy requirements provided by onsite renewable sources
Total Infrastructure Performance		
Possible	18	
Achieved	16	
Normalized to 12.5 scale	11.11	

6

Open Space			
Number of valid criteria (enter 1, 2, 3, 4, 5 or 6)	3		
Criteria	Score	Explanation	Notes
All public and private open space identified in the MDP	3	0=No 3=Yes	
Use of open space	2	0=Unprogrammed 1=Passive 2=Provides open space for active uses 3=Provides open space for active uses that is publicly accessible	
Development preserves public view corridors	3	0=No 1=Partially 2=Mostly 3=Entirely	
Development respects a development buffer of 50 feet from the Hudson River, except where the use of water is an integral part of such structure (e.g. water dependent uses)	na	0=No or partially 1=Yes 2=Yes, and buffer is publicly accessible 3=Yes, and publicly accessible buffer significantly exceeds 50'	West of the tracks
Riverfront facades do not exceed 150 feet in length	na	0=No 1=No, but exceptions are water dependent uses 2=Yes, always 3=All riverfront facades 100 feet or less	West of the tracks
Development provides public access to the water where applicable	na	0=No 1=Yes, pedestrian access only 2=Yes, pedestrian access with boat and/or kayak launches 3=Same as 2, with adjacent storage racks for boats and/or kayaks	West of the tracks
Total Open Space Performance			
Possible	9		
Achieved	8		
Normalized to 12.5 scale	11.11		

Sustainability and Resiliency		
Number of valid criteria (enter 1, 2, 3, 4, 5 or 6)	6	
Criteria	Score	Explanation
LEED NB		0=No certification 1=Certified 2=Silver 3=Gold & Platinum
OR		
Passive House	3	0=Does not meet Passive House standards 3=Meets Passive House standards
Graywater	3	0=Does not use or capture graywater 1=Captures graywater for treatment 2=Captures some graywater for reuse 3=Captures all graywater for reuse
Design to moderate the impacts of extreme heat and rain	3	0=No special design features 1=Minimal design features 2=Design features incorporated 3=Exceptional design features incorporated
Sea-Level Rise (SLR)	2	0=Does not consider SLR 1=Minimal design accommodations for SLR 2= Design considers SLR 3= Buildings designed to flood
Flooding within SAO	2	0=Worsens potential for flooding outside site 1=Does not worsen the potential for flooding 2=Reduces the potential for flooding for abutting developments 3=Reduces potential of flooding in the Station Area
Energy Performance	3	0=Does not meet NYS energy efficiency standards 1=Meets NYS energy efficiency standards 2=Shows increase of at least 25% above NYS energy efficiency standards 3=Shows increase of at least 40% above NYS energy efficiency standards
Total Sustainability Performance		
Possible	18	
Achieved	13	
Normalized to 12.5 scale	9.027778	

6—

Bonus Points		
Criteria	Score	Explanation
Contributions to station area improvement fund	2	0=Contribution less than 0.25% of project cost 1=Contribution between 0.25% and 0.499% of project cost 2=Contribution between 0.5% and 0.999% of project cost 3=Contribution between 1% and 1.499% of project cost 4=Contribution 1.5% or more of total project cost
Architectural legacy	0	0=No special design features 1=Design is reflects Tarrytown's architectural legacy
Project qualities not elsewhere captured	0	0=Project does not contain exceptional qualities not elsewhere captured 1=Project contains exceptional qualities not elsewhere captured 2=Project contains significant exceptional qualities not elsewhere captured
Fiscal Impact	1	0=Project has a net negative impact on municipal finances 1=Project has no net impact on municipal finances 2=Project has a net positive impact on municipal finances 3=Project has a significant net positive impact on municipal finances
Bonus Point Total		
Possible	10	
Achieved	3	

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**Village of Tarrytown Police Department
Office Memorandum**

To: Chief John Barbelet

From: Lt. Gregory Budnar

Date: July 26, 2019

RE: Village Code Amendment (Section 291-70 Schedule V: U-Turn Prohibitions)

Section 291-8 of the Village Code states "No person shall make a U-turn on any of the streets or parts of streets described in Schedule V (§ **291-70**), attached to and made a part of this chapter."

Section 291-70 of the Village Code (Schedule V: U-Turn Prohibitions) describes the name of the streets and locations where U-Turns are prohibited. The following amendment should be made to Section 291-70 (new language in bold italic print);

Name of Street	Location
Broadway, North	Intersection of North Broadway and McKeel Avenue
<i>Main Street</i>	<i>From Broadway to Windle Park</i>
Mechanics Avenue	Intersection With Central Avenue
Sheldon Avenue	Intersection of Sheldon Avenue and Meadow Street/Browning Lane
Sheldon Avenue	Intersection of Stephen Drive

Main Street (from Broadway to Windle Park) is a busy section of roadway with a large amount of vehicular and pedestrian foot traffic. There are many roadways in the area that motorists can travel on from Main Street that will allow them to go around the block and return to Main Street in the opposite direction, thus removing the need for vehicles to make U-turns. The action of making a U-turn can be dangerous and also impede traffic. The reason for this code amendment is to improve traffic flow and make the area safer for motorists and pedestrians.

Accident Number	Accident Date	Accident Location
✓ ACC-00148-18	6/4/2019	55 MAIN STREET, (IFO) TARRYTOWN, NEW YORK
✓ ACC-00096-18	4/13/2019	MAIN STREET, TARRYTOWN, NEW YORK
✓ ACC-00043-18	2/10/2019	MAIN STREET, TARRYTOWN, NEW YORK
✓ ACC-00026-18	1/29/2019	MAIN STREET, TARRYTOWN, NEW YORK
✓ ACC-00379-18	12/18/2018	MAIN STREET, TARRYTOWN, NEW YORK
✓ ACC-00355-18	12/6/2018	10 MAIN STREET, TARRYTOWN, NEW YORK
✓ ACC-00345-18	11/23/2018	MAIN STREET, TARRYTOWN, NEW YORK
✓ ACC-00300-18	10/24/2018	2 MAIN STREET, TARRYTOWN, NEW YORK
✓ ACC-00282-18	10/7/2018	25 MAIN STREET, TARRYTOWN, NEW YORK
✓ ACC-00267-18	9/27/2018	MAIN STREET, TARRYTOWN, NEW YORK
✓ ACC-00265-18	9/26/2018	MAIN STREET, TARRYTOWN, NEW YORK
✓ ACC-00257-18	9/20/2018	MAIN STREET, TARRYTOWN, NEW YORK
✓ ACC-00237-18	8/27/2018	12 MAIN STREET, (IFO) TARRYTOWN, NEW YORK
✓ ACC-00235-18	8/23/2018	MAIN STREET, TARRYTOWN, NEW YORK
✓ ACC-00213-18	7/30/2018	MAIN STREET, TARRYTOWN, NEW YORK
✓ ACC-00200-18	7/19/2018	MAIN STREET, TARRYTOWN, NEW YORK
✓ ACC-00179-18	6/22/2018	MAIN STREET, TARRYTOWN, NEW YORK
✓ ACC-00172-18	6/18/2018	MAIN STREET, TARRYTOWN, NEW YORK
✓ ACC-00081-18	3/26/2018	MAIN STREET, TARRYTOWN, NEW YORK
✓ ACC-00070-18	3/10/2018	MAIN STREET, TARRYTOWN, NEW YORK
✓ ACC-00059-18	2/27/2018	MAIN STREET, TARRYTOWN, NEW YORK
✓ ACC-00006-18	1/4/2018	7 MAIN STREET, TARRYTOWN, NEW YORK

U Turn in narrative

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LOCAL LAW ____ - 2019

A local law to amend Chapter 205 of the Code of the Village of Tarrytown entitled Landscaping, Article 1. Green Industry Contractors, to delete the requirement for annual reports of pesticides and herbicides, which is regulated by the New York State DEC.

Section 1. Be it enacted by the **Board of Trustees** 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 2. Chapter 205. Landscaping, Article 1. Green Industry Contractors, Section 2, "Registration required; application; fees; reports to be provided; casual day laborers" shall be amended to read as follows:

- A. No person who represents himself/herself under the definitions included in § 205-1 hereinabove shall perform or provide services associated with that type of business within the Village of Tarrytown, except when such performance or work is done in compliance with the regulations set forth in this chapter.
- B. No green industry contractor shall provide or perform such services within the Village of Tarrytown unless duly registered.
- C. All green industry contractors shall complete registration forms provided by the Village Clerk. The applicant shall provide the village with proof that the applicant has the qualifications and/or the background to perform this type of work.
- D. All applications shall be submitted to the village for verification and review.
- E. An annual registration and reviewing fee, as adopted by resolution of the Board of Trustees, shall accompany the application form. Only the amount required for the reviewing process shall be nonrefundable if the applicant is not deemed acceptable to be registered in the Village of Tarrytown.[1] [Amended 5-6-1991 by L.L. No. 5-1991 *Editor's Note: Such fees are on file and available for inspection in the office of the Village Clerk during regular office hours.*
- ~~F. **All green industry contractors shall provide the village with a report, due on January 31, listing the amount of pesticides and herbicides used by that contractor in the Village of Tarrytown during the previous calendar year.**~~
- ~~G.~~ F. Residents of the Village of Tarrytown who fall under the definition of "green industry contractors" under § 205-1 under the age of 18 years old or over the age of 60 years old or classified as handicapped or those persons who by law or custom, are considered to be casual day laborers whose work is limited to the cutting of grass, the trimming of shrubs or the raking and bagging of leaves or other light yard work of a similar nature shall be exempt from the requirements of Subsection E hereinabove, provided that they perform these types of services as individuals.



Section 3: Supersession of other laws.

All laws, ordinances, rules and regulations of the Village are modified and superseded by this article with respect to their application to parking and enforcement.

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.

Kathy Deufemia

From: Richard Slingerland
Sent: Tuesday, July 30, 2019 2:16 PM
To: Kathy Deufemia; Joshua Ringel
Cc: Dan Pennella
Subject: Fwd: Toll Brothers - Request for Board of Trustees 8 14 2019 Agenda
Attachments: Toll Brothers Letter.pdf; ATT00001.htm

For the August 14 Work Session.

Sent from my iPhone

Begin forwarded message:

From: "Gray, Jennifer L." <JGray@kblaw.com>
To: "Richard Slingerland" <rslingerland@tarrytowngov.com>
Cc: "Kathy Zalantis" <zalantis@szlawfirm.net>, "Dan Pennella" <DPennella@tarrytowngov.com>, "Greg Otis" <gotis@tollbrothers.com>
Subject: Toll Brothers - Request for Board of Trustees 8 14 2019 Agenda

Hi Rich,

As a follow up to your meeting with Greg Otis in July, attached please find a letter submitted on behalf of Toll Brothers seeking to be placed on the August 14, 2019 work session agenda of the Board of Trustees regarding the following:

1. Acceptance of the 3 remaining Open Space Parcels of the Wilson Park Subdivision
2. Authorizing you to execute the proposed Lot 10 Trail & Access Easement

One hard copy of the attached letter and exhibits are being overnighted to your office. If you need additional hard copies, please let me know and we'd be happy to provide.

Thank you,
Jennifer

Jennifer L. Gray
Member



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JENNIFER L. GRAY
Member
jgray@kblaw.com
Also Admitted in CT

July 30, 2019

VIA EMAIL (RSLINGERLAND@TARRYTOWNGOV.COM)
AND OVERNIGHT COURIER

Mr. Richard Slingerland
Tarrytown Village Administrator
One Depot Plaza
Tarrytown, New York 10591

Re: Toll Brothers, Inc.
Wilson Park, Tarrytown

Dear Mr. Slingerland:

Toll Brothers, Inc. ("Toll") requests that the Board of Trustees accept the remaining Open Space Parcels at Wilson Park and authorize you to execute the Lot 10 Trail & Access Easement. Specifically, Toll requests that the following items be placed on the agenda of the Board of Trustees for its work session meeting on August 14, 2019:

1. Offer of Dedication for Open Space Parcels – Toll requests that the Board of Trustees accept its offer of dedication for Open Space Parcels A, B and C. An annotated and color-coded copy of the Offer of Dedication, dated May 23, 2014, is enclosed herein at **Exhibit A**. A proposed Deed is enclosed herein at **Exhibit B**.

By way background, since the Offer of Dedication was originally submitted to the Board of Trustees in 2014 the following actions have occurred relevant to the Offer of Dedication: 1) Board of Trustees indicated it is not interested in accepting dedication of the Wilson Park Drive Roadbed and instead it was discussed that the Village would be responsible for snow and ice removal as set forth in a Roadway and Utility Easement; and 2) the Board of Trustees accepted dedication of Open Space Parcel D (soccer field) in March 2016 and that deed was recorded in May 2016. Upon acceptance of the Open Space Parcels, the Wilson Park Homeowner's Association will remain responsible for the maintenance of the stormwater infrastructure located on Open Space Parcels A and B. HOA access to such Open Space Parcels is in place through recorded easements located between Lots 7 and 8 and between Lots 12 and 13. Additionally, the proposed Lot 10 Trail & Access Easement (see below)

Mr. Richard Slingerland
July 30, 2019
Page 2

includes Village access to Open Space Parcel B. Village access to Open Space Parcel A can be accomplished from Tower Hill Road.


2. Lot 10 Trail & Access Easement – The easement has been revised as per comments from Village staff and the Village Attorney. The proposed Lot 10 Trail & Access Easement is enclosed herein as **Exhibit C**.

The following items remain outstanding, although documents to accomplish same were previously submitted to Village staff and the Village Attorney for review. Toll understands that Village staff and the Village Attorney will recommend action on these items when plans for a gate at the end of the driveway for Lot 1 and Lot 2, as per the existing Access Easement by which Toll granted limited access to the Village over the Lot 1 and Lot 2 driveway, is complete in a manner that is mutually satisfactory to Toll and the Village.

1. Offer of Dedication for Sewer and Water Infrastructure – The public water and sewer infrastructure installed by Toll is located in Wilson Park Drive, Beech Lane and Warner Lane.
2. Roadway and Utility Easement – This document grants the Village an easement over Wilson Park Drive for snow and ice removal, and for access to the water and sewer infrastructure for maintenance purposes.
3. Supplemental Lot 2 Access Easement – Pursuant to the Lot 2 Site Plan Approval, this easement is offered by Toll over the additional area of the existing driveway leading to the soccer field which area was not included in the Lot 2 access easement conveyed to the Village in 2012.

If you need any further information, please let me know. We thank the Board of Trustees for its consideration.

Very truly yours,


Jennifer L. Gray

JLG/sb
Encls.

cc: Katherine Zalantis, Esq., Village Attorney (via email – zalantis@szlawfirm.net)
Dan Pennella, Building Inspector (via email – dpennella@tarrytowngov.com)
Toll Brothers, Inc. (via email – gotis@tollbrothers.com)

EXHIBIT A

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THIS OFFER OF DEDICATION made the 23rd day of May, 2014 between TOLL LAND V LIMITED PARTNERSHIP, a New York limited partnership, having a business address at 250 Gibraltar Road, Horsham, Pennsylvania 19044, as party of the first part, and the VILLAGE OF TARRYTOWN, a municipal corporation having its principal offices and place of business in the Village Hall, One Depot Plaza, Tarrytown, New York 10591.

WITNESSETH, that the party of the first part, in consideration of One (\$1.00) Dollar and other good and valuable consideration paid by the party of the second part, does offer to dedicate unto the party of the second part, for purposes of maintaining open space, in fee simple, subject to an easement in favor of the party of the first part, its successors and assigns, for the purpose of maintaining drainage facilities, the following four (4) parcels:

OPEN SPACE PARCEL A: All that certain lot, plot and parcel of land contained, situate, lying and being in the Village of Tarrytown, Town of Greenburgh, County of Westchester and State of New York, identified as Open Space Parcel A on Sheet 4 of 4, Subdivision Map prepared for Toll Land V Limited Partnership in the Village of Tarrytown, Town of Greenburgh, Westchester County, N.Y., filed in the Office of the Clerk of the County of Westchester, Division of Land Records as Map No. 28452, annexed hereto as Schedule A and made a part hereof.

OPEN SPACE PARCEL B: All that certain lot, plot and parcel of land contained, situate, lying and being in the Village of Tarrytown, Town of Greenburgh, County of Westchester and State of New York, identified as Open Space Parcel A on Sheet 3 of 4, Subdivision Map prepared for Toll Land V Limited Partnership in the Village of Tarrytown, Town of Greenburgh, Westchester County, N.Y., filed in the Office of the Clerk of the County of Westchester, Division of Land Records as Map No. 28452, annexed hereto as Schedule A and made a part hereof.

OPEN SPACE PARCEL C: All that certain lot, plot and parcel of land contained, situate, lying and being in the Village of Tarrytown, Town of Greenburgh, County of Westchester and State of New York, identified as Open Space Parcel A on Sheet 3 of 4, Subdivision Map prepared for Toll Land V Limited Partnership in the Village of Tarrytown, Town of Greenburgh, Westchester County, N.Y., filed in the Office of the Clerk of the County of Westchester, Division of Land Records as Map No. 28452, annexed hereto as Schedule A and made a part hereof.

9

OPEN SPACE PARCEL D: All that certain lot, plot and parcel of land contained, situate, lying and being in the Village of Tarrytown, Town of Greenburgh, County of Westchester and State of New York, identified as Open Space Parcel A on Sheet 2 of 4, Subdivision Map prepared for Toll Land V Limited Partnership in the Village of Tarrytown, Town of Greenburgh, Westchester County, N.Y., filed in the Office of the Clerk of the County of Westchester, Division of Land Records as Map No. 28452, annexed hereto as Schedule A and made a part hereof.

→ March 2016
BOT accepted
dedic. of Parcel D
(sorcerer field).
Deed recorded
5/16/16
#552863428

WITNESSETH, that the party of the first part, in consideration of One (\$1.00) Dollar and other good and valuable consideration paid by the party of the second part, does offer to dedicate unto the party of the second part, for highway purposes, in fee simple, that portion of Wilson Park Drive contained, situate, lying and being in the Village of Tarrytown, Town of Greenburgh, County of Westchester and State of New York, identified as Wilson Park Drive on Sheet 3 of 4 and Sheet 4 of 4, Subdivision Map prepared for Toll Land V Limited Partnership in the Village of Tarrytown, Town of Greenburgh, Westchester County, N.Y., filed in the Office of the Clerk of the County of Westchester, Division of Land Records as Map No. 28452, annexed hereto as Schedule A and made a part hereof, but not including that portion of Wilson Park Drive shown on Sheet 1 of 4 of said Subdivision Map, annexed hereto as Schedule A.

The within offer of dedication shall be irrevocable and shall run with the land and may be accepted by the Village of Tarrytown recording same in the Office of the Clerk of the County of Westchester, Division of Land Records, or recording a certified resolution accepting the within offer, or upon the delivery to and acceptance by the said Village of a good and sufficient deed conveying the four (4) parcels and that portion of Wilson Park Drive described above, by the party of the first part to the party of the second part, subject to an easement over the four (4) parcels in favor of the party of the first part, its successors and assigns, for the purpose of maintaining drainage facilities.

The property affected by this instrument is presently known on the Tax Map of the Town of Greenburgh as follows:

Open Space Parcel A	1.10-1-30.16.A
Open Space Parcel B	1.10-1-30.17.B
Open Space Parcel C	1.10-1-30.18.C
Open Space Parcel D	1.50-20-60.20.D
Wilson Park Drive	1.10-1-30.15

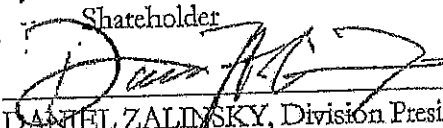
9

In Witness Whereof, the party of the first part has duly executed this Offer of Dedication the day and year first above set forth.

TOLL LAND V LIMITED PARTNERSHIP

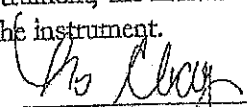
By: TOLL PEPPERTREE, INC.
General Partner

By: TOLL BROTHERS, INC.
Shareholder


DANIEL ZALINSKY, Division President

STATE OF NEW YORK)
)SS:
COUNTY OF DUTCHESS)

On the 23 day of May, in the year 2014 before me, the undersigned, personally appeared DANIEL ZALINSKY, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.



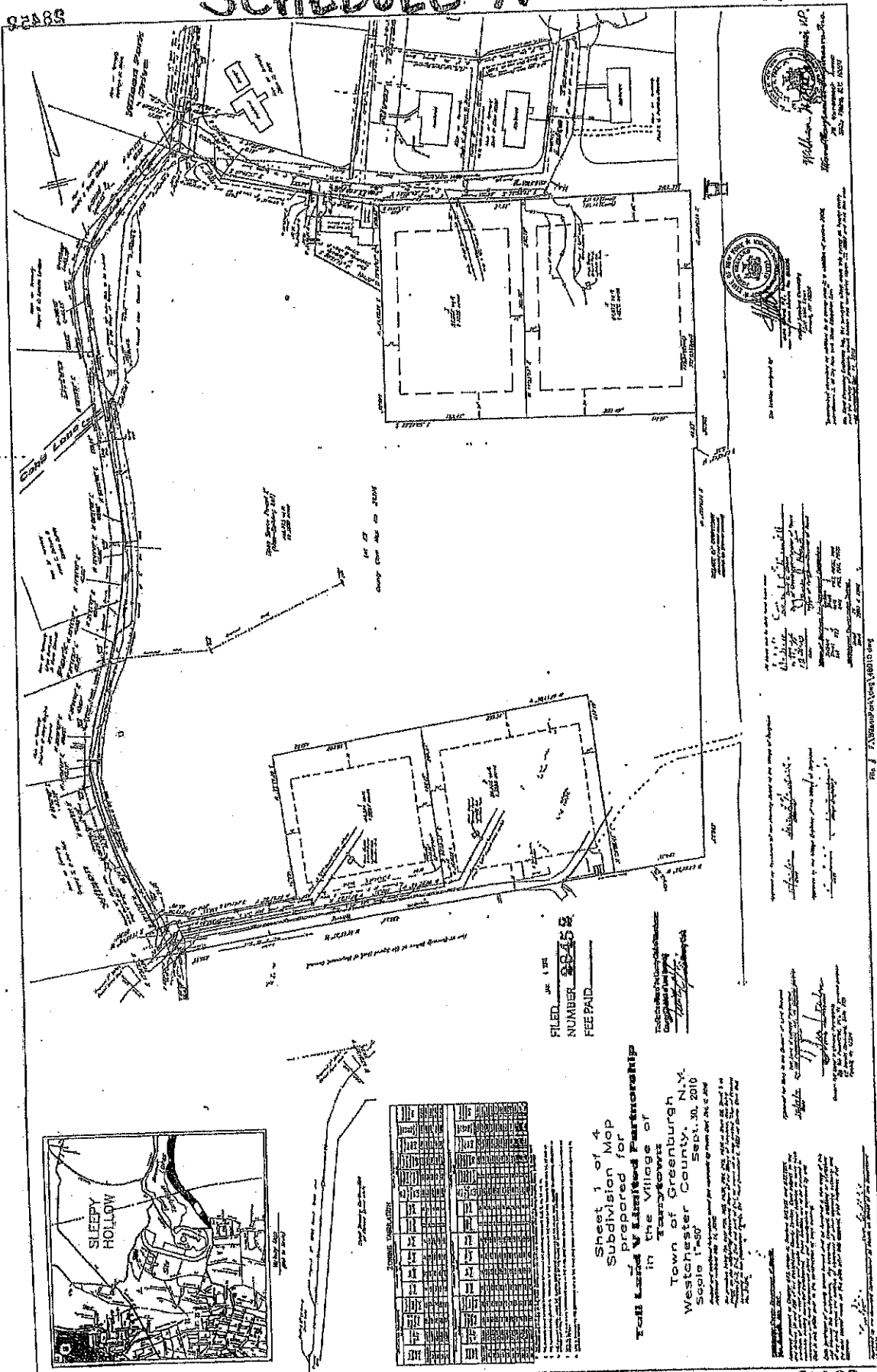
Signature and Office of individual taking acknowledgement

LISA A. CLEARY
Notary Public, State of New York
No. 01CL5082386
Qualified in Dutchess County
Commission Expires 07-28-2017

SCHEDULE A

58453

58453



Lot	Area (Ac.)	Owner
1	0.15	Toll Road V Limited Partnership
2	0.15	Toll Road V Limited Partnership
3	0.15	Toll Road V Limited Partnership
4	0.15	Toll Road V Limited Partnership
5	0.15	Toll Road V Limited Partnership
6	0.15	Toll Road V Limited Partnership
7	0.15	Toll Road V Limited Partnership
8	0.15	Toll Road V Limited Partnership
9	0.15	Toll Road V Limited Partnership
10	0.15	Toll Road V Limited Partnership
11	0.15	Toll Road V Limited Partnership
12	0.15	Toll Road V Limited Partnership
13	0.15	Toll Road V Limited Partnership
14	0.15	Toll Road V Limited Partnership
15	0.15	Toll Road V Limited Partnership
16	0.15	Toll Road V Limited Partnership
17	0.15	Toll Road V Limited Partnership
18	0.15	Toll Road V Limited Partnership
19	0.15	Toll Road V Limited Partnership
20	0.15	Toll Road V Limited Partnership
21	0.15	Toll Road V Limited Partnership
22	0.15	Toll Road V Limited Partnership
23	0.15	Toll Road V Limited Partnership
24	0.15	Toll Road V Limited Partnership
25	0.15	Toll Road V Limited Partnership
26	0.15	Toll Road V Limited Partnership
27	0.15	Toll Road V Limited Partnership
28	0.15	Toll Road V Limited Partnership
29	0.15	Toll Road V Limited Partnership
30	0.15	Toll Road V Limited Partnership
31	0.15	Toll Road V Limited Partnership
32	0.15	Toll Road V Limited Partnership
33	0.15	Toll Road V Limited Partnership
34	0.15	Toll Road V Limited Partnership
35	0.15	Toll Road V Limited Partnership
36	0.15	Toll Road V Limited Partnership
37	0.15	Toll Road V Limited Partnership
38	0.15	Toll Road V Limited Partnership
39	0.15	Toll Road V Limited Partnership
40	0.15	Toll Road V Limited Partnership
41	0.15	Toll Road V Limited Partnership
42	0.15	Toll Road V Limited Partnership
43	0.15	Toll Road V Limited Partnership
44	0.15	Toll Road V Limited Partnership
45	0.15	Toll Road V Limited Partnership
46	0.15	Toll Road V Limited Partnership
47	0.15	Toll Road V Limited Partnership
48	0.15	Toll Road V Limited Partnership
49	0.15	Toll Road V Limited Partnership
50	0.15	Toll Road V Limited Partnership

58453

58453

9

50 40 30

50 40 30



1. The property is situated in the village of Sleepy Hollow, Westchester County, New York, and is bounded by the railroad on the north and east, and by the property of the Sleepy Hollow Golf and Country Club on the south and west.

2. The property is situated in the village of Sleepy Hollow, Westchester County, New York, and is bounded by the railroad on the north and east, and by the property of the Sleepy Hollow Golf and Country Club on the south and west.

3. The property is situated in the village of Sleepy Hollow, Westchester County, New York, and is bounded by the railroad on the north and east, and by the property of the Sleepy Hollow Golf and Country Club on the south and west.

4. The property is situated in the village of Sleepy Hollow, Westchester County, New York, and is bounded by the railroad on the north and east, and by the property of the Sleepy Hollow Golf and Country Club on the south and west.

5. The property is situated in the village of Sleepy Hollow, Westchester County, New York, and is bounded by the railroad on the north and east, and by the property of the Sleepy Hollow Golf and Country Club on the south and west.
6. The property is situated in the village of Sleepy Hollow, Westchester County, New York, and is bounded by the railroad on the north and east, and by the property of the Sleepy Hollow Golf and Country Club on the south and west.
7. The property is situated in the village of Sleepy Hollow, Westchester County, New York, and is bounded by the railroad on the north and east, and by the property of the Sleepy Hollow Golf and Country Club on the south and west.
8. The property is situated in the village of Sleepy Hollow, Westchester County, New York, and is bounded by the railroad on the north and east, and by the property of the Sleepy Hollow Golf and Country Club on the south and west.
9. The property is situated in the village of Sleepy Hollow, Westchester County, New York, and is bounded by the railroad on the north and east, and by the property of the Sleepy Hollow Golf and Country Club on the south and west.
10. The property is situated in the village of Sleepy Hollow, Westchester County, New York, and is bounded by the railroad on the north and east, and by the property of the Sleepy Hollow Golf and Country Club on the south and west.
11. The property is situated in the village of Sleepy Hollow, Westchester County, New York, and is bounded by the railroad on the north and east, and by the property of the Sleepy Hollow Golf and Country Club on the south and west.
12. The property is situated in the village of Sleepy Hollow, Westchester County, New York, and is bounded by the railroad on the north and east, and by the property of the Sleepy Hollow Golf and Country Club on the south and west.
13. The property is situated in the village of Sleepy Hollow, Westchester County, New York, and is bounded by the railroad on the north and east, and by the property of the Sleepy Hollow Golf and Country Club on the south and west.
14. The property is situated in the village of Sleepy Hollow, Westchester County, New York, and is bounded by the railroad on the north and east, and by the property of the Sleepy Hollow Golf and Country Club on the south and west.
15. The property is situated in the village of Sleepy Hollow, Westchester County, New York, and is bounded by the railroad on the north and east, and by the property of the Sleepy Hollow Golf and Country Club on the south and west.
16. The property is situated in the village of Sleepy Hollow, Westchester County, New York, and is bounded by the railroad on the north and east, and by the property of the Sleepy Hollow Golf and Country Club on the south and west.
17. The property is situated in the village of Sleepy Hollow, Westchester County, New York, and is bounded by the railroad on the north and east, and by the property of the Sleepy Hollow Golf and Country Club on the south and west.
18. The property is situated in the village of Sleepy Hollow, Westchester County, New York, and is bounded by the railroad on the north and east, and by the property of the Sleepy Hollow Golf and Country Club on the south and west.
19. The property is situated in the village of Sleepy Hollow, Westchester County, New York, and is bounded by the railroad on the north and east, and by the property of the Sleepy Hollow Golf and Country Club on the south and west.
20. The property is situated in the village of Sleepy Hollow, Westchester County, New York, and is bounded by the railroad on the north and east, and by the property of the Sleepy Hollow Golf and Country Club on the south and west.

FILED 2010
NUMBER 28452
FEE PAID 10

TABLE

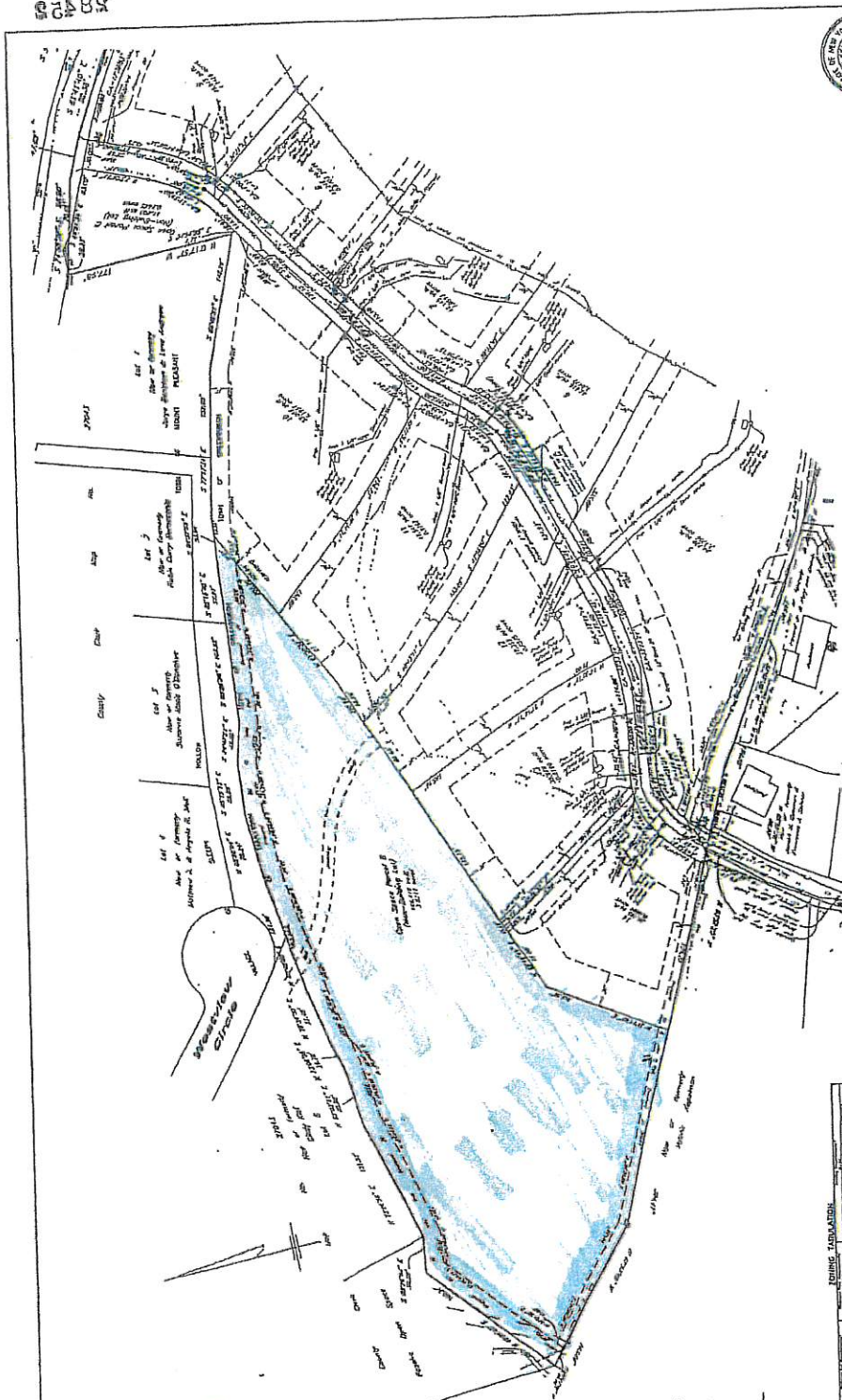
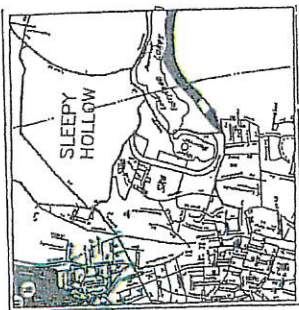
Lot	Area	Owner	Remarks
1	1.00	John Doe	1.00
2	1.00	John Doe	1.00
3	1.00	John Doe	1.00
4	1.00	John Doe	1.00
5	1.00	John Doe	1.00
6	1.00	John Doe	1.00
7	1.00	John Doe	1.00
8	1.00	John Doe	1.00
9	1.00	John Doe	1.00
10	1.00	John Doe	1.00
11	1.00	John Doe	1.00
12	1.00	John Doe	1.00
13	1.00	John Doe	1.00
14	1.00	John Doe	1.00
15	1.00	John Doe	1.00
16	1.00	John Doe	1.00
17	1.00	John Doe	1.00
18	1.00	John Doe	1.00
19	1.00	John Doe	1.00
20	1.00	John Doe	1.00

Sheet 2 of 4
Subdivision Map
Prepared for
Toll Land Limited Partnership
in the Village of
Tarrytown
Town of Greenburgh
Westchester County, N.Y.
Scale 1"=50'
Sept. 30, 2010



William J. Smith
Surveyor
No. 1234
State of New York

05 03 04 10 05



FILED IN 138
NUMBER 28452
FEE PAID 19

Filed in the Office of the County Clerk of Westchester County, New York, for the purpose of recording the same.

Witness my hand and the seal of the County of Westchester, New York, this 19th day of September, 2010.

Notary Public for the County of Westchester, New York.
[Signature]
[Seal]

Lot	Area	Owner	Remarks
1	0.12	John Doe	
2	0.15	Jane Smith	
3	0.18	Bob Johnson	
4	0.20	Alice Brown	
5	0.22	Charlie White	
6	0.25	Diana Green	
7	0.28	Frank Black	
8	0.30	Grace Grey	
9	0.32	Henry Blue	
10	0.35	Ivy Red	
11	0.38	Jack Purple	
12	0.40	Karen Yellow	
13	0.42	Leo Orange	
14	0.45	Mia Pink	
15	0.48	Noah Silver	
16	0.50	Olivia Gold	
17	0.52	Peter Bronze	
18	0.55	Quinn Copper	
19	0.58	Rachel Iron	
20	0.60	Sam Tin	
21	0.62	Tina Lead	
22	0.65	Uma Zinc	
23	0.68	Victor Nickel	
24	0.70	Wendy Cobalt	
25	0.72	Xavier Manganese	
26	0.75	Yara Silicon	
27	0.78	Zoe Sulfur	
28	0.80	Adam Selenium	
29	0.82	Bella Tellurium	
30	0.85	Carl Bismuth	
31	0.88	Dora Antimony	
32	0.90	Ethan Arsenic	
33	0.92	Fiona Vanadium	
34	0.95	Gavin Niobium	
35	0.98	Helen Molybdenum	
36	1.00	Ian Rhenium	
37	1.02	Jane Ruthenium	
38	1.05	John Rhodium	
39	1.08	Karen Palladium	
40	1.10	Leo Silver	
41	1.12	Mia Gold	
42	1.15	Noah Platinum	
43	1.18	Olivia Iridium	
44	1.20	Peter Osmium	
45	1.22	Quinn Rhenium	
46	1.25	Rachel Ruthenium	
47	1.28	Sam Rhodium	
48	1.30	Tina Palladium	
49	1.32	Uma Silver	
50	1.35	Victor Gold	
51	1.38	Wendy Platinum	
52	1.40	Xavier Iridium	
53	1.42	Yara Osmium	
54	1.45	Zoe Rhenium	
55	1.48	Adam Ruthenium	
56	1.50	Bella Rhodium	
57	1.52	Carl Palladium	
58	1.55	Dora Silver	
59	1.58	Ethan Gold	
60	1.60	Fiona Platinum	
61	1.62	Gavin Iridium	
62	1.65	Helen Osmium	
63	1.68	Ian Rhenium	
64	1.70	Jane Ruthenium	
65	1.72	John Rhodium	
66	1.75	Karen Palladium	
67	1.78	Leo Silver	
68	1.80	Mia Gold	
69	1.82	Noah Platinum	
70	1.85	Olivia Iridium	
71	1.88	Peter Osmium	
72	1.90	Quinn Rhenium	
73	1.92	Rachel Ruthenium	
74	1.95	Sam Rhodium	
75	1.98	Tina Palladium	
76	2.00	Uma Silver	
77	2.02	Victor Gold	
78	2.05	Wendy Platinum	
79	2.08	Xavier Iridium	
80	2.10	Yara Osmium	
81	2.12	Zoe Rhenium	
82	2.15	Adam Ruthenium	
83	2.18	Bella Rhodium	
84	2.20	Carl Palladium	
85	2.22	Dora Silver	
86	2.25	Ethan Gold	
87	2.28	Fiona Platinum	
88	2.30	Gavin Iridium	
89	2.32	Helen Osmium	
90	2.35	Ian Rhenium	
91	2.38	Jane Ruthenium	
92	2.40	John Rhodium	
93	2.42	Karen Palladium	
94	2.45	Leo Silver	
95	2.48	Mia Gold	
96	2.50	Noah Platinum	
97	2.52	Olivia Iridium	
98	2.55	Peter Osmium	
99	2.58	Quinn Rhenium	
100	2.60	Rachel Ruthenium	

Sheet 3 of 4
Subdivision Map
Prepared for
Toll Land V Limited Partnership
in the Village of
Tarrytown
Town of Greenburgh, N.Y.
Westchester County, N.Y.
Scale 1" = 50'
Sept. 30, 2010

Approved by the Board of Supervisors of the Town of Greenburgh, New York, on September 15, 2010.

Notary Public for the County of Westchester, New York.
[Signature]
[Seal]

The 1st of September, 2010

Job # 40420-1070

6



EXHIBIT B

9
BARGAIN AND SALE DEED WITH COVENANT AGAINST GRANTOR'S ACTS
(INDIVIDUAL OR CORPORATION) FORM 8007

CAUTION: THIS AGREEMENT SHOULD BE PREPARED BY AN ATTORNEY AND REVIEWED BY ATTORNEYS FOR
SELLER AND PURCHASER BEFORE SIGNING.

THIS INDENTURE, made this ____ day of _____, 2019,

between

TOLL LAND V LIMITED PARTNERSHIP, a New York limited partnership, having an address of
250 Gibraltar Road, Horsham, Pennsylvania 19044

party of the first part, and

VILLAGE OF TARRYTOWN, a municipal corporation, having an address of Village Hall, One Depot
Plaza, Tarrytown, NY 10591

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and No Cents
(\$10.00), lawful money of the United States, paid by the party of the second part, does hereby grant and
release unto the party of the second part, the heirs or successors and assigns of the party of the second
part forever;

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon
erected, situate, lying and being in the Village of Tarrytown, Town of Greenburgh, County of Westchester
and State of New York, being more particularly described in Schedule "A" annexed hereto and made a
part hereof.

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in
and to said premises,

SUBJECT TO a non-exclusive easement and right-of-way to the Westchester Estates at Wilson
Park Homeowners Association, Inc. upon, over, under and across the premises herein granted for the
purpose of ingress and egress to and from the stormwater facilities located on the premises herein granted
for maintenance and repair of such facilities.

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the
heirs or successors and assigns of the party of the second part forever.

AND the party of the first part, covenants that the party of the first part has not done or suffered
anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the
party of the first part will receive the consideration for this conveyance and will hold the right to receive
such consideration as a trust fund to be applied first for the purpose of paying the cost of the
improvement and will apply the same first to the payment of the cost of the improvement before using
any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so
requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year
first above written.

TOLL LAND V LIMITED PARTNERSHIP

By: TOLL PEPPERTREE, INC.

General Partner

By: TOLL BROTHERS, INC.

Shareholder

JAMES FITZPATRICK, Division President

STATE OF CONNECTICUT)
) ss:
COUNTY OF FAIRFIELD)

On the _____ day of _____, 2019, before me, the undersigned, personally appeared JAMES FITZPATRICK, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

(signature and office of individual taking acknowledgment)

Deed

Title No. n/a

TOLL LAND V LIMITED PARTNERSHIP

To

VILLAGE OF TARRYTOWN

Section: 1.10
Block: 1
Lot(s): 30.16A
30.17B
30.18C

Town/City: Greenburgh

Return By Mail To:

Katherine Zalanis, Esq.
Silverberg Zalanis LLP
220 White Plains Road
Tarrytown, New York 10591

Reserve This Space For Use Of Recording Office:

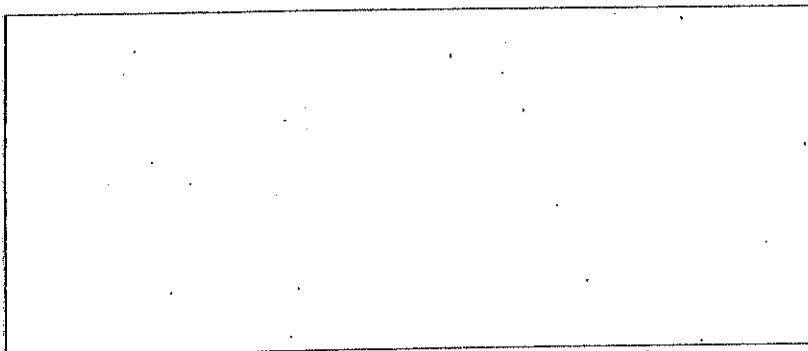


EXHIBIT C

TRAIL & ACCESS EASEMENT AGREEMENT

AGREEMENT' (this "Agreement") made as of this ____ day of _____, 2019, between TOLL LAND V LIMITED PARTNERSHIP, a New York limited partnership having an address at 42 Old Ridgebury Road, 2nd Floor, Danbury, Connecticut 06810, hereinafter referred to as "Grantor" and the VILLAGE OF TARRYTOWN, a municipal corporation, with its offices located at 1 Depot Plaza, Tarrytown, New York 10591, hereinafter referred to as "Grantee" or the "Village."

WITNESSETH:

WHEREAS, Grantor is the owner in fee simple of certain real property situate, lying and being in the Village of Tarrytown, Town of Greenburgh, County of Westchester and State of New York designated as Lot 10 as shown on the "*Subdivision Map prepared for Toll Land VI Limited Partnership in the Village of Tarrytown, Town of Greenburgh, Westchester County, N.Y.*", prepared by Ward Carpenter Engineers, Inc. and recorded in the Office of the Westchester County Clerk on January 4, 2011 as Map No. 28452 ("Subdivision Map") and more particularly described on Schedule A annexed hereto and made a part hereof ("Lot 10"); and

WHEREAS, Grantor desires to provide a trail easement over Lot 10 pursuant to the Subdivision Map for the benefit of the Village.

NOW, THEREFORE, these covenants, restrictions and easements are set forth herein and Declarant, for itself and its successors and assigns, does hereby subject Lot 10 to these covenants, easements and restrictions set forth herein, all of which shall run with the land, be binding upon and inuring to the benefit of all parties, now or in the future, having any property interest in Lot 10 or any part thereof.

1. **EASEMENT:** Grantor hereby grants to the Village a perpetual pedestrian trail easement over, across and upon a portion of Lot 10, which trail easement area is more fully described at Schedule B annexed hereto and made a part hereof ("Trail Easement Area") which shall be open to (1) the public for general pedestrian purposes for use by the general public, and (2) the Village for pedestrian and vehicular access to Open Space Parcel B (identified on the Tax Map of the Town of Greenburgh as 1.10-1-30.17.B) for maintenance purposes.

2. **MAINTENANCE:** The Village shall maintain and repair, at its sole cost and expense, the Trail Easement Area, including the landscape plantings located therein, in good condition and repair at all times. The Village shall have the right to enter upon the Trail Easement Area with workmen, equipment, and construction components, for the

purpose of maintaining, clearing, repairing, and/or replacing the trail and maintaining the landscape plantings, all at the sole cost of the Village. The Village shall indemnify and hold the owner of Lot 10 harmless from all claims arising by reason of said work, including reasonable attorney's fees and costs which may be incurred in defense thereof.

3. INDEMNIFICATION: Except to the extent caused by the negligence or willful misconduct of the owner of Lot 10, the Village shall defend, indemnify, protect, and hold the owner of Lot 10 harmless from and against any and all claims, actions suits, damages, liabilities, costs, and expenses, arising out of or in connection with use by the Village and/or the public of the Trail Easement Area hereby declared and granted, including reasonable attorney's fees and costs which may be incurred in defense thereof.

4. WAIVER OF RESPONSIBILITY: Except to the extent caused by the negligence or willful misconduct of the owner of Lot 10, the Village releases, waives and discharges the owner of Lot 10 from all liability to the Village, and for any and all losses or damages arising out of or in connection with use of the Trail Easement Area hereby declared and granted.

5. MODIFICATION: This Agreement can be modified only in writing in such form as is required to record a modification hereto in the Office of the Clerk of the County of Westchester, and signed by the owner of Lot 10 and the Village. No modification, waiver or consent with respect to this Agreement shall be binding unless it is in writing and signed by the party against whom such modification, waiver or consent is sought.

6. ENFORCEMENT: The Parties and their successors, heirs and assigns, shall have the right to enforce this Easement by any proceeding at law or in equity, against any person or persons violating or attempting to violate any provision of this Easement, to restrain said violation, to require specific performance and/or to recover damages, and to recover any legal fees incurred in connection with such proceeding. Failure to seek enforcement of any provision of this Easement herein contained shall not be deemed a waiver of the right to do so thereafter.

7. Wherever the sense of this Agreement may make it necessary or appropriate, any singular word or term used herein shall include the plural and any masculine word or terms used herein shall include the feminine.

8. The rights of way, easements, and other rights created herein shall run with the land and shall be binding upon and shall inure to the benefit of the Village and its successors, and the owner of Lot 10 and its heirs, successors and assigns.

9. This Agreement shall be governed and construed under and in accordance with the laws of the State of New York.

IN WITNESS WHEREOF, this Agreement has been executed by Grantor and the Village of Tarrytown as of the day and year first above written.

**TOLL LAND V LIMITED
PARTNERSHIP**

**By: Toll Peppertree, Inc., its general
partner**

By: _____
Name: James Fitzpatrick
Title: Division President

THE VILLAGE OF TARRYTOWN

By: _____
Name:
Title:

STATE OF CONNECTICUT)

COUNTY OF FAIRFIELD) ss.:

On the ____ day of _____, in the year 2019, before me, the undersigned, a Notary Public in and for said State, personally appeared James Fitzpatrick, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public

9

STATE OF NEW YORK)

COUNTY OF WESTCHESTER) ss.:

On the ____ day of _____, in the year 2019, before me, the undersigned, a Notary Public in and for said State, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public

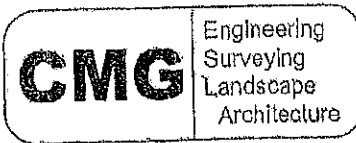
RECORD AND RETURN TO:

Village Clerk
Village of Tarrytown
1 Depot Plaza
Tarrytown, New York 10591
Attn: Carol A. Booth

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SCHEDULE A

Description of Lot 10



August 04, 2015

DESCRIPTION OF PROPERTY
LOT 10
LEGENDS AT WILSON PARK

All that certain lot or parcel of land known as Lot 10, situated in the Village of Tarrytown, Westchester County, State of New York, as shown on a plan entitled, "Subdivision map prepared for Toli Land V Limited Partnership", sheet 1 of 4, dated September 30, 2010, and filed in the Westchester County Clerk's Office, on January 4, 2011, as filed map 28452, more particularly described as follows:

Beginning at a common corner of Lots 10 and Open Space C, on the northerly side of Wilson Park Drive and running;

1. along the northerly line of Wilson Park Drive, South 55 degrees 05 minutes 35 seconds West 87.89 feet,
2. South 53 degrees 24 minutes 46 seconds West 139.10 feet, and
3. on a curve to the left having a radius of 223.00 feet, an arc length of 39.98 feet, and having a central angle of 10 degrees 16 minutes 24 seconds; thence
4. along a line common to Lot 10 and Lot 11, North 45 degrees 12 minutes 55 seconds West 124.23 feet and
5. North 39 degrees 34 minutes 21 seconds West 150.60 feet; thence
6. along a line common to Lot 10 and Open Space B, North 61 degrees 50 minutes 52 seconds East 109.06 feet; thence
7. along a line common to Lot 10 and the lands now or formerly Curry-Bernacchia and the lands now or formerly Beristain & Andreou, South 84 degrees 37 minutes 58 seconds East 19.27 feet,
8. South 77 degrees 17 minutes 34 seconds East 152.60 feet, and
9. South 66 degrees 48 minutes 21 seconds East 142.29 feet; thence
10. along a line common to Lot 10 and Open Space C, South 34 degrees 54 minutes 25 seconds East 4.71 feet to the point or place of beginning.

Containing 1.20 acres of land more or less.

Subject to a portion of a proposed 20' wide Trail Easement #2 as shown on said filed map no. 28452.
Subject to right of ways, easements and restrictions, if any.

CMG Engineering, Surveying and Landscape Architecture, P.C.
60 Merritt Blvd. Suite 100 • Fishkill, New York 12524

p: 845.897.8952 • f: 845.897.8901

SCHEDULE B

Description of Trail & Access Easement Area



Engineering
Surveying
Landscape
Architecture

June 6, 2017

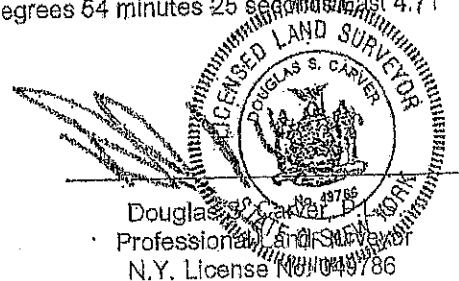
DESCRIPTION OF PROPERTY
PERMANENT VARIABLE WIDTH TRAIL EASEMENT
THROUGH LOT 10
LEGENDS AT WILSON PARK

All that certain lot or parcel of land situated in the Village of Tarrytown, Westchester County, State of New York, as shown on a plan entitled, "Subdivision map prepared for Toll Land V Limited Partnership", sheet 1 of 4, dated September 30, 2010, and filed in the Westchester County Clerk's Office, on January 4, 2011, as filed map 28452, more particularly described as follows:

Beginning at a common corner of Lots 10 and Open Space C, on the northerly side of Wilson Park Drive and running;

1. along the northerly line of Wilson Park Drive, South 55 degrees 05 minutes 35 seconds West (filed map South 55 degrees 05 minutes 48 seconds West) 20.62 feet; thence
2. over and thru Lot 10, North 66 degrees 48 minutes 22 seconds West 62.02 feet,
3. North 81 degrees 57 minutes 46 seconds West 12.94 feet,
4. North 83 degrees 45 minutes 19 seconds West 54.82 feet,
5. On an arc of a curve to the right having a radius of 32.50 feet, an arc length of 12.37 feet and a central angle of 21 degrees 47 minutes 57 seconds,
6. North 61 degrees 57 minutes 22 seconds West 72.95 feet,
7. North 77 degrees 17 minutes 34 seconds West 43.23 feet,
8. North 84 degrees 37 minutes 58 seconds West 78.00 feet and
9. North 85 degrees 16 minutes 40 seconds West 1.76 feet; thence
10. along a line common to Lot 10 and Open Space B, North 61 degrees 50 minutes 52 seconds East 36.25 feet; thence
11. over and thru Lot 10, South 84 degrees 37 minutes 58 seconds East 50.80 feet; thence
12. along a line common to Lot 10 and the lands now or formerly Curry-Bernacchia and the lands now or formerly Beristain & Andreou, South 77 degrees 17 minutes 34 seconds East 125.99 feet, and
13. South 66 degrees 48 minutes 21 seconds East 142.29 feet; thence
14. along a line common to Lot 10 and Open Space C, South 34 degrees 54 minutes 25 seconds East 4.71 feet to the point or place of beginning.

Subject to right of ways, easements and restrictions, if any.



CMG Engineering, Surveying and Landscape Architecture, P.C.
42 Old Ridgebury Road, 2nd Floor - Danbury, Connecticut 06810

p: 203.616.4951 f: 203.616.4950

General Policy

The rules & regulations of the Tarrytown Pool Complex are guidelines that are enforced to ensure the safety and well being of patrons who visit our pool complex. The complex is a public facility to be enjoyed by permit holders and their guests at their convenience, not a care/babysitting facility. Village of Tarrytown Staff reserve the right to confiscate, suspend or revoke and permit of any patron who abuses the pool facilities, abuse pool rules or abuse pool staff.

1. All persons wishing to enter the pool area, whether they plan to swim or not, must present a valid permit, and pay the appropriate entrance fee, if applicable. A maximum of 2 guests per card holder permitted per day. All guests must be accompanied by a current permit holder into the pool and/or pool area and pay the appropriate guest fee. A valid permit holder must accompany their guest(s) for the entire duration of the guest(s) stay. Guests under the age of 3 will not be charged a guest fee.
2. Any person wearing a bandage or external medication must obtain permission from the Pool Manager on duty before entering the water. No person with a skin rash or disease of any kind may enter the water without presenting a written statement from a physician. The statement needs to be given to the Pool Manager attesting to the fact that the swimming will not be harmful to the person afflicted or to others.
3. The Department reserves the right to clear the pool area during threat of electrical storms, rain or any other potentially hazardous situations. If this occurs, there will be NO refunds for guest fees or single use fees. There will be no season pass refunds or pro-rating due to rain, or air/water temperatures.
4. No solicitation, petitioning, distribution of handbills or other non-Recreation Department activities are permitted inside the pool or recreation complex.
5. Smoking, Alcoholic Beverages or Drug Use of any kind will not be tolerated. Anyone believed to be under the influence of any of the aforementioned will be asked to leave and may have their permit revoked or suspended.
6. As per New York State Sanitary Code, urinating, discharge of fecal matter, expectorating or blowing the nose in any swimming pool is prohibited.
7. The Village of Tarrytown cannot be held responsible for the loss or theft of any personal belongings.
8. Eating is not allowed on the pool deck. All food must be consumed in the designated picnic area. No glass containers are permitted in the pool or picnic area.
9. No running, pushing or "horseplay" will be allowed anywhere on the pool deck or in the pools.
10. Nose clips, earplugs, swim goggles and swim masks with no glass or metal component parts are acceptable in the pools.
11. Persons using swim vests or another swim aid must stay in the shallow end of the pool and an adult/guardian must be within arm's length of said person.

12. Toys and balls are permitted in the pool at the discretion of the pool manager on duty.
13. No pets/animals of any kind are permitted in the pool area. Exceptions: documented therapy and/or service animals.
14. Any child 11 years of age or under must be accompanied by an adult.
15. Proper bathing attire is required for all patrons.
16. Abusive or inappropriate language will not be tolerated.
17. All music cannot be played out loud (headphones are required).

Main Pool, Wading Pool and Lap Lane Regulations

1. There is no diving in any area of the pool. All jumping must be done feet first and facing forward.
2. Please be aware of pool depth markers.
3. Blankets, towels, folding chairs, strollers, baby chairs etc. may be taken to open areas around the pool and may be left no closer than five feet from any pool.
4. Pool deck chairs may only be reserved for a period no longer than 30 minutes. After such time, pool staff reserve the right to remove personal belongings and stow them away for safe keeping in staff offices.
5. The Village reserve the right to remove the lap lanes at any time.
6. Lap Lanes are for lap swimming only.
7. No swimmer is granted exclusive use of a lap lane.
8. Swimmers are not permitted to hang or hold on lap lanes or pool rope.
9. Village staff reserve the right to ask a patron to take a swim test before entering the water.
10. Wading Pool use is restricted to children age 7 and under. Children entering the wading pool must be accompanied by an adult (either in the pool, or alongside it) at all times.
11. All non-toilet trained children must wear three layers: swim diaper, rubber pants (or equivalent), and bathing suit. The child may only swim in the wading pool. For sanitary purposes, all diapers must be disposed of in the locker room receptacles, not in the pool area trash cans.

MAIN POOL COMPLEX HOURS

MONDAY THROUGH FRIDAY 12pm-8pm; SATURDAY AND SUNDAY 10am-8pm

(MAIN POOL WILL CLOSE 15 MINUTES PRIOR to 8pm)

WADING POOL HOURS

MONDAY THROUGH FRIDAY 12pm-7pm; SATURDAY AND SUNDAY 10am-7pm

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INTRODUCTORY LOCAL LAW # ____ OF 2019
A LOCAL LAW AMENDING
CHAPTER 101 OF THE TARRYTOWN VILLAGE CODE ENTITLED
BUILDINGS, MOVING OF

§ 101-1. Definitions.

For the purposes of this chapter, the following words shall have the following definitions:

BUILDING

A structure designed, built or occupied as a shelter or roofed enclosure for persons, animals or property and used for residential, business, mercantile, storage, commercial, industrial, institutional, assembly, educational or recreational purposes. A structure of the following dimensions shall not fall within this definition: a structure which is less than eight feet wide in any side horizontal dimension, and its height does not interfere with existing overhead power lines but in no case exceeds eight feet, and its weight is not greater than 2,500 pounds. This definition shall include factory-manufactured buildings.

CODE ENFORCEMENT OFFICER

The Code Enforcement Officer for the Village of Tarrytown.

PERSON

Any person, firm, partnership, association, corporation, company or organization of any kind.

VILLAGE

The Village of Tarrytown, County of Westchester, State of New York.

§ 101-2. Permit required.

No person shall move any building over, along or across any highway, street or alley in the Village of Tarrytown without first obtaining a permit from the Code Enforcement Officer, in addition to any permits required by Westchester County and the New York Department of Transportation.

§ 101-3. Permit application.

A person seeking issuance of a permit hereunder shall file an application for such permit with the Code Enforcement Officer.

A. Form. The application shall be made in writing upon forms provided by the Code Enforcement Officer and shall be filed in the office of the Code Enforcement Officer.

B. Contents. The application shall set forth:

- (1) A description of the building proposed to be moved, giving street number, construction materials, dimensions, number of rooms and condition of exterior and interior.
- (2) A legal description of the lot from which the building is to be moved, giving the lot and block number if located in the village.
- (3) A legal description of the lot to which it is proposed such building be removed, giving the lot and block number if located in the village.
- (4) The portion of the lot to be occupied by the building when moved.
- (5) The proposed moving date and hour.
- (6) Complete names and addresses of all persons involved in such moving and a complete list of all telephone numbers where all such persons can be contacted 24 hours of the day for the entire period of the moving in the Village of Tarrytown.

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- (7) Any additional information which the Code Enforcement Officer shall find necessary to a fair determination of whether a permit should issue.

C. Accompanying papers.

- (1) Tax certificate. The owner of the building to be moved shall file with the application sufficient evidence that all taxes and any village charges against the same are paid in full.
- (2) Certificate of ownership and entitlement. The applicant, if other than the owner, shall file with the application a written statement or bill of sale signed by the owner or other sufficient evidence that he is entitled to move the building.
- (3) Disconnecting utilities. The applicant shall submit evidence that all utility services, including water, gas, electricity and sewer, have been disconnected.

D. Fee. The application shall be accompanied by a permit fee as adopted by resolution of the Board of Trustees.^[1]

§ 101-4. Deposit.

Upon receipt of an application, it shall be the duty of the Code Enforcement Officer to procure from the Village Department of Public Works an estimate of the expense that will be incurred in removing and replacing any electric wires, street lamps, sewer lines or pole lines belonging to the village or any other property of the village, the removal and replacement of which will be required by reason of the moving of the building through the village, together with the cost of materials necessary to be used in making such removals and replacements. Prior to issuance of the permit, the Code Enforcement Officer shall require of the applicant a deposit of a sum of money equal to the amount of the estimated expense.

§ 101-5. Insurance requirements.

An application hereunder shall be accompanied by an insurance policy issued by an insurance company authorized to do business in the State of New York, and in form approved by the Village Attorney, providing personal and property liability coverage in the respective amounts as follows: for property damage, \$1,000,000 per individual and \$1,000,000 per occurrence; and for personal injury, \$1,000,000 per individual and \$1,000,000 per occurrence. Said policy shall name the Village of Tarrytown as a coinsured along with the applicant and provide indemnification of the village against any claim, alleged or otherwise, of damages to persons or private property arising out of, caused by or incidental to the moving of any building over, across or along any street of the village.

§ 101-6. Duties of Code Enforcement Officer.

A. Fees and deposits.

- (1) Deposit. The Code Enforcement Officer shall deposit all fees and deposits with the Village Treasurer.
- (2) Return upon allowance for expense. After the building has been removed, the Code Enforcement Officer shall furnish the Board of Trustees with a written statement of all expenses incurred in removing and replacing all property belonging to the village and of all material used in the making of the removal and replacement, together with a statement of all damage caused to or inflicted upon property belonging to the village. The Board of Trustees shall authorize the Code Enforcement Officer to return to the applicant all deposits after the Village Treasurer deducts the sum sufficient to pay for all the costs and expenses and for all damage done to property of the village by reason of the removal of the building. Permit fees deposited with the application shall not be returned.

B. Designate streets for removal. The Code Enforcement Officer shall procure from the Village Department of Public Works a list of designated streets over which the building may be moved. The Code Enforcement Officer shall have the list approved by the Chief of Police and Fire Chief and shall reproduce the list upon the permit in writing. In making their determinations, the Village

Department of Public Works, the Chief of Police and the Fire Chief shall act to assure maximum safety to persons and property in the village and to minimize congestion and traffic hazards on public streets.

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- C. Trees and damage to the village. Upon completion of the application to the Code Enforcement Officer, he will, with the ~~General Foreman~~ Superintendent of Public Works or their designee, and a qualified tree surgeon, inspect the route as designated to ascertain the extent of the damage, if any, to the trees or any other public damage to property along said route, and if the Code Enforcement Officer, in his discretion, finds that there will be or could be an excessive or undue amount of damage, he is hereby empowered to deny the application. The applicant may then take the matter to the Board of Trustees of the Village of Tarrytown for further consideration. If there are parts of a tree to be removed or any damage occurs to any tree, then the removal must be done by a qualified tree surgeon, and any damage must be corrected and properly treated by a qualified tree surgeon. The cost of said tree surgeon for the inspection, removal and treatment must be paid for by the applicant.

§ 101-7. Duties of permittee.

Every permittee under this chapter shall:

- A. Use designated streets: move a building only over streets designated for such use in the written permit.
- B. Notification of revised moving time: notify the Code Enforcement Officer, in writing, of a desired change in moving date and hours as proposed in the application.
- C. Notification of damage: notify the Code Enforcement Officer, in writing, of any and all damage done to property belonging to the village within 24 hours after the damage or injury has occurred.
- D. Display lights: cause red lights to be displayed during the nighttime on every side of the building while standing on a street, in such a manner as to warn the public of the obstruction, and shall at all times erect and maintain barricades across the streets in such a manner as to protect the public from damage or injury by reason of the removal of the building; and before a building shall be permitted to stand on any street, approval of the location shall be secured from the Chiefs of the Police and Fire Departments of the village. However, no building shall remain on any street in the Village of Tarrytown unless and until it has the specific approval to so remain by the Chief of Police and Fire Chief, and the applicant must be notified and receive the approval by said Chiefs on or before 2:00 p.m. of the night on which the applicant is going to leave the building standing on the street. Should permission not be granted, in writing, from said Chiefs and the applicant does leave said building on the streets, then the village shall have the right to immediately take the necessary steps to remove the building, and all costs, charges and fees incurred thereby shall be chargeable to the applicant.
- E. Street occupancy period: remove the building from the village streets after two days of such occupancy unless an extension is granted by the Board of Trustees.
- F. Compliance with governing law: comply with Chapter 97, Building Construction, and Chapter 305, Zoning, and all other applicable ordinances and laws upon relocating the building in the village.
- G. Clearing old premises: remove all rubbish and materials and fill all excavations to existing grade at the original building site so that the premises are left in a safe and sanitary condition; provided, however, that before the excavation is filled, the cellar bottom shall be removed and all cesspools, septic tanks and cisterns shall be properly filled.

§ 101-8. Enforcement.

- A. Enforcing officers. The Code Enforcement Officer and the Police Department shall enforce and carry out all the requirements of this chapter.

- //
- B. Permittee liable for expense above deposit. The permittee shall be liable for any expense, damages or costs in excess of deposited amounts or securities, and the Village Attorney shall prosecute an action against the permittee in a court of competent jurisdiction for the recovery of such excessive amounts.
 - C. Original premises left unsafe. The village shall proceed to do the work necessary to leave the original premises in a safe and sanitary condition where the permittee does not comply with the requirements of this chapter, and the cost thereof shall be charged against the cash deposit.

§ 101-9. Penalties for offenses.

- A. Penalties shall be as provided in Chapter 1, General Provisions, Article II. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense.
- B. The violation of any provision of this chapter shall be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

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INTRODUCTORY LOCAL LAW # ____ OF 2019
A LOCAL LAW AMENDING
CHAPTER 183 OF THE TARRYTOWN VILLAGE CODE ENTITLED
GARBAGE, RUBBISH AND REFUSE

Article I. Dumping

§ 183-1. Use of land as dumping ground unlawful; exception.

- A. No person may use any land or lands under water, public or private, within the Village for the purpose of a dumping ground.
- B. The provisions of this section shall not apply to filling land or land under water with clean and customary fill.

§ 183-2. Restrictions.

No person shall dump, deposit or keep garbage, swill, offal, rubbish, brush cuttings, bottles, cans, metal, unusable automobiles or automotive equipment, machinery, junk, waste or other discarded things of any nature upon any street, park, public place or private property within the Village.

§ 183-3. Removal of unlawfully dumped material.

After five days' notice by the Superintendent of Public Works or their designee General Foreman to the person having the management or control of or occupying any land, the Highway Department or such other department designated by the Board of Trustees shall have the right to remove from any place in the Village the waste articles and materials mentioned in § 183-2 hereof.

Article II. General Provisions

§ 183-4. Definitions and word usage.

- A. The word "shall" is always mandatory and not merely directory.
- B. As used in this article, the following terms shall have the meanings indicated:

ASHES

The residue from the burning of wood, coal, coke or other combustible materials.

COMMERCIAL AREA

Any area where a club, business, industry or light-manufacturing enterprise is located or operating or any area not classified as residential.

GARBAGE

Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food and readily combustible material such as paper, cardboard, wood, excelsior, cloth, food cans, glass food containers and bottles.

LITTER

Garbage, refuse or rubbish as may be defined herein and other waste material which is thrown or deposited and which tends to create a danger to the public health, safety and welfare.

MULTIFAMILY DWELLING

(1) For the purpose of this article:

- (a) Any detached building containing three or more dwelling units.
- (b) Any apartment complex of two or more detached structures containing three or more dwelling units, such as a cooperative-type apartment complex or a garden-type apartment complex.

(2) A condominium shall not be considered a "multifamily dwelling."

PERSON

Any person, employee, servant, agent, firm, partnership, association, corporation, company or organization of any kind.

PRIVATE DWELLING

A detached building containing not more than two individual dwelling units and shall also mean a dwelling unit that is part of a condominium complex.

PRIVATE PROPERTY

Any property other than that used as a public highway or public right-of-way or owned and/or operated by a federal, state or municipal government or agency thereof.

REFUSE

All putrescible and nonputrescible solid wastes, except body wastes, including garbage, rubbish and ashes.

RESIDENTIAL AREA

An area primarily zoned and occupied for residential purposes.

RUBBISH

Nonputrescible solid wastes, excluding ashes, consisting of both combustible and noncombustible wastes, such as yard clippings, metals, wood, glass, bedding, crockery and similar materials.

SIDEWALK

The area between a building or property line and the street.

STREET

Includes any public street, roadway, highway, lane, alleyway, park, parking area, grounds or any other public place.

VILLAGE

The Village of Tarrytown.

§ 183-5. Unlawful acts; placement of litter baskets.

- A. The owner, lessee, contractor, tenant or other person having management or control of or occupying any lot or plot of land in the Village, excluding any location designated by the Village Board, the ~~General Foreman~~ Superintendent of Public Works or his designee or the Westchester County Department of Health for such purposes, shall keep such land at all times free and clear of any accumulation of garbage, refuse, rubbish, litter and waste or discard matter of any type, including automobiles, automobile parts and other machinery, except such as may be deposited for collection and disposal as provided for by this article. Summonses for violation of this provision may be served by the Building Inspector or the Chief of Police or an officer of the Police Department designated by the Chief of Police.
- B. No person shall deposit, throw, cast or bury ashes, rubbish, refuse, grass cuttings, tree cuttings, leaves, garbage, waste matter, offal or discard matter of any type, including automobiles,

11
automobile parts and other machinery, on any lot or plot of land in the Village other than small inoffensive compost heaps such as may be utilized by a home gardener when stored on his own property and appropriately screened from view.

- C. No person shall throw, cast or lay or directly suffer or permit any person to throw, cast or lay any litter and waste or discard matter of any type, including automobiles, automobile parts and other machinery, on any street, sidewalk or right-of-way within the Village.
- D. Litter baskets. In the event that the Superintendent of Public Works~~General Foreman~~ or his designee shall place on sidewalks, parking areas or any other public place litter baskets as may, in his discretion, be required, no person shall deposit in such litter baskets accumulations of litter, refuse and waste or discard matter of any type from private or commercial property, which must be deposited for collection or disposal as provided for by this article.
- E. No person being the owner, driver or manager of any car or other vehicle and no owner of any receptacle shall scatter, drop or spill or permit to be scattered, dropped or spilled any dirt, gravel, sand, clay, loam, stone or building rubbish; hay, straw, oats, sawdust, shavings or other light materials of any sort; manufacturing trade or household waste, refuse or rubbish of any sort; or ashes, manure, garbage or other organic refuse or other offensive matter therefrom or shall permit the same to be blown off therefrom by the wind upon any street or sidewalk or right-of-way in the Village.
- F. No person shall allow any swill, brine or any offensive animal matter or any bad-smelling or noxious liquid or other filthy matter of any kind to run or fall into or upon any street, sidewalk or right-of-way in the Village or to be taken or put thereon.
- G. No person having the care, custody or control of any domestic animal, including cats, whether leashed or unleashed, licensed or unlicensed, shall permit such animal to excrete its body waste upon sidewalk area in the Village.
- H. Abandoning shopping carts, etc., prohibited. No person shall abandon or discard or cause to be abandoned or discarded any article or thing, including but not limited to shopping carts or shopping wagons, baskets, crates, boxes or cartons, in or upon any street, highway, sidewalk or public place lying in the Village.
- I. Rubbish blowing from receptacles. No person being the owner or in control of a receptacle containing any dirt, filth, waste or rubbish shall permit the contents of such receptacle to be blown therefrom by the wind onto or upon any street, highway or public place lying in the unincorporated area of the Village.
- J. Removal of weeds, rubbish, etc.
 - (1) No owner or occupant of real property within the Village shall permit grass, noxious weeds, brush or rank growths to exceed 12 inches in height. It shall be the responsibility of the owner or occupant of real property within the Village to cut and remove all long grass, noxious weeds, brush or rank growths growing upon said property in excess of 12 inches and to remove all rubbish and debris from said property.
 - (2) Upon failure of the owner or occupant to comply with the provisions hereof, after due notice, the Village may cut and remove said noxious weeds, brush, rank growths and long grass and remove said rubbish and debris, and the total cost thereof may be assessed against the real property on which such weeds, brush, rank growths, long grass, rubbish or debris is found and shall constitute a lien and a charge on the real property on which it is levied until paid or otherwise satisfied or discharged and shall be collected by the Village Treasurer in the manner provided by law for the collection of delinquent taxes.
- K. Surface drainage, etc., into sanitary sewers prohibited. No street, gutter, surface, cellar, land or subsurface drain of any kind shall be permitted to be discharged into the public sanitary sewer or connected therewith, directly or indirectly.

§ 183-6. Promulgation and modification of regulations; appeals.

- 11
- A. All garbage, refuse, rubbish, litter and waste material of any type accumulated in the Village shall be collected, conveyed and disposed of under the supervision of the Superintendent of Public Works~~General Foreman~~ or his designee, who shall have the authority to make regulations concerning the days of collection, the type, size and location of disposal containers and such other matters pertaining to collection, conveyance and disposal as he shall find necessary. The Superintendent of Public Works~~General Foreman~~ or his designee shall have the authority to change and modify any regulations after due notice to all concerned.
 - B. Appeals. Any person aggrieved by a regulation or fee charged by the Superintendent of Public Works~~General Foreman~~ or his designee shall have the right to appeal to the Village Board, which shall have the authority to confirm, modify or revoke any regulation or fee.

§ 183-7. Preparation of materials for collection; collection points.

A. Separation of wastes; receptacles.

- (1) Garbage, ashes and rubbish shall be separated and placed and maintained in separate containers or receptacles.
- (2) It shall be the duty of every person having the management or control of or occupying any land or building to provide, for the exclusive use of such land or building or part thereof, sufficient receptacles to hold garbage, ashes and rubbish ordinarily accumulated by the occupants of such land or building, each in separate receptacles, and to allocate an area for storage of such receptacles in the interval between regular collections. Any waste material other than garbage, ashes and rubbish which cannot be readily deposited in any receptacles may be compacted and securely bundled, tied or packaged as to be easily handled, but not weighing more than 50 pounds and not likely to be scattered, and, when packed and secured, may be placed alongside of or in place of regular receptacles. Such packages or bundles should not exceed four feet in length.
- (3) Each of such receptacles provided for in this section shall be watertight, kept covered with a suitable cover and maintained in a sanitary condition by periodic cleaning. Except in instances where approved one-cubic-yard containers are used, such receptacles shall not exceed 32 gallons' capacity and, when filled, shall not exceed 50 pounds in total weight.
- (4) Each such receptacle containing garbage or rubbish shall be free of water or wetted materials.

B. Refuse containers.

- (1) Duty to provide and maintain in sanitary condition. Refuse containers shall be provided by the owner, tenant, lessee or occupant of the premises. Refuse containers shall be maintained in good condition. Any container that does not conform to the provisions of this article or that may have ragged or sharp edges or any other defect liable to hamper or injure the person collecting the contents shall be promptly replaced upon notice. The Superintendent of Public Works~~General Foreman~~ or his designee shall have the authority to refuse collection for failure to comply herewith.
- (2) Garbage and rubbish. Receptacles shall be containers commercially manufactured for that purpose, equipped with suitable handles and tight-fitting covers, and shall be watertight.
- (3) Ashes. Ash containers shall be made of metal.
- (4) Compacted garbage. All compacted garbage shall be limited to 50 pounds in weight.

C. Points of collection.

- (1) Where curb service is provided, refuse containers for rubbish, grass clippings, leaves, paper, etc., shall be placed for collection in a visible and accessible area between the sidewalk line and curblane immediately in front of the premises. Said refuse containers shall not be placed by the curb prior to 7:00 p.m. on the day before the day of collection and shall be removed

from the location where curb service is provided and moved to an appropriate location not visible from the street by 12:00 midnight of the day of collection. 11

- (2) In residential areas, at each multifamily dwelling designed for three or more dwelling units, and at all commercial areas, the owner, tenant, occupant or person in charge thereof, on regularly scheduled collection days, shall set out or cause to be set out from the storage area all receptacles containing garbage, ashes and rubbish authorized to be collected to the curb area as described in Subsection C(1) above.
- (3) The Superintendent of Public Works~~General Foreman~~ or his designee may authorize the removal of garbage and ashes from the receptacles at storage areas, provided that such storage areas are readily accessible to the collection vehicle and collection in this manner will, in his opinion, result in a more expeditious removal of the garbage and ash accumulation from such receptacles.

§ 183-8. Collections.

The Department of Public Works shall make regular collections of all refuse as often and during such specified hours as shall be prescribed by the Superintendent of Public Works~~General Foreman~~ or his designee. Collection shall be made from receptacles when placed on or in front of any premises at such accessible locations as shall be designated by the Superintendent of Public Works~~General Foreman~~ or his designee. The Superintendent of Public Works~~General Foreman~~ or his designee shall have the right to omit collections from any premises where a vicious dog is permitted to run at large or where employees of the Village are subject to any unnecessary danger or hazard.

A. Residential.

- (1) Regular collections from residential areas shall be made from Monday through Friday on regular working days and on days and hours scheduled by the Superintendent of Public Works~~General Foreman~~ or his designee.
- (2) All refuse shall be in a container commercially manufactured for this purpose and not exceeding 32 gallons in size, having a tight-fitting cover and a maximum filled weight of 50 pounds, except that garden refuse and rubbish will be accepted in wooden boxes, baskets or pails with handles and that in certain instances one-cubic-yard receptacles are authorized by the Superintendent of Public Works~~General Foreman~~ or his designee.
- (3) Quantities of refuse to be collected are limited as follows:
 - (a) Residential private dwellings:
 - [1] Garbage: the equivalent of two thirty-two-gallon containers per family each collection day.
 - [2] Rubbish: the equivalent of two thirty-two-gallon containers each collection day, plus an additional equivalent of three thirty-two-gallon containers during the months of May through October inclusive. Bundled and tied tree trimmings not exceeding four feet in length and 24 inches in any other dimension shall be equal to one thirty-two-gallon container.
 - [3] Christmas trees. Trees shall be placed at the curb area and will be collected by regular collection or special collection during the month of January each year. Trees do not have to be cut to meet the length requirement described in Subsection A(3)(a)[2] of this section.
 - [4] Large household items. All large household items, such as furniture, refrigerators, etc., will be collected from the curb area only and by special vehicle, by appointment with the Department of Public Works. The Superintendent of Public Works~~General Foreman~~ or his designee shall have the authority to decline certain materials in accordance with the Village's ability to dispose of such materials.

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- [5] Ashes. Ashes must be thoroughly water-quenched and placed in one fireproof metal receptacle, weighing not more than 50 pounds filled, and placed with rubbish for collection.
 - [6] Newspapers, magazines and cardboard. Newspapers, magazines and cardboard shall be placed for collection in accordance with the provisions of Chapter **237**, Recycling.

(b) Residential multifamily dwellings:

- [1] Where a multifamily dwelling is equipped with incinerator facilities operative in accordance with the Westchester County Environmental Protection Agency, all refuse must be incinerated, and the Village shall collect and dispose of all incinerated residue on regularly scheduled days. Such residue shall be put in suitable containers as outlined in Subsection **A(2)** of this section and placed at the curb for collection unless otherwise authorized by § **183-7** of this article.
- [2] Where a multifamily dwelling is not equipped with incinerator facilities, the Village shall collect all refuse two days a week as scheduled by the Superintendent of Public Works~~General Foreman~~ or his designee. All refuse must be properly separated pursuant to § **183-7** of this article and put in suitable containers as outlined in Subsection **A(2)** of this section.
- [3] Subsection **A(3)(a)**[3], [4] and [5] of this section shall also apply to residential multifamily dwellings.
- [4] In areas of collection where a dumpster is used for collection purposes, the size of the dumpster to be used shall be approved by the Superintendent of Public Works or his/her designee prior to the Village providing collection services.

B. Commercial. The following limitations apply to collection practices of the Village and are not to apply to private collection operations which supplement regular Village collections and are contracted for by the owners, landlords or tenants due to excessive accumulations of refuse.

- (1) Regular collections from commercial areas shall be made from Monday through Friday on days and hours scheduled by the Superintendent of Public Works~~General Foreman~~ or his designee.
- (2) All refuse shall be in a container commercially manufactured for this purpose and not exceeding 32 gallons in size, having a tight-fitting cover and a maximum filled weight of 50 pounds.
- (3) Quantities of refuse to be collected are limited as follows:
 - (a) Garbage: the equivalent of two thirty-two-gallon containers each scheduled collection day.
 - (b) Rubbish: the equivalent of two thirty-two-gallon containers each collection day.
 - (c) Ashes. Ashes must be thoroughly water-quenched and placed in one fireproof metal receptacle, weighing not more than 50 pounds filled, and placed with rubbish for collection.
 - (d) Newspapers, magazines and cardboard. Newspapers, magazines and cardboard shall be placed for collection in accordance with Chapter **237**, Recycling.
 - (e) In areas of collection where a dumpster is used for collection purposes, the size of the dumpster to be used shall be approved by the Superintendent of Public Works or his/her designee prior to the Village providing collection services.
- (4) All refuse to be collected pursuant to Subsection **B(1)**, **(2)** and **(3)** above, regardless of whether or not collected by the Village, shall be placed at curbside no earlier than 11:00 p.m. the day

before the day of collection as scheduled by the Superintendent of Public WorksGeneral Foreman or his designee.

C. Prohibitions.

- (1) Use of barrels, drums, kegs, cardboard boxes or cloth bags for the containing of garbage is prohibited.
- (2) Empty receptacles shall be removed from the curb area within 12 hours after collection unless otherwise prescribed by the Superintendent of Public WorksGeneral Foreman or his designee.
- (3) Refuse receptacles shall be stored on private property on a location adjacent to a principal or accessory use building, but in no case shall such receptacles be stored forward of the front of the building line of the principal structure unless they are off the sidewalk area and completely obscured from public view, unless approved by the Superintendent of Public WorksGeneral Foreman or his designee.
- (4) It shall hereafter be illegal for any person to construct, place or build facilities for the storage of receptacles below property grades (underground).
- (5) Receptacles shall not be placed for collection inside or within any building, accessory use building or garage or any place above or below ground level.
- (6) No person shall prevent or interfere with any employee of the Village in the sweeping or cleaning of any street, sidewalk or right-of-way or in the removal therefrom of sweepings, litter, snow, ice or other refuse material.
- (7) No person, other than an authorized employee or agent of the Village or a private collection agency authorized by the owner or occupant of the property, shall disturb or remove any garbage, refuse, rubbish, paper or boxes that have been placed outside of private houses, apartment houses, business or commercial buildings or lots for removal.
- (8) No employee of the Village, in the course of his duties, shall be required to enter a building or structure to gather or collect any refuse.

§ 183-9. Materials not collected by Village.

The Village shall not collect or dispose of any debris such as plaster, stone, brick, sawdust, sod or dirt resulting from general contracting, renovating or landscape contracting, nor shall the Village collect or dispose of any cleaning establishment waste, highly combustible materials, junk automobiles or branches and tree stumps unless they are split in sections six inches or less in diameter and three feet or less in length. Removal of such debris shall be arranged privately.

§ 183-10. Excessive accumulation of refuse.

- A. Any accumulations of refuse resulting from failure of any person to comply with any provision of this article or from failure of such person to take advantage of the regular collection service maintained by the Village and any waste building materials in excess of ordinary household refuse of such materials shall be removed by such person at his expense.
- B. The Department of Public Works will collect from the premises on scheduled days an amount of all classes of refuse in accordance with limitations set forth in § 183-8, but where abnormal amounts are placed for collection, the Department reserves the right to refuse the materials, to defer the collection, to collect the material in part or to make a special collection thereof at charges authorized by the Superintendent of Public WorksGeneral Foreman or his designee.

- C. The Superintendent of Public Works~~General Foreman~~ or his designee is authorized to enter into an agreement with any person in commercial areas for the collection of excessive accumulations of abnormal amounts of all classes of refuse.

§ 183-11. License required for private refuse, waste and rubbish collection vehicles.

- A. No collection vehicles, other than those owned by the Village, shall make collections unless a license is procured for each as hereinafter provided.
- B. The Village Clerk shall accept applications for the licensing of each private collection vehicle, and such sworn and notarized applications shall contain but not be limited to the following:
- (1) The name and address of the owner of the subject vehicle.
 - (2) If the vehicle is owned by other than an individual person, the name and address of the firm, partnership, corporation or other. If a corporation, indicate the state in which incorporated or chartered and the date of such official recognition.
 - (3) The full names, addresses and dates of birth of all owners, officers, partners, managers, members of the Board of Directors and holders of 10% or more of the outstanding stock or the indebtedness of such firm.
 - (4) Whether the applicant or any of the above named have ever been arrested for any crime or offense other than a traffic violation and, if so, that person's name and the charge, jurisdiction, date and disposition of each offense.
 - (5) Whether any of those named in Subsection **B(3)** above is or has been affiliated in any way with any other refuse, waste or rubbish collection firm and, if so, with whom and how.
 - (6) Whether any of those listed in Subsection **B(3)** above has ever been denied a license for the purpose of refuse, waste or rubbish collection and, if so, whom, the jurisdiction and date.
 - (7) The make, year, model of chassis, body style, covering and color of the subject vehicle.
 - (8) The current New York State registration and plate number of the subject vehicle. If registration and/or plate numbers change during the period for which the vehicle is licensed, this change shall be reported, in writing, to the Village Clerk within 48 hours of such occurrence.
 - (9) The expiration date of the vehicle registration.
 - (10) The unladen and maximum gross weight of the vehicle.
 - (11) The routes on which the vehicle will operate within the Village.
 - (12) The approximate volume and tonnage the vehicle will handle per day.
 - (13) A listing of the present customers, with addresses which will be serviced by the vehicle within the Village.
 - (14) The hours and days during which the vehicle will normally operate within the Village.
 - (15) The disposal site or sites used or planned.
 - (16) The garage or lot location where such vehicle is normally stored.
 - (17) The name of the vehicle insurance carrier, policy number and expiration date.
 - (18) The certificate of employee disability insurance number.

- (19) Certification that each vehicle has been issued a valid New York State Department of Motor Vehicles inspection sticker and that the vehicle has passed any and all other licensing requirements as set forth by any other governmental agency or body.
- C. The forms to be supplied by the Village Clerk for the application hereto set forth shall be completely executed by the applicant and verified, and such license, if approved, shall be for the calendar year in which the license is issued.
- D. Denial of application or revocation of license.
 - (1) If any application for a license contains any false or misleading statement or omits to disclose any pertinent information, such false statement or omission shall be cause for denial of the application or immediate revocation of any license presently in effect.
 - (2) The Village Clerk, upon receipt of a negative recommendation of the Superintendent of Public WorksGeneral-Foreman or his designee or the Chief of Police, shall deny any application or immediately revoke any license presently in effect.
 - (3) Upon the denial of an application or the revocation of a license, the applicant or licensee may, within 30 days of such denial or revocation, appeal, in writing, to the Village Board for a hearing to review the determination of the Village Clerk.
- E. This license is not transferable except when current New York State vehicle registration is transferred to another vehicle and then only when notification is made to the Village Clerk prior to the transfer and when the subject vehicle has been approved by the Superintendent of Public WorksGeneral-Foreman or his designee.
- F. All applications must be reviewed by the Chief of Police and the Superintendent of Public WorksGeneral-Foreman or his designee before a license may be issued by the Village Clerk.
 - (1) For the purpose of inspection, each vehicle shall, at the time of application, possess a valid New York State Department of Motor Vehicles inspection certificate. Furthermore, the applicant is to certify that any and all other inspection requirements as set forth by any other governmental agency or board have been met.
 - (2) The Chief of Police shall cause a search to be made into the truth of the statements contained in the application for a license. After completing such investigation, the Chief of Police shall transmit to the Village Clerk his written recommendation as to either the granting or denying of said application.
 - (3) The recommendations by the Superintendent of Public WorksGeneral-Foreman or his designee and the Chief of Police shall be based upon a determination as to whether the public health, safety and welfare shall best be served by the granting or denying of the application.
- G. A fee for the licensing of each vehicle under application shall be required upon the submission of said application in the amount as adopted by resolution of the Board of Trustees^[1] for each license for the calendar year or any part thereof. The fee for any license not approved shall be returned, minus a service and handling charge as adopted by resolution of the Board of Trustees.^[2]
- H. Licenses shall not be renewed, but rather a new application must be made each year, and a license fee as adopted by resolution of the Board of Trustees shall be paid.
- I. The Village Clerk shall issue a replacement license for one which has been lost or destroyed upon the filing of a required affidavit, payment of the fee as adopted by resolution of the Board of Trustees and approval of the Chief of Police and the Superintendent of Public WorksGeneral-Foreman or his designee.
- J. The license to be issued by the Village Clerk shall be prominently displayed on the lower right corner of the left front access door not more than three inches from the vertical and horizontal edges.

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K. A certificate of insurance, with the Village endorsed on the certificate as coinsured/additional or named insured, in the following minimum amounts is required:

(1) Personal injury: \$1,000,000 per individual and \$1,000,000 per occurrence.

(2) Property damage: \$1,000,000 per individual and \$1,000,000 per occurrence.

§ 183-12. Operation of private refuse, waste and rubbish collection vehicles.

A. It shall be unlawful to dispose of any refuse collected within the Village at any location other than that so designated by the Village Board.

B. Private collection vehicles shall operate only between the hours of 8:30 a.m. and 5:00 p.m., Monday through Friday, and 8:00 a.m. to 10:30 a.m. on Saturdays, excluding holidays as otherwise provided, except in those areas designated as a location where Monday through Friday collection may be made between the hours of 4:00 a.m. and 5:00 p.m. The Board of Trustees, upon written application from a property owner, may consider the designation of such an exempted location. This decision shall be based upon the real need for such exemption, its effect on the encompassing zoning district, the likely effect of noise to residential dwellings in close proximity to the location, and any history of noise complaints relative to the collection of the abovementioned materials at that location or other nearby locations during the specified hours.

C. No collection whatsoever shall be made on Saturdays, Sundays or other days designated by the Village.

D. Garbage collection vehicles shall be completely enclosed and watertight.

E. Rubbish collection vehicles wherein no garbage is transported may be of an open refuse-collection type, provided that such vehicles are fitted with a suitable canvas or other cover to prevent any material from being discharged while such vehicles are in transit.

F. Collections are to be made in such manner as not to permit debris, litter and the like to fall upon property, public or private, or upon any highway within the Village.

G. Vehicles designed or known as "rear loaders" or "rear load packers" shall be completely closed in transit, either by use of the exterior-closing-door mechanism or by having all refuse compacted between the pushout blade and the packer blade.

H. All accessory doors, including the main loading door, shall be closed in travel on public highways unless the subject vehicle is engaged in a continuous servicing of adjacent structures on said highway.

I. Collection vehicles shall be subject to inspection at any time by authorized representatives of the Department of Public Works or peace officers of the Village for the purpose of enforcement of this article. All licensed firms or their employees shall be required to give aid and cooperation when requested to do so by such Village personnel in the performance of the enforcement of this article.

J. Where, as required by the collection practice, containers of one cubic yard or more are used, such containers must prominently display the name and address of the individual or firm owning such container. Containers must have covers and must be covered at all times. Containers must be kept clean and sanitary at all times.

K. All collection vehicles shall be properly identified by the person owning such vehicles, including the name and address, and shall be kept clean and sanitary both inside and out.

§ 183-13. Enforcement.

By virtue of the adoption of this article, the Superintendent of Public Works~~General Foreman~~ or his designee and the Police Department shall be empowered to enforce the prohibitions and regulations under all sections of this article.

§ 183-14. Penalties for offenses.

The violation of any provision of this article shall be an offense against the law which shall be punishable as provided in Chapter 1, General Provisions, Article II, and each day that such violation shall be permitted to exist shall constitute a separate offense, except that any violation of § 183-12 herein shall, in addition to the above penalties, subject the violator to suspension or revocation of the license issued pursuant to § 183-11 herein.

§ 183-15. Conflicts with other laws.

This article shall not be affected by any other local law or ordinance or parts of any local law or ordinance heretofore enacted by the Village Board in conflict or inconsistent with the provisions of this article, and this article shall supersede such.

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INTRODUCTORY LOCAL LAW # ____ OF 2019
A LOCAL LAW AMENDING
CHAPTER 259 OF THE TARRYTOWN VILLAGE CODE ENTITLED
STREETS AND SIDEWALKS

Article I. Excavations in Streets

§ 259-1. Permit required.

No person shall open up, alter the grade of, dig or excavate in the roadbed, pavement or gutters of any street whatever except upon compliance with the provisions herein, and no person shall tunnel under the roadbed of any street, in whole or in part, for any purpose.

§ 259-2. Permit application.

Except as provided in § 259-9 hereof, not less than 24 hours prior to the proposed time for such digging or excavating, application shall be made to the ~~General Foreman~~ Superintendent of Public Works or their designee for a permit therefor. Such application shall state:

- A. The name of the applicant.
- B. The fact that the applicant is either a contractor licensed by the Village or a utility corporation or a plumber or electrician licensed by the Village or a person engaged in some business or occupation whose work required such excavation to be made and whose name has been approved by the Board of Trustees and placed on file with the Superintendent of Public Works or their designee ~~General Foreman~~.
- C. The precise place where the applicant desires to dig or excavate, with the distance from the nearest street intersection or from the property abutting the street at the point proposed for excavation.
- D. The purpose of the excavation.

§ 259-3. Cash deposit.

- A. Each application shall be accompanied by a cash deposit with the Village Treasurer of a sum adequate to cover the cost of restoring the street and its pavement, curb and gutter to a condition which meets with the approval of the Superintendent of Highways, computed in accordance with the schedule of such costs from time to time adopted by the Board of Trustees.
- B. The Board of Trustees may dispense with said deposit in the case of any public utility company furnishing service in the Village.
- C. Unless otherwise agreed upon between a public-service corporation and the Village, a public-service corporation may, in lieu of the deposit hereinbefore specified for street openings, file with the Village its agreement, approved as to form by the Village Attorney, good until terminated by said public-service corporation or the Village by resolution of its Board of Trustees, to pay the cost of restoration of the street and its pavement, curb and/or gutter, required by street openings made by said public-service corporation, to a condition which meets the approval of the Superintendent of Highways in accordance with the schedule of costs from time to time adopted by the Board of Trustees, promptly after bills therefor are submitted to said public-service corporation by the Village. The termination of such agreement shall not release said public-service corporation from its obligation therefor accrued thereunder.

§ 259-4. Insurance requirements.

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- A. Each application shall be accompanied by a certificate of insurance, in form approved by the Village Attorney, of an insurance company authorized to do business in this state, running to the Village, guaranteeing that the applicant has provided public liability coverage as follows: for property damage, \$1,000,000 per individual and \$1,000,000 per occurrence; and for personal injury, \$1,000,000 per individual and \$1,000,000 per occurrence, to save the Village harmless from all claims, actions and proceedings brought by any person for death, bodily injury or property damage resulting from or occasioned by any fault or default by the person to whom the permit is issued or anyone acting thereunder on his behalf. The policy shall also protect the Village in the sum of \$1,000,000 for any damage to the street, sidewalks, curbs and/or gutters resulting from or occasioned by the deposit of the materials or the acts or operations carried on with respect thereto.
- B. A public-service corporation may, in lieu of the insurance hereinbefore specified for street openings, file with the Village Treasurer its agreement, approved as to form by the Village Attorney, good until terminated by said public-service corporation or by the Village by resolution of its Board of Trustees, to indemnify and save harmless the Village from claims, suits, actions, proceedings, losses, injuries, damages and costs of every and any description arising out of or resulting from any act or omission on the part of such public-service corporation under any permit granted to it or from any negligence or faults of such public-service corporation, its contractors, agents, servants or employees in connection with sidewalk, curb or driveway work or repairs or street openings or any work related thereto and to also defend at its expense on behalf of the Village any suits, actions or proceedings which may be instituted against the Village. The termination of such agreement shall not release the obligation of said public-service corporation to the Village theretofore accrued thereunder.

§ 259-5. Obligations of permittees.

- A. The following duties and obligations are imposed upon each person receiving a permit under the provisions of this article:
- (1) Immediately upon completion of the work and upon completion of the inspection and approval of the work, the permittee shall backfill the excavation with K-crete in conformance with the Village's typical trench detail.
 - (2) The permittee shall not permit the excavation to remain open longer than is strictly necessary for the performance of the work which required the excavation, but in no case shall the excavation remain open for more than 30 days.
 - (3) Should the permittee fail to properly secure the excavation to a condition acceptable to the Village Engineer and/or Superintendent of Public Works or his/her designee, and after two hours' notice to the permittee to correctly secure the excavation, the Village will secure the excavation at the expense of the permittee, said cost to be deducted from the deposit paid, and any deficiency remaining after such deduction shall be paid on demand by the Village to the permittee. Should the Village determine that the failure to properly secure the excavation poses an immediate danger to the health and safety of vehicles and/or pedestrians, the Village will secure the excavation at the expense of the permittee, said cost to be deducted from the deposit paid, and any deficiency remaining after such deduction shall be paid on demand by the Village to the permittee.
 - (4) While the excavation is wholly or partly open or when there exists a depression below the surrounding grade or an elevation higher than such grade because of excess backfill or for other reasons, the permittee shall provide adequate safeguards to the public by erecting a barrier or fence of distinctive type or color marking the outside limits of the affected area and bearing warning signs distinguishable by day and a barricade with flashing lights for the evening hours.
 - (5) Should the permittee fail to restore the pavement to a condition acceptable to the Village Engineer and/or Superintendent of Public Works or his/her designee, and after 10 days' notice is provided to the permittee to correct the site of the restoration, the restoration of the

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pavement, curb and/or gutter to as good condition as it was in prior to the excavating shall be completed by the Village at the expense of the permittee, to be deducted from the deposit made, and any deficiency remaining after such deduction shall be paid on demand by the permittee.

- B. As a condition precedent to receiving a permit hereunder, the applicant shall sign an agreement, endorsed upon the permit, reading substantially as follows:

Applicant acknowledges that he has read the provisions of Chapter 259, Streets and Sidewalks, § 259-5, of the Code of the Village of Tarrytown, setting forth the duties and obligations imposed upon the permittee, and as a precedent condition to receiving this permit, applicant agrees to fully and faithfully perform and discharge each and every one of such duties and obligations.

Applicant

- C. A public-service corporation shall be permitted to do the work of restoration of the pavement, curb and/or gutter to a condition which meets the approval of the Superintendent of Highways in connection with work done by said public-service corporation under any permit issued by the Village.

§ 259-6. Fees.

The fee for each permit hereunder will be in accordance with the schedule of street-opening fees adopted by the Board of Trustees.^[1]

§ 259-7. Issuance of permit.

When there has been full compliance with the provisions herein stated and no other valid objections have appeared, the Superintendent of Highways will issue a permit to the applicant therefor. Work associated with a permit so issued shall be commenced and be completed within 30 days of the date of issuance of the permit. Should the work not commence and be completed within the thirty-day period, the permit shall automatically be deemed null and void, and the permit fee shall be retained by the Village and not refunded to the permit applicant or the person who paid the fee for the permit. A new permit shall be applied for and a new permit fee paid for the work declared null and void, pursuant to this section.

§ 259-8. Permit to be available at place of excavation.

Each person to whom a permit is issued hereunder must at all times have it available at the place of the excavation and, upon demand, show it to the representative of the Village.

§ 259-9. Emergencies.

A. Application.

- (1) In an emergency, such as the breaking of a main or the stoppage of a sewer line or other condition calling for immediate opening of a street to prevent loss or injury to property, application may be made to the General Foreman or Building Inspector for an emergency permit, in person or by telephone, and authority shall be granted to proceed with the necessary work forthwith.
- (2) In case of emergency due to the breakage of pipes or other cause, street openings may be made by a public-service corporation prior to obtaining a permit for a street opening; provided, however, that said public-service corporation shall have filed the required agreement in lieu of cash deposit and evidence of insurance or indemnity agreement as specified in §§ 259-3 and 259-4 of this article and provided further that said public-service corporation shall make

11 application for the necessary street opening not later than 24 hours (Saturdays, Sundays and holidays not included) after said opening has been commenced.

- B. Notifying police. If such emergency develops during hours when the Village office is closed, as during the night or on holidays, notification thereof shall be made to the Police Department, in person or by telephone, before proceeding with the street opening.
- C. Duties thereafter. It shall be the duty of every person who undertakes to open a street under the provisions of this section to place warning signs, lights and barriers to protect the public and, upon the first day of resumption of regular business at the Village office, to comply with the provisions of §§ 259-2, 259-3, 259-4, 259-5 and 259-6 hereof, or to be held in violation of this article.

§ 259-10. Penalties for offenses.

Except where otherwise noted, any person committing an offense against any provision of this chapter shall be guilty of a violation and upon conviction thereof shall be punishable for each offense by a fine of not less than \$250 for the first offense, \$500 for the second offense and no more than \$1,000 for each offense thereafter or by imprisonment for not more than 15 days, or both. Every violation of any provision shall be a separate and distinct offense, and in the case of continuing violations, every day that the violation continues shall be and is deemed to be a separate and distinct offense. In addition, for the infraction of any provision hereof, any permit may be canceled and permission to do similar work may be withheld from the offender for a period of three months from the time of such violation. This penalty is in addition to and not in derogation of or in substitution for, the general penalties provided in Chapter 1, General Provisions, Article II.

Article II. Depositing Materials on Highways

§ 259-11. Permit required.

- A. Obstruction forbidden. No person shall deposit any material designed for use in building construction or for other purposes upon any street in the Village or in any other manner obstruct or impede free travel upon such streets unless a permit therefor has been issued by the General Foreman, and no person shall deposit any such material upon any sidewalk in the Village.
- B. Prerequisite for permit. As a prerequisite to securing a permit for depositing materials on a street, each applicant must file with the General Foreman a statement containing his name and address, the nature and amount of the materials he wishes to place in the street, the precise place of such deposit and the length of time the encumbrance will continue.

§ 259-12. Dumpster permits.

No person shall place a dumpster on any street in the Village without first applying for and receiving an approved dumpster permit. The requesting party for the permit shall first complete a dumpster permit application at least two days prior to the date the dumpster is required. A deposit as adopted by resolution of the Board of Trustees^[1] shall be required at the time of the issuance of the permit. A fee as adopted by resolution of the Board of Trustees^[2] shall be paid to the Village at the time that the return of the deposit money is requested. The permit shall be valid for a period of up to five days, including weekend days. A permit may be renewed for up to an additional five-day period. No additional permit extensions shall be issued.

§ 259-13. Insurance requirements.

Each application shall be accompanied by a certificate of insurance, in form approved by the Village Attorney, of an insurance company authorized to do business in this state, running to the Village, guaranteeing that the applicant has provided public liability coverage of not less than the following amounts for personal injury, \$1,000,000 per individual and \$1,000,000 per occurrence; and for property damage, \$1,000,000 per individual and \$1,000,000 per occurrence, to save the Village harmless from all claims, actions and proceedings brought by any person for death, bodily injury or property damage resulting from or occasioned by any fault or default by the person to whom the permit is issued or

anyone acting thereunder on his behalf. The policy shall also protect the Village in the sum of \$1,000,000 for any damage to the streets, sidewalks, curbs and/or gutters resulting from or occasioned by the deposit of the materials or the acts or operations carried on with respect thereto.

§ 259-14. Fees.

The fee for each permit shall be as adopted by resolution of the Board of Trustees,^[1] and in addition thereto there shall be a charge as adopted by resolution of the Board of Trustees^[2] for every day or fraction thereof that said material shall remain upon the designated street or sidewalk. This fee schedule shall not be in effect for § 259-12 hereinabove.

§ 259-15. Placement of materials.

- A. No materials may be placed upon the roadway of any street despite such permit except in the place and manner designated by the head of the Department of Highways.
- B. No materials may be placed in any event upon the sidewalk area of any street.
- C. Where a permit has been issued to place materials upon the roadway of a street, it shall be the duty of the person to whom such permit is issued to keep the sidewalk area at the premises concerned open at all times for the use of pedestrians.

§ 259-16. Warning signs.

Every person who places or deposits any materials upon a street, roadway, gutter, curb or sidewalk area shall mark the location thereof by a barrier or fence bearing warning signs and distinguished by lighted red lanterns or flares after dark adequately to apprise the public of the presence of the hazard.

Article III. Sidewalk Safeguards

§ 259-17. Safeguards to be provided during construction or demolition activities.

No person shall commence the erection or demolition of a building of such height and proximity to the street line as to subject pedestrians using the adjacent sidewalk area to the danger of falling materials, objects or other occurrences in the course of the work without first erecting a substantial shed over the sidewalk area and/or a substantial fence along the street line and/or other safeguards, as reasonably determined and directed by the Building Inspector.

§ 259-18. Notification of requirement.

Written notice of the requirement of such safeguards, specifying the particular safeguards to be provided, shall be given by the Building Inspector to the owner of the premises concerned or the person intending to do or cause to be done the work of erection or demolition.^[1]

Article IV. Construction of Building Drains Which Pass Under Streets and Sidewalks

§ 259-19. Certificate and permit required.

- A. Issued by Superintendent of Public Works or their designee General Foreman. No person shall construct or maintain any building drain which passes across or beneath any part of any street, road or highway or sidewalk unless the owner of such building shall first have obtained a permit from the Superintendent of Public Works or their designee General Foreman.
- B. Certificate. A certificate by the Water/Sewer Foreman that such drain is necessary and that its construction will not injure the street or other public or private property shall be issued as a condition precedent to granting the permit.

§ 259-20. Fee.

For every permit granted hereunder, a fee as adopted by resolution of the Board of Trustees^[1] shall be paid.

§ 259-21. Insurance requirements.

No permit shall be issued unless the applicant posts indemnity of the same nature and in the same amounts as provided for permits to excavate in the streets in § 259-4 of Article I to save the Village harmless from the payment of damages for injury to persons or property because of fault or default by him.

Article V. Sweeping Refuse Into Streets

§ 259-22. Depositing materials on streets or sidewalks restricted.

No person shall throw, deposit, sweep or cause the accumulation of ashes, refuse, debris, dirt, grass clippings, leaves, waste or garbage upon any street or sidewalk area or public place or on any private street, land or premises, except where such substance shall be kept in watertight, covered containers or receptacles placed in such manner as to facilitate collection by the Village garbage contractor or by such department which shall have the duty and obligation for such collection and disposal.

Article VI. Burning Refuse in Streets or Public

Places § 259-23. Restrictions.

No person shall burn leaves, paper or refuse of any kind on any street or public place in the Village within 50 feet of any building unless the material burned shall be contained in a receptacle constructed of iron or wire and completely covered with an iron or wire top so closely woven as to prevent the flying of ashes therefrom.

Article VII. Interference With Barriers or Danger Signals §

259-24. Entry into guarded areas unlawful.

No person shall walk upon, enter or drive any animal or vehicle upon any roadway or sidewalk which is guarded by any barrier, sign or signal lawfully so placed for the purpose of preventing or warning persons from entering into or upon the same.

§ 259-25. Interference with barriers unlawful.

No person shall remove, displace or in any manner interfere with any barrier, guardrail, sign, lantern or other object or form of warning which shall have been placed along or across any street or sidewalk or about any public place as a warning or safeguard or to prevent interference with or damage to work completed or being done in such places.

Article VIII. Spilling Materials From Vehicles

§ 259-26. Spilling unlawful.

No vehicle of any kind which shall be loaded with dirt, sand or other solid or liquid material to an extent that permits said material to spill therefrom upon the street shall be operated on any street in the Village.

Article IX. Heavy Construction Equipment

§ 259-27. Transport and operation restricted.

It shall be unlawful to operate or transport any tractor, bulldozer, power roller, excavator, grader, mixer, truck or heavy contractors' or construction or traction equipment of any nature unless such vehicle shall be propelled or transported upon rubber-tired wheels.^[1]

Article X. Playing in Streets

§ 259-28. Activities restricted.

No person shall play or participate in any game or other form of amusement activity upon the streets or sidewalks within the Village which involves throwing, batting or otherwise propelling, catching or recovering any ball, puck or other article or which otherwise involves, actually or potentially, any action upon the part of the player or participant which may expose him to the dangers of vehicular traffic upon the street or which may interfere with the use of such streets or sidewalks.

§ 259-29. Exceptions.

The Police Committee is empowered to except from the provisions of § 259-28 hereof such streets and/or sidewalks or portions thereof as it may designate, upon such limitations and conditions as it may impose.

Article XI. Construction of Sidewalks and Curbs

§ 259-30. Permit required.

No construction, alteration or removal of any sidewalk or curb within the Village shall be made without a permit therefor issued by the Superintendent of Highways to the owner of the abutting property.

§ 259-31. Permit application.

Application for a permit shall be made, in writing, by the owner of the abutting property or his agent, identifying the owner and the contractor proposed to do the work, and shall specify the nature and extent of the work proposed to be done, if of concrete construction, the specifications thereof, and in all instances, the depth and nature of the bedding and such further information as the Superintendent of Highways may require. The permittee shall not permit the excavation to remain open longer than is strictly necessary for the performance of the work which required the excavation, but in no case shall the excavation remain open for more than 30 days.

§ 259-32. Permit fee.

The fee for each permit hereunder shall be as adopted by resolution of the Board of Trustees.^[1]

§ 259-33. Issuance of permit.

Upon approval by the Superintendent of Public Works of the construction specified in the application and of the competency of the contractor to construct the same and upon payment of the fee therefor, the Superintendent of Public Works, or the General Foreman shall issue a permit therefor to the owner of the abutting property. Work associated with a permit so issued shall be commenced and be completed within 30 days of the date of issuance of the permit. Should the work not commence and be completed within the thirty-day period, the permit shall automatically be deemed null and void and the permit fee shall be retained by the Village and not refunded to the permit applicant or the person who paid the fee for the permit. A new permit shall be applied for and a new permit fee paid for the work declared null and void.

§ 259-34. Warnings.

Every person who constructs a sidewalk or curb shall guard any excavation or work by guardrails, red signal lights or by any other suitable means as may be necessary to warn pedestrians and others of the danger to be approached.

Article XII. Repairs to Sidewalks and Curbs

§ 259-35. Maintenance required.

It shall be the duty of every property owner or occupant to keep the sidewalk and curb adjoining his premises in safe, passable condition.^[1]

§ 259-36. Failure to make repairs.

For failure, upon notice by the Superintendent of Public Works or their designee General Foreman of not less than 24 hours, to make such repairs as are specified as to place and manner, the Board of Trustees may cause the same to be done and may assess the expense thereof upon the adjoining land.

Article XIII. Removal of Snow and Ice

§ 259-37. Removal by owner or occupant required.

- A. The owner or occupant of any premises shall cause the contiguous sidewalks and, in the case of multifamily dwellings, all driveways and access and exit roads on the premises to be cleared of snow and ice within 18 hours after such snowfall shall have ceased or ice shall have formed, except in the case of properties in the Restricted Retail Zoning Districts and the Neighborhood Shopping Zoning Districts in the Village, which shall have the snow and ice removed at all times between the hours of 7:00 a.m. and 9:00 p.m.
- B. Where snow has melted and shall be frozen or where there has been an ice storm and the contiguous sidewalks shall be frozen, the ice shall be removed within two hours. The two hour period shall not apply between the hours of 10:00 p.m. and 5:00 a.m. Should the snow have melted and shall be frozen or where there has been an ice storm and the contiguous sidewalk shall be frozen during the period from 10:00 p.m. and 5:00 a.m., the snow and ice shall be removed by 7:00 a.m. If the melted snow and ice shall be frozen to a degree that it cannot be removed within said period by customary means, the owner or occupant of the abutting premises shall cause salt, sand, ashes, sawdust or other suitable material to be strewn upon the sidewalks,

driveways and access and exit roads within the said period. The said sidewalk shall as soon thereafter as weather conditions permit be thoroughly cleared of snow and ice.

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§ 259-38. Failure to remove; costs to become lien.

- A. In the event that the owner or occupant of any premises does not obey the requirements of § 259-37, the Village may carry out the same and charge the costs thereof to the owner of the premises. Such costs shall constitute a lien or charge on said premises until paid or otherwise satisfied or discharged and shall be added to the Village tax roll and collected in the same manner as delinquent taxes.
- B. Before collecting the costs in such manner, however, the Board of Trustees will hold a hearing as to the justness of said costs, upon due notice to the owner of the amount of costs and as to the time and place of hearing. If, after such hearing, the Board of Trustees shall determine that a lesser charge would be just, the amount of such lesser charge shall thenceforth constitute a lien and charge and shall be collectible as provided above.

§ 259-39. Penalties for offenses.

Penalties shall be as provided in Chapter 1, General Provisions, Article II, and each hour that each violation shall be permitted to exist shall constitute a separate offense punishable in the same manner.

Article XIV. Miscellaneous Provisions

§ 259-40. Cleaning sidewalks.

The owner or occupant of any premises shall keep the contiguous sidewalks free from dirt, filth, weeds, wastes and obstructions.

§ 259-41. Awnings and canopies.

No person shall erect or hang or permit to be erected or hung or maintained upon any building owned or occupied by him an awning or canopy, any part of which shall project in, over or upon any of the streets, sidewalks or public places unless such awning or canopy is at least seven feet above the sidewalk upon such street or public place.

§ 259-42. Merchandise displays on sidewalks.

No person who is the owner, lessee or occupant of any premises adjoining any street, avenue or highway shall place or keep or permit to be placed or kept on any sidewalk in front of, adjoining or adjacent to such premises any goods, wares or merchandise, unless a sidewalk vending permit is issued in accordance with Chapter 247, Sidewalk Cafes, Vending and Musicians, Article II, Sidewalk Vending. Nothing herein contained shall prohibit persons from placing goods, wares or merchandise or household furniture on the sidewalks for purposes of loading and unloading.

§ 259-43. Shopping carts.

No merchant or purveyor of foods or other goods shall permit wheeled carts or conveyors provided by him for the convenience of patrons to remain on the sidewalks while not in use. Every such vehicle left on a sidewalk or street shall be considered an obstacle to traffic and a hazard to pedestrians and may, without notice, be seized by the police and take to the Department of Public Works, subject thereafter to restitution to its owner upon payment of reasonable charges of transportation and storage as adopted by resolution of the Board of Trustees^[1] for every vehicle thus seized, removed and held.

11 § 259-44. Grading adjoining sidewalks.

Any person owning, leasing or in possession of lands in the Village shall maintain them at a level or grade not lower than the level established for the adjoining sidewalk or sidewalk line, as fixed by the Superintendent of Highways, to a distance of not less than six feet from the sidewalk or sidewalk line, unless he shall have protected or walled off said land from the sidewalk or street by a fence of such height and construction as shall have been approved by the Building Inspector.

§ 259-45. Depositing of refuse on streets.

No person shall deposit upon any of the sidewalks in the Village or on the streets or other public places of the Village any discarded containers, wrappings or newspapers or any refuse, rubbish or other waste materials except as permitted in connection with the collection of garbage.

§ 259-46. Obstruction of sidewalks.

No person engaged or connected with a building operation shall obstruct any sidewalk in the Village. If the building operation shall necessitate the temporary closing of such sidewalk to public use, upon application to the Board of Trustees at a meeting thereof, the Board of Trustees may authorize such temporary closing of the sidewalk, subject to such restrictions and conditions as it may impose.

§ 259-47. Poles and wires; permit required.

- A. No person not otherwise authorized by law to do so shall erect or maintain on or over any sidewalk or street within the Village any telephone, electric-light or electric-power, cable television or other poles or string wire over any sidewalk or street or over or in front of any building in the Village without a permit from the Superintendent of Public Works. No fee shall be charged for any such permit.
- B. All telephone, electric-light or electric-power, cable television or other poles located upon a street in the Village shall be suitably marked to indicate the owner of such poles.
- C. All utility poles shall be structurally sound and capable of standing in the vertical position and carrying the utility service lines attached to the pole without the support, direct or indirect, of any other utility pole. Guy wires may be used to support a utility pole, but no guy wire shall cross any road, street, sidewalk or paved or unpaved pedestrian walkway in such a manner as to pose a hazard to vehicles or pedestrians.
- D. All cables, wires, service lines, pipes, conduits, fixtures, appliances or any other element of the delivery system of any public or private utility service must be securely attached to a utility pole or structure. Cables, wires, service lines, pipes, conduits, fixtures, appliances or any other element of the delivery system of any public or private utility service must be set at a minimum height of 12 feet above grade when running perpendicular or across a curb or sidewalk and a minimum height of 14 feet above grade when crossing over a road, street or highway.

§ 259-48. Driveways and parking areas.

Driveways and parking areas shall be so constructed as to prevent materials used in the construction thereof from being scattered or washed upon adjacent sidewalks.^[1]

§ 259-49. Maintenance of sidewalk area.

The owner and occupant of each and every premises within the Village shall keep the adjacent sidewalk area between the curb and property line free from brush, weeds, long grass, rubbish and other materials and shall keep the grass thereon cut.

Article XV. Penalties

§ 259-50. Penalties for offenses.

Penalties shall be as provided in Chapter 1, General Provisions, Article II.

Article XVI. Skateboards, In-Line Skates and Roller Skates

§ 259-51. Definitions.

As used in this article, the following terms shall have the meanings indicated:

IN-LINE SKATES

Shoes, skates or footwear with a single row of wheels.

ROLLER SKATES

Shoes, skates or footwear with two or more rows of roller wheels.

SKATEBOARD

A narrow board of wood, plastic, fiberglass or similar material with roller-skate or other type of wheels attached to each end and used for gliding or moving on any hard surfaces, without a mechanism or other device for steering while being used, operated or ridden.

§ 259-52. Unlawful activities.

No person shall use or operate a skateboard/in-line skates/roller skates upon any public streets (including the entire paved and improved surfaces thereof, including gutter areas, from curb-to-curb, where curbs exist), sidewalks or on any public lands within the Village of Tarrytown:

- A. In a careless manner without due caution and circumspection;
- B. While endangering, or in any manner to create a risk or danger to, any person or property; or
- C. In any manner to impede or interfere with pedestrian or vehicular traffic.

§ 259-53. Precautions.

- A. Every person operating a skateboard/roller skates/in-line skates shall operate the same in strict observance of Article 34 of the New York State Vehicle and Traffic Law relating to the operation of bicycles and play vehicles, except as to those provisions which by their nature can have no application.
- B. The operator of a skateboard/roller skates/in-line skates emerging from an alley, driveway or building shall, upon approaching a sidewalk, yield the right-of-way to all pedestrians approaching said walk.

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- C. Whenever any person shall operate a skateboard/roller skates/in-line skates upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian.
 - D. No person shall operate a skateboard/roller skates/in-line skates at nighttime unless he or she is wearing reflective clothing, which shall be visible from a distance of not less than 50 feet and a maximum of 300 feet from the front, side and rear when directly in front of the lawful beams of headlight on a motor vehicle. "Reflective clothing" shall be defined, for the purposes of this article, as any shirt, vest or jacket or any other readily visible piece of apparel equipped with a reflective surface.
 - E. Every person operating in-line skates shall wear a protective helmet and wrist guards.

§ 259-54. Penalties for offenses.

Any person violating any provision of this article shall be guilty of a violation and, upon conviction thereof, shall be subject to a fine not to exceed \$25 for the first offense and not more than \$50 for each offense thereafter.

§ 259-55. Severability.

If any clause, sentence, paragraph, word, section or part of this article shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof directly involved in the controversy in which said judgment shall have been rendered.

Article XVII. Sidewalk Replacement Policy

§ 259-56. Purpose of adoption of policy.

The Village of Tarrytown recognizes the positive impact that properly maintained sidewalks can have on the quality of life of this community. Well-constructed, attractive and functional sidewalks contribute to the safety of the public while traversing our streets, thereby making our Village more pedestrian-friendly. As an incentive to property owners, the Board of Trustees will adopt a policy whereby the owners of one-, two- or three-family residential properties may request to have damaged or inadequate sidewalks in front and/or alongside of their properties (abutting public streets) to be replaced by the Village. The cost of replacement will be shared 50/50, whereby the property owner shall reimburse the Village for the cost of materials and the Village shall pay for the labor.

§ 259-57. Policy.

- A. Eligible properties: Owner-occupied one-, two- or three-family dwellings used for purposes authorized in the Zoning Code of the Village.
- B. Ineligible properties: Properties used for commercial, industrial, institutional, multifamily (four or more dwelling units) purposes. Non-owner-occupied one-, two- or three-family dwellings.

§ 259-58. Procedures.

- A. A property owner must submit a written request to the Village for placement on the Village's sidewalk replacement program, subject to approval by the Department of Public Works after visual inspection.

B. The Village will purchase the material and provide the labor for said sidewalk repair. An estimate and agreement letter will be sent to the property owner.

C. Failure of property owner to remit payment will subject the property to a tax lien.

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INTRODUCTORY LOCAL LAW # ____ OF 2019
A LOCAL LAW AMENDING
CHAPTER ~~259-281~~ OF THE TARRYTOWN VILLAGE CODE ENTITLED
TREES

§ 281-1. Legislative intent.

There is a direct relationship between the number of trees planted in a community and the health and safety and welfare of that community. Trees provide shade, add color, control water and air pollution, stabilize the soil and prevent erosion. The destruction of shade trees causes increased municipal costs for proper drainage control and impairs the benefits of occupancy of existing residential properties. In order to provide protection against the indiscriminate destruction of trees, this chapter establishes minimum standards for tree protection.

§ 281-2. Powers and duties of ~~General Foreman~~Superintendent of Public Works.

The ~~General Foreman~~Superintendent of the Department of Public Works or their designee shall have supervision over all trees planted or growing within the lines of all public streets and places of the Village and the planting, removal, care, maintenance and protection thereof pursuant to the provisions of this chapter. The Superintendent of Public Works or their designee ~~General Foreman~~ shall have the right to trim, spray, preserve and plant such trees as may be necessary to preserve symmetry or to remove or cause to be removed any tree or part thereof that is in an unsafe condition or that, by reason of its nature, is injurious to sewers or other public improvements or is infected with any injurious fungus, insect or other pest. The Superintendent of Public Works ~~General Foreman~~ shall meet with the Tree Commission on an annual basis to provide the Commission with a tree planting and tree maintenance plan for the land within the lines of all public streets and places. Where there is any doubt as to whether a tree is in an unsafe condition or is causing an unsafe condition or is infected with any injurious fungus, insect or pest, the Superintendent of Public Works or their designee ~~General Foreman~~ shall consult with the Tree Warden prior to removal of any tree. In this situation the final decision is by the Tree Warden.

§ 281-3. Tree Warden.

The Board of Trustees shall select an individual with knowledge of the planting and maintenance of trees to serve as the Tree Warden for the Village of Tarrytown. The Tree Warden shall represent the Tree Commission and shall have the powers, rights and responsibilities as provided for in this chapter and shall serve at the pleasure of the Board of Trustees.

§ 281-4. Cutting, killing or destroying trees.

- A. No person, firm or corporation or individual connected with such firm or corporation shall either purposely or carelessly or negligently cut down, top, prune, kill or otherwise destroy or commit any act that may lead to eventual destruction of any tree exceeding four inches in diameter at a height of four feet six inches measured from the ground on any private property unless said person, firm or corporation or individual connected with such firm or corporation shall have obtained a permit pursuant to § 281-11 of this chapter. Permits issued for any other purpose by the Village, including but not limited to building permits, shall not be considered as valid permits for the removal of trees unless permission for the removal of the trees has been granted by the Planning Board or the Zoning Board of Appeals, subject to the provisions of Subsection B or C hereinbelow.
- B. Notwithstanding any other provision of this chapter, any property owner applying for a zoning variance, approval of which would require the removal of any trees on said property, shall make application to the Tree Commission for referral to the Zoning Board of Appeals of the Village of

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Tarrytown, who, along with the Planning Board, shall have advisory jurisdiction regarding the proposed removal of such trees due to an approved site plan. The Zoning Board of Appeals of the Village of Tarrytown and/or the Planning Board of the Village of Tarrytown may grant or deny such application on such terms and conditions as it may prescribe.

- C. Notwithstanding any other provision of this chapter, any property owner applying for site plan approval which would require the removal of any trees on said property shall make application to the Tree Commission for referral to the Planning Board of the Village of Tarrytown, which shall have sole jurisdiction regarding the proposed removal of trees. The Planning Board may grant or deny such application on such terms and conditions as it may prescribe.
- D. Notwithstanding any other provision of this chapter, any property owner applying for subdivision approval whose plans would require the removal of any trees on said property shall make application to the Tree Commission for referral to the Planning Board of the Village of Tarrytown, which shall have sole jurisdiction regarding the proposed removal of such trees. The Planning Board may grant or deny such application on such terms and conditions as it may prescribe, it being understood that there must, in any event, be full compliance with the Subdivision Regulations of the Village of Tarrytown.^[1] In the event that a property owner, subsequent to the filing of a final plat, shall require the removal of any trees which deviates from the plans approved by the Planning Board, application must be made to the Planning Board, and all the requirements of this chapter shall be applicable.
- E. Notwithstanding any other provision of this chapter, any property owner applying for a building permit and not subject to the provisions of Subsection B, C or D hereinabove, approval of which would require the removal of any tree(s) on said property, shall make application to the Tree Commission, who shall have sole jurisdiction regarding the proposed removal of such trees. The Tree Commission may grant or deny such application on such terms and conditions as it may prescribe, including but not limited to the planting of new trees or other forms of landscaping.

§ 281-5. Tree Commission.

- A. The Board of Trustees shall create a Tree Commission which shall consist of seven members, including the Building Inspector, the Superintendent of Public Works~~Department of Public Works General Foreman~~, the Tree Warden, a member from the Environmental Advisory Council and three members selected from the residents of the Village of Tarrytown. A quorum shall consist of at least three members present. There shall be a liaison between the Tree Commission and the Planning Board. The Board of Trustees shall also select a Chairperson for the Commission who shall serve as liaison to the Village Administrator. The Chairperson shall be responsible for communicating to all departments.
- B. The voluntary members of the Tree Commission, excluding the Tree Warden, shall serve for three-year terms, such terms to be on a staggered basis. The members of the Commission shall receive no compensation for their services as members but may, in the discretion of the Board of Trustees, be permitted the necessary and actual expenses which shall be incurred in the performance of duties under this chapter.
- C. All determinations and decisions made by the Tree Commission shall be by a majority vote. The Commission is hereby authorized and empowered to obtain the assistance, when necessary, of persons especially qualified by reason of training or experience in tree planting, preservation and landscaping. Should the Commission seek assistance, based upon an appeal permitted under § 281-11 of this chapter, all costs thereof shall be borne by the party seeking said appeal. Assistance requested by the Commission not related to the appeal process shall be borne by the Village.
- D. The Tree Commission shall meet, at a minimum, on a monthly basis. Said meetings shall be regularly scheduled and advertised on the Village Calendar. At the meeting, the Commission shall review the tree permits that are pending, have been issued and denied by the Tree Warden, the Zoning Board of Appeals and the Planning Board. The Tree Commission shall review site plan/zoning variance applications currently pending before either the Zoning Board of Appeals and/or the Planning Board and issue recommendations to either Board with respect to any aspect

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of said application that may impact trees, shrubs and/or related plantings. The Commission shall also hear any appeals based upon the denial of a permit by the Tree Warden. The Commission may have regular meetings or on a more frequent basis. A special meeting may be convened should either the Chairperson or two other members of the Commission deem such a meeting to be necessary.

- E. The Tree Commission reserves the right to refuse permits for tree destruction if it feels that the best interests of the public are not served by the proposed development. It may further revoke any permit if the work is not proceeding according to permit and in an orderly and diligent manner.
- F. The Tree Commission shall have control over payments to and disbursements from the Village Tree Fund, created in § 281-13 hereinbelow.

§ 281-6. Interference with trees or shrubs.

No person shall, without first securing a written permit from the Tree Warden, cause any wire or insulator or any device for the holding of any electric wire to be attached to any tree in any street, park or other public place, or cause any wire or other conductor charged with electricity to come in contact with any such tree, or place or maintain any pole or post in such a manner as to interfere with any tree or shrub in any street, park or other public area.

§ 281-7. Fastening animals or attaching signs to trees.

No person shall fasten or tie any animal to or attach any sign, bill, card, notice or any advertisement to any tree or shrub in any street, park or other public place or allow any animal under his/her control to injure any such tree or shrub.

§ 281-8. Obstructing nutrients from roots.

No person shall place or maintain on the ground in any street, park or other public place any stone, excess soil or other substance in such manner as may obstruct the free access of air or water to the roots of any tree without first obtaining a written permit from the Tree Warden.

§ 281-9. Depositing deleterious substances near trees.

No person shall cause brine, oil, gas, gasoline, liquid dye or other substance deleterious to tree life to pass onto or into the soil about the roots of any tree in any street, park or other public place.

§ 281-10. Trimming of trees and shrubs.

- A. Trees standing on any lot or land adjacent to any public street or place and having branches projecting into the public street or place shall be kept trimmed by the owner or owners or occupant of the property on which such trees are growing so that the lowest branches shall not be less than 15 feet from the roadbed and not less than eight feet from the sidewalk level. The Tree Warden may, however, allow newly planted trees to remain untrimmed, provided that they do not interfere with persons using the sidewalk or obstruct the light of any streetlight or traffic signal.
- B. Topping of trees is to be avoided. Topping of any tree exceeding four inches in diameter at a height of four feet six inches measured from the ground, on any property, shall require a tree permit. The permit may be issued by the Tree Commission if there is sufficient evidence that failure to top the tree would pose significant danger in terms of safety or property damage.
- C. Thinning of a tree canopy to create views known as peek-a-boos is permitted, provided the percentage of thinning does not exceed 25% of the overall canopy. No thinning shall occur in the upper or lower 25% of the tree canopy. "Peek-a-boos" are defined as the creation of a series of

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windows within a tree canopy to provide a vista without impacting the overall health and aesthetic value of the tree. The thinning (pruning) occurs only in the middle 50% of the tree. Only minor branches are pruned. This method of vista pruning lasts three to four times longer than topping (approximately 10 years versus three years for topping).

- D. Hedges, bushes, shrubs, flowers or other growing plants shall be kept trimmed so as not to obscure the vision of motorists approaching the intersection. The owner or owners of property shall keep all hedges, bushes, shrubs, flowers or other growing plants trimmed so as not to impede pedestrian traffic on the sidewalks of the Village.
- E. Any tree or shrub that is growing on private property and that is endangering or in any way may endanger the security or usefulness of a public street, public sewer or other public place or that is diseased shall be considered a public nuisance.
- F. In case the owner or owners or the occupant or occupants shall neglect or refuse to trim such tree or trees, hedges, bushes, shrubs, flowers or other growing plants after being notified, in writing, by the Village, the Village shall have the right, after one week from the date of such written notice, to cause the trimming to be done and to charge the expense thereof against the land on which said trees, hedges, bushes, shrubs, flowers or other growing plants are located. This section shall not preclude the Village from enforcing the penalty clause in § 281-15 of this chapter.

§ 281-11. Permit procedures; appeals.

A. Permits for the removal of trees may be granted under the following circumstances:

- (1) If the presence of the tree would cause hardship or endanger the public or the person or the property of the owner.
- (2) Properties anticipated for or under zoning or planning review shall be schematically approved by required zoning or planning agencies prior to submission to the Tree Warden. Where intensive cutting of trees and shrubbery is planned, the Village Landscape Consultant may require an overall landscape design that includes an arrangement of specimen ornamental, flowering and/or evergreen trees, and trees which will grow tall in time. The expense of such an arrangement would be at least equivalent to the estimated value of the existing trees to be removed, as determined by the Village's replacement cost method.
- (3) Trees on property to be occupied by buildings or structures within a distance of 10 feet around the perimeter of such building or structure, depending upon tree species and conditions to be determined by the Tree Warden and/or Landscape Architectural Consultant. However, in proper instances, the Tree Warden may recommend to the Planning Board proposed buildings or structures to be relocated or removed from a building plan in order to save an important tree or trees.
- (4) If the trees substantially interfere with a permitted use of the property, the removal of the trees shall be performed in a selective manner, as determined by the Tree Warden.

B. The determination of the Tree Warden shall be final but subject to appeal and shall depend upon the species of the tree, the degree of injury and the likelihood of the survival of the tree, economical considerations of land use and consideration of the general welfare and the overall environment of the area, except that it shall be subject to such review as authorized hereinbelow.

C. In the event that the Superintendent of Public Works or their designee General Foreman determines that a tree or trees are hazardous to life or property, the Superintendent of Public Works or their designee General Foreman shall have the right to grant immediate approval for the removal of said tree or trees, waiving all notices as required under this chapter. In the event that such approval is granted, the Superintendent of Public Works or their designee General Foreman or Tree Commission, subsequent to the cutting of said tree or trees, shall have the authority to require complete compliance with all other provisions of this chapter as applicable thereto.

D. Requirements:

- (1) All applications for site plan review shall be made in writing upon forms prescribed by the Superintendent of Public Works or their designee~~General Foreman~~, Tree Warden or Landscape Architectural Consultant.
- (2) For all applications, the site plan review process requires the following, the Tree Warden and/or Landscape Architectural Consultant may require the applicant to submit plans showing existing and proposed contours at two-foot intervals on a map or plan at a scale no smaller than one inch equals 20 feet. Where trees are to be removed or destroyed, existing trees, specifying types, sizes, and condition, shall be shown and the reasons for removing or destroying said trees shall be set forth. The site plans must identify, classify and evaluate all existing trees within the site disturbance area and up to 50 feet beyond the site disturbance area. The plans must provide for new trees to be planted and specify their location and type to replace the existing trees in kind. When the existing trees are so large and matured that they cannot be replaced, the Tree Warden and/or Landscape Architectural Consultant may recommend to the Planning Board the required planting of multiple trees or a monetary contribution to the Village Tree Fund instead.
- (3) The Superintendent of Public Works or their designee~~General Foreman~~, Tree Warden and/or Landscape Architectural Consultant may require the site plan applicant to provide a tree value appraisal for any tree, to be preserved within the site disturbance area and up to 50 feet beyond the site disturbance area, greater than four-inch-diameter base height according to the latest edition of the Guide for Plant Appraisal by the Council of Tree and Landscape Appraisers and published by the International Society of Arboriculture, Champaign, Illinois.
- (4) The Superintendent of Public Works or their designee~~General Foreman~~, Tree Warden and/or Landscape Architectural Consultant may require the site plan applicant to provide a comparative tree replacement chart specifying the total quantity of diameter base height trees to be removed versus the total caliper size of trees to be planted.
- (5) The Superintendent of Public Works or their designee~~General Foreman~~, Tree Warden and/or Landscape Architectural Consultant may require additional site plan information such as the design of walls, disposition and design of storm drainage and any information pertinent to the individual circumstances.
- (6) Where extensive tree cutting is planned, the Tree Warden may recommend to the Planning Board to require the site plan applicant to pay for a licensed professional inspector to supervise the orderly development of the land and ensure the protection of the trees. Said inspector may be recommended by the Tree Warden.
- (7) The Superintendent of Public Works or their designee~~General Foreman~~, Tree Warden or Landscape Architectural Consultant may recommend the Planning Board to require that the site plan applicant furnish the Village with a performance bond as approved by the Village Attorney in an amount sufficient to cover 90% of the tree preservation, planting and restoration work to be completed in accordance with the plans accompanying all applications. The remaining 10% of the cost of tree preservation, restoration and replanting shall be in cash and deposited by the applicant in a special tree preservation escrow account maintained by the village. The total amount of the bond and cash deposit shall reflect all tree preservation, restoration and protection costs and shall be in accordance with each set of individual circumstances. Upon completion of all planting and restoration work to the satisfaction of the Tree Warden, the performance bond shall be canceled and replaced with a maintenance bond to be approved by the Village Attorney and to run for a term to be fixed by the Tree Warden, but in no case for a period longer than two years. The 10% cash in escrow shall remain on deposit with the village until the maintenance bond is canceled.
- (8) The Tree Warden, within 20 business days from the date the site plan application is submitted in final form, shall notify the applicant of his intent to approve the application or shall disapprove the application for permit. No trees shall be cut for a period of 20 business days from the date of the issuance of said notice.
- (9) Decisions; appeals.

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(a) All decisions or determinations made by the Tree Warden approving applications pursuant to this chapter shall be sent to adjoining property owners and to the Environmental Advisory Committee.

(b) Any person aggrieved, affected, or interested in the determination or decision of the Superintendent of Public Works, their designee General Foreman or Tree Warden shall have the right, within 10 days from receipt of the decision of the Superintendent of Public Works, their designee General Foreman or Tree Warden, to appeal to the Village Board of Trustees for existing properties and to the Planning Board for proposed development, which shall review the decision. Any decision or determination of the Superintendent of Public Works, their designee General Foreman or Tree Warden that is appealed to the Village Board of Trustees or Planning Board shall be stayed pending review by the Village Board of Trustees or Planning Board. Any determination made by the Superintendent of Public Works, their designee General Foreman or Tree Warden can be reversed, affirmed or modified by the Planning Board and/or Village Board of Trustees; furthermore, the Planning Board and/or Village Board of Trustees may review and/or amend any decision of the Superintendent of Public Works, their designee General Foreman or Tree Warden or Tree Commission.

(10) The Superintendent of Public Works or their designee, General Foreman or Tree Warden and/or Landscape Architectural Consultant has the right to refuse permits for tree destruction if he feels that the best interests of the public are not served by the proposed destruction. The General Foreman or Tree Warden and/or Landscape Architectural Consultant may further revoke any permit if the work is not proceeding according to permit and in an orderly and diligent manner.

(11) The cost of the tree permit application shall be set by the Village Board.

§ 281-12. Restoration and replacement of trees.

- A. All persons who remove or cause to be removed trees, with or without a permit, as required, shall restore the area by backfilling all holes and by creating an acceptable grade and covering. Any tree damaged/removed during construction or development of the property shall be either replaced in kind, or, where existing trees are so large and mature that they cannot be replaced, the Tree Commission may require the planting of multiple trees or may assess the value of the destroyed trees per § 281-11D(3), said value to be paid to the Village Tree Fund. Minor tree damage shall be repaired in accordance with accepted tree surgery practice.
- B. Tree stumps shall be removed, or ground down, not cut flush. A property owner may appeal the tree stump removal requirement of this section to the Tree Commission. After the planting of trees, removal of all debris in the undisturbed area shall be made immediately. The property where such planting is done must be left in a neat and orderly condition, in accordance with good and acceptable planting and tree surgery practice.
- C. All trees which fail to survive for a period of two years following planting shall be replaced by the permit holder at no expense to the Village or the owner of the land, if other than the permit holder. Said replacement shall be within 60 days following written demand for such replacement from the Tree Commission or within an extended period of time as may be specified.

§ 281-13. Village Tree Fund.

Upon proof by the person seeking a tree permit that compliance with the requirements of this chapter in terms of planting of trees in replacement of those destroyed and for purposes of screening is not feasible on the property, in whole or in part, the Tree Commission may approve the payment by the person of a sum or sums equivalent to the value of the trees destroyed, according to generally accepted standards in the landscaping/landscape architecture profession (i.e., International Society of Arboriculture Guidelines), to be paid to the Village Tree Fund, which shall be held for the sole purpose of planting and maintaining of trees on public land in the Village in accordance with this chapter.

§ 281-14. Specimen species.

All trees are protected in the Village according to the foregoing legislation. Specimen tree species of any size designated as "specimen" may not be removed unless the Tree Commission determines, because of their condition, that they are a danger to persons or property or that they are diseased and cannot be saved. The following trees are further protected and shall be double value for appraisal purposes:

- A. American beech.
- B. European beech tree.
- C. Eastern white pine.
- D. American elm.
- E. Ginkgo (male).
- F. Canadian hemlock.
- G. American sycamore.
- H. Littleleaf linden.
- I. Larch.
- J. Red oak.
- K. White oak.
- L. Shagbark hickory.

§ 281-15. Penalties for offenses.

- A. This chapter shall be enforced by the Code Enforcement Officer of the Village of Tarrytown except where such enforcement is vested with the Highway Superintendent by the laws of the State of New York.
- B. Any person violating any of the provisions of this chapter shall be guilty of a violation and shall be fined the greater of \$500 or the replacement cost of any tree(s) improperly removed pursuant to this chapter and/or imprisoned not to exceed 15 days. Each day the violation continues shall constitute a separate offense. The replacement cost shall be calculated based upon the cost to replace the removed or damaged tree(s) with tree(s) having the same characteristics and species. The replacement cost method will include the cost of tree installation and utilize the usual and customary guidelines of the Council of Tree and Landscape Appraisers (as noted in the Guide to Plant Appraisal, 9th Edition or similar manual) and/or the American Nursery and Landscape Association, the American Society of Consulting Arborists, the American Society of Landscape Architects, the Associated Landscape Contractors of America, the International Society of Arboriculture, and the National Arborist Association.
- C. In addition thereto, any person violating any provision of this chapter shall be subject to a civil penalty enforceable and collectible by the Village in the amount of \$200 each day the violation continues for every tree.

