

Board of Trustees
Village of Tarrytown
Regular Meeting No. 16
October 5, 2015
8:00 p.m.

PRESENT: Mayor Fixell presiding; Trustees: Basher, Butler, Hoyt, McGee, McGovern and Zollo; Village Administrator Blau; Village Treasurer Hart; Village Attorney Silverberg and Village Clerk Booth

The meeting began with the Pledge to the Flag.

REPORTS

Mayor Fixell noted that next Thursday, October 15th, there will be a “Let’s Solarize Tarrytown!” kickoff meeting at Village Hall at 7:00 p.m. The Village of Tarrytown is one of four communities selected for this second round of the Solarize Westchester campaign, where a preferred solar panel installer will be chosen. There will be preferred pricing for those who sign up for the installation of the solar panels within 3 months from the kick-off meeting. The more residents who solarize their homes, the greater the discounted cost.

Trustee McGovern noted that Wednesday night, October 6th, the Tarrytown Fire Department is hosting a “Spaghetti Dinner” for all senior citizens in the Village of Tarrytown at the Senior Center at 5:00 p.m.

Trustee McGee noted that the Friends of the Library will be holding their Fall Book Sale under the tent in front of the Warner Library on Saturday and Sunday, October 17 and 18, from 10 a.m. to 5 p.m.

Trustee Hoyt noted the following:

- Scarecrow Making at Patriots Park on Saturday, October 10th at 10:30 a.m. Bring old clothes from home to make your own hand-made scarecrow. The Tarrytown Recreation Department will provide the straw and frame.
- Halloween Window Painting on Broadway (near CVS) on Saturday, October 14th from 3:30 p.m. to 5:30 p.m. More information can be found on the Sleepy Hollow-Tarrytown Chamber of Commerce website.
- Halloween Parade on Saturday, October 24th, beginning at 5:30 p.m. For more information contact the Recreation Department and/or to register a group, go to www.tarrytownhalloweenparade.com.
- Rag-a-muffin Parade at Patriots Park on Saturday, October 17th at 2:00 p.m.

CHANGES AND/OR ADDITIONS TO THE AGENDA

The Board of Trustees removed Item No. 9 from the agenda, the Budget Transfer - Water Fund

PUBLIC HEARING – TARRYTOWN BOAT AND YACHT CLUB APPLICATION FOR A VARIANCE FROM THE INTERIM DEVELOPMENT MORATORIUM FOR TARRYTOWN STATION STUDY AREA WITHIN THE VILLAGE OF TARRYTOWN

PLEASE TAKE NOTICE that the Board of Trustees of the Village of Tarrytown will hold a public hearing on the 5th day of October, 2015, at 8 PM, in the Municipal Building, One Depot Plaza, Tarrytown, New York 10591, to hear and consider the application of the Tarrytown Boat and Yacht Club, 236 Green Street, Tarrytown, New York (“Applicant”), which is seeking a hardship variance from the provisions of the Moratorium on Development within the study area designated as the Tarrytown Station Study Area.

In enacting the Moratorium the Village determined that “to adequately address the deficiencies in the existing code, it is necessary and appropriate to place a moratorium on the issuance of all permits and approvals within the Study Area.”

SECTION 9 of the Local Law establishing the Moratorium provides in part:

“Should any owner of property affected by this Local Law suffer an unnecessary hardship in the way of carrying out the strict letter of this Local Law, then the owner of said property may apply to the Village Board, in writing, for a variation from strict compliance with this Local Law upon submission of proof of such unnecessary hardship.

Anyone wishing to be heard on the application may submit comments in writing prior to 4:00 P.M. on October 5, 2015 or appear at the above time and place to be heard by the Village Board. A copy of the application may be examined at the office of the Village Clerk, One Depot Plaza, Tarrytown, New York 10591.

Trustee Basher moved, seconded by Trustee Hoyt and unanimously carried, that the hearing be opened.

Jerry Gregory, past Commodore of the Tarrytown Boat Club, stated that on behalf of the Tarrytown Boat Club, he is requesting a hardship waiver from the recent moratorium. In 2012, they were hit by Hurricane Sandy and hired a Public Adjuster to work with the insurance company on their insurance claim, which took a year to complete. The Boat Club tried to find a tenant to run the restaurant, but with the damage the restaurant building suffered from Hurricane Irene in 2011 and then Hurricane Sandy in 2012, they were unsuccessful in their attempt to find a tenant for the restaurant. Mr. Gregory noted that in 2008, the Tarrytown Boat Club had a relationship with National Resources, but due to the financial difficulties in 2008, the relationship with National Resources terminated. National Resources came back to the Tarrytown Boat Club after the economy turned around and they still saw an opportunity for the Tarrytown Boat Club property. Joe Cotter proposed a contract with the Tarrytown Boat Club to provide a first-class restaurant operation and to build a separate club house for the Tarrytown Boat Club. The Tarrytown Boat Club is asking the Village Board for consideration of a waiver of the provisions of the moratorium in order to allow Mr. Cotter to obtain approvals and permits, so the Tarrytown Boat Club doesn't lose another year or two in the construction of the club house and restaurant. The restaurant was a significant revenue source for the Tarrytown Boat Club.

Trustee Zollo asked if the Tarrytown Boat Club is requesting a waiver relating to Joe Cotter. Mr. Gregory stated that the Tarrytown Boat Club went into contract with Joe Cotter and put a lease together for him to rebuild the footprint of the Striped Bass restaurant, instead of trying to repair the existing building. He has already begun to file building permits with the Village for the club house where he will build a second story on the existing dockmaster building.

Trustee Zollo noted that in the Tarrytown Boat Club document presented to the Village Board tonight, it states that the Boat Club has a new lease to build a new building. Trustee Zollo asked if that involves Joe Cotter. Mr. Gregory responded, yes. Trustee Zollo asked if Joe Cotter is building an interim clubhouse until a larger deal is struck or until he rebuilds the whole facility. Mr. Gregory noted that for years, the clubhouse was always on the second floor of the restaurant area. When Joe Cotter takes down the restaurant, the Tarrytown Boat Club will not have a clubhouse. Joe Cotter is proposing to build a second story on the existing dockmaster building for the clubhouse. This will serve the Tarrytown Boat Club until Joe Cotter is ready to take the existing restaurant building down and rebuild a brand new restaurant which includes a new clubhouse.

Trustee Zollo asked if Joe Cotter has applied for any building permits yet. Mr. Gregory responded that he has applied for permits for the second story clubhouse. Trustee Zollo asked if that is all the Boat Club is interested in tonight's request for a hardship variance. Mr. Gregory stated that tonight's request for a hardship variance is for Joe Cotter to build our clubhouse on the second story of the dockmaster building and to follow through with

the permits and approvals to build a new restaurant. If we get delayed by this moratorium, the developer may lose interest and walk away from the project.

Trustee McGovern asked how many members the Tarrytown Boat Club has right now. Mr. Gregory responded 60 members and approximately 25 active members. That is the primary members. They have approximately 110 members this year. They used to be a 200-boat slip marina. They drastically lost membership because they haven't had a restaurant. They are currently an 80-boat slip marina.

Mr. Gregory noted that there are two corporations on the waterfront; the Tarrytown Boat Club, which is a not for profit membership corporation and the Tarrytown Marina, which is a separate business entity.

Trustee Zollo asked the size of the clubhouse that will be built on the second story of the locker house. Mr. Gregory responded 20' x 50' on top of the existing first floor of 20' x 50'.

Administrator Blau asked if the Tarrytown Boat Club were not granted the waiver, what happens with National Resources and Joe Cotter's commitment to the Tarrytown Boat Club and Yacht Club. Mr. Gregory responded that Joe Cotter would have to follow through with the building permits and approvals to build the Boat Club their boat club on the second story of the locker house. That is the first stage. Administrator Blau asked if the Tarrytown Boat Club were not granted the waiver, what would happen with Joe Cotter's commitment. Mr. Gregory and Kevin McDermott responded that he can walk away from the entire project.

Mr. Gregory noted that the Tarrytown Boat Club has had problems with the insurance companies after Hurricane Sandy; the club lost approximately 60% of its revenue and could probably have lost the entire Boat Club entity itself. If they are not allowed to move forward with the new club house and restaurant, it will create a significant revenue problem and they will be forced to restructure the club or close a good portion of it down.

Mayor Fixell asked if they feel the absence of the restaurant seriously affects the club membership and the use of the boat slips. Mr. Gregory responded that it has seriously affected membership. People have not returned in the past few years. Boating is recreational and without a restaurant, we have lost a significant number of members and boat slip revenue.

Trustee Zollo asked how many boat slips are available. Mr. Gregory responded that the boat club has capacity to provide approximately 200 boat slips. Some of the slips need to be repaired. They originally had an agreement with National Resources in 2008 that included dredging work; however that is not going to happen now as part of the new lease. In addition, recreational boating has changed to smaller type boats. Boat slips are rented by linear footage and due to smaller boat sizes, revenue is affected by this as well.

Mr. Gregory noted that historically there have been two corporations operating at the boat club. The parent company is the Tarrytown Boat Club. Most of the revenue for the Tarrytown Boat Club comes from the rental of the restaurant. The Tarrytown Marina business is a separate business and has been affected by diminished boat slip rentals.

Trustee Zollo asked if the Tarrytown Boat Club was granted the waiver, when would the restaurant be built. Mr. Gregory stated that Joe Cotter is first committed to build the Tarrytown Boat Club a club house on the second floor of the locker house. Then he will be working with the Village to present proposed plans, get approvals and permits to build the restaurant. Trustee Zollo asked if Joe Cotter has any obligations to the Boat Club as it relates to the restaurant. Mr. Gregory stated that Joe Cotter will be paying the leases that the boat club has with the Village, the property taxes and a ground lease to the Boat Club. Right now the Boat Club is paying over \$100,000 a year, just in the Village's lease, property taxes and parking.

Trustee Butler asked if Joe Cotter will immediately build the second story club house. Mr. Gregory and Mr. McDermott responded, yes and they said that National Resources filed for building permits back in January. There were some issues with the permits, but all the issues have been corrected.

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

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD ONLY ON AGENDA ITEMS. SPEAKERS SHALL HAVE THREE (3) MINUTES TO ADDRESS THE BOARD OF TRUSTEES.

Mayor Fixell asked if anyone wanted to address the Board on agenda items. No one appeared.

APPOINTMENT OF OFFICE ASSISTANT – FINANCIAL SUPPORT

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby appoint Tamara J. Stewart to the position of Office Assistant - Financial Support, Step 2, effective October 13, 2015, at an annual salary of \$55,253. This appointment is made from Eligible List #61-690 and is subject to all applicable civil service rules and regulations.

FIRE DEPARTMENT MEMBERSHIP CHANGES

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve the following Fire Department membership changes recommended at the September 15, 2015 Board of Fire Wardens meeting: Membership: Christopher Lukic and Stephen Bacon have been elected to active membership at Hope Hose Company; Drivers: Nikolai Kabelev has been approved as driver for Washington Engine and Mario David Cova has been approved as a driver for Utility 61.

TAX CERTIORARIS

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve the settlement of the following tax certiorari cases, as outlined in Ira S. Levy's memorandum dated September 22, 2015:

- 71 Storm LLC
- 300 Sheldon Avenue
- Continental Manor Condominium – 240 S. Broadway
- Holy Spirit Association/HSA – Belvedere parcel as well as 548 Broadway
- 90 N. Broadway
- Marshall Cavendish Corporation – 99 White Plains Road
- One Division Realty Corporation
- 78 Central Avenue

and;

BE IT FURTHER RESOLVED that the Board of Trustees may fund these tax certiorari cases from a future financing resolution.

SCHEDULE A PUBLIC HEARING – PARKS LEGISLATION

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby schedule a Public Hearing for the regular meeting of October 19, 2015, at 8:00 p.m., in the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider and act upon a proposed amendment to the Code of The Village of Tarrytown by adding a new Chapter 36, entitled “Officers” to allow the Village Board to create the office of Commissioner of Parks for the efficient and economical operation of the Village’s parks.

APPROVAL OF AUDITED VOUCHERS

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve Abstract No. 6 of Audited Vouchers to be paid in the following amounts:

General	\$	329,005.13
Water		21,361.29
Sewer Fund		0.00
Capital		78,308.32
Library		10,191.98
Trust & Agency		<u>3,203.89</u>
Total	\$	442,070.61

The Board was polled all voting “aye” with the exception of Trustee Hoyt who recused himself from Voucher Numbers 2012251928 and 2012251833. Motion carried. 7-0

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD. SPEAKERS HAVE FIVE (5) MINUTES BEFORE YIELDING TO THE NEXT SPEAKER; THEN THREE (3) MINUTES FOR ADDITIONAL COMMENTS

Mayor Fixell asked whether anyone wished to address the Board on any matter. No one appeared.

ADJOURNMENT

Trustee Hoyt moved, seconded by Trustee Basher, and unanimously carried, that the meeting be adjourned at 8:25 p.m.

Carol A. Booth
Village Clerk