

Board of Trustees
Village of Tarrytown
Regular Meeting No. 8
Via Zoom Video Conference
February 16, 2021
7:00 p.m.

PRESENT via Zoom Video Conference: Mayor Butler presiding; Trustees: Brown, Kim, McGovern, Rinaldi and Zollo; Village Administrator Slingerland; Assistant Village Administrator Ringel; Village Attorney Kathy Zalantis; and Village Clerk Booth

ABSENT: Trustee Hoyt

The meeting began with the Pledge to the Flag.

Members of the Public interested in viewing the meeting should visit <https://www.tarrytowngov.com/home/events/33056> for instructions on how to join & participate.

Members of the public who wish to have an item “screen shared” (i.e. displayed during the meeting) during their public comment period, must submit their document(s) to Administrator@tarrytowngov.com no later than 12PM the day of the Board of Trustees Meeting.

REPORTS

Deputy Mayor McGovern, reported the following:

- COVID-19 update, people are now allowed to get vaccinations if you have a pre-existing condition at any age. However, you would have to prove your condition with a doctor's note. Right now, pharmacies are only allowed to give vaccinations to people who are 65 years old and older.
- The Senior Van will now be operated out of the Recreation Office, not the Treasurer's Office. To schedule a ride in the senior bus, you will now call the Recreation Office.
- Seniors can now exercise three times a week, Monday, Wednesday and Friday at 10 a.m. at the Senior Building. Maximum capacity allowed is 12 people, so call ahead to make sure there's room.
- Tomorrow the snowman contest winners will be put on the website
- The Senior's Valentine lunch that was scheduled for today was postponed for one week due to what we thought was going to be bad weather. The Valentine's lunch will take place next Tuesday, same time and same arrangement.

Trustee Rinaldi noted that restaurant workers are now eligible to get vaccinations as well.

Trustee Brown noted that there is a wonderful organization called COVID Angels out of the Town of Greenburgh, which includes the Village of Tarrytown. They have about 200 volunteers who have scheduled vaccination appointments for thousands of seniors and other people who just may not have the wherewithal to do that.

ADMINISTRATOR'S REPORT

Administrator Slingerland noted the following:

- He apologized on the record for his interruption of the Police Chief at our last meeting. In his zeal to allow the public to speak, it was taken the wrong way and he apologizes for any insult that was perceived to him or the police department.
- He thanked the Public Works Department, the Police Department, the Fire Department, and Parks Department and all their staff for all their hard work with dealing with the snow. It has been a tough winter and everyone is doing the best they can. We have crews removing the snow in the downtown area, our parking lots and small residential streets and transporting all that snow to our commuter lots F and G. Due to the pandemic, those lots are basically empty and allows us to use that area for snow storage.

- He asked everyone to get prepared, have your shovels and salt ready for another snow storm heading our way this Thursday through Friday.

Assistant Administrator Ringel noted that starting tonight at 11 p.m., the South Street Parking Lot will be closed to the public until about 5 p.m. tomorrow so that a residential prefabricated modular home can be dropped on a foundation on John Street. A reverse 911 message was sent out, signs will be posted and it is on our website.

Assistant Administrator Ringel read the following for clarity:

Members of the public who wish to have an item "screen shared" (i.e. displayed during the meeting) during their public comment period, must submit their document(s) to Administrator@tarrytowngov.com no later than 12PM the day of the Board of Trustees Meeting.

AMENDMENT TO THE TARRYTOWN BOARD OF TRUSTEES OFFICIAL RULES OF PROCEDURE

Trustee Zollo moved, seconded by Trustee McGovern, and unanimously carried, that the following resolution be approved: Approved: 6-0-1

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve the following amendments to the Tarrytown Board of Trustees Official Rules of Procedure:

All new material is set forth in **bold** letters.

Part C: Rules and Procedures

Section 2 - Guidelines for Public Comment

Staff will not read letter(s) into the record from the public other than from government officials.

General Requirements

Speakers must give their name, **state the municipality where they reside, and provide general** address and organization represented, if any.

Roll Call –Mayor Butler, Yes, Trustee Brown, Yes, Trustee Hoyt, Absent, Deputy Mayor McGovern, Yes, Trustee Rinaldi, Yes, Trustee Zollo, Yes

PUBLIC HEARING ON ZONING TEXT CHANGES TO APPLY A/D FLOATING/OVERLAY ZONE AND SITE PLAN FOR 99 WHITE PLAINS ROAD (adopted)

Trustee Kim moved, seconded by Trustee Zollo and unanimously carried, that the hearing be opened.

Roll Call –Mayor Butler, Yes, Trustee Brown, Yes, Trustee Hoyt, Absent, Deputy Mayor McGovern, Yes, Trustee Rinaldi, Yes, Trustee Zollo, Yes

PRESENTATION – SUNRISE SENIOR LIVING

Brad Schwartz, Attorney with Law Firm of Zarin and Steinmetz, representing Sunrise Senior Living regarding the proposed 85 unit assisted living facility at 99 White Plains Road, a combination with 53 assisted living units and 32 memory care units. The property is near the thruway entrance on the north side of Route 119. It contains the brick global building with that circular driveway in the front. The project will adaptively reuse the front part of the global building as the facility's main entrance as well as for reading rooms and other amenities for its residents. They have already went through a very comprehensive SEQRA with the Planning Board. They studied and mitigated all the different areas of environmental concern. The

Planning Board was pleased with their analysis and issued a Neg Dec under SEQRA and made a positive referral to your Board on a rezoning. The Board of Trustees adopted the zoning text amendments at your last Board meeting and tonight we are having a public hearing to ask the Board of Trustees to now complete that rezoning process by applying the overlay zone to this particular property.

Philip Kroskin, Sr. V.P. of Real Estate for Sunrise Development, noted that they are excited about this opportunity and that Tarrytown is a special community. They have other properties in Westchester County and have been in the New York market serving seniors for decades now. As you know, Artis Memory Care facility will be operating as their neighbor. They speak frequently with them. Your community definitely has a need for this type of facility today and that the need will only get greater throughout the coming decades. This is an exceptionally wonderful location for this property. It's going to create a beautiful park like setting for our residents to really enjoy. Today, Sunrise has about 332 total communities in and around the world. Every single one of our buildings is populated by residents who are typically from a 10 to 15 minute drive from a home that they either grew up in or lived in or is a daughter or son's home. You will be pleasantly surprised and appreciative of the amount of work that our team does to engage with the overall community and add, not just a needed service, but a wonderful addition to your community. As an Urban Planner and developer, he loves when the building is in a place where they can adaptively reuse. They are working with an Architectural Historian to really find ways to utilize this building and to bring it back and make it part of the community. The entry of the building, as well as a place where residents can enjoy various activities within that building, is an example of the adaptive reuse. You will also notice that we've created and maintained a significant buffer to the west side, next to the aqueduct, and respecting that aqueduct and the history on that site. They have respected the entry driveway and are maintaining the circle. This has been a great experience working with your planning staff and the Planning Board. They have been great and have helped drive this project to a better product. We are proposing 85 units here, not a massive building. Our assisted living residents can come out of their units and can participate in the overall building, which is a lot of common space for them. The 32 memory care units are for those who need special programming. This proposed building will generate little to no traffic in this area. That's great because you get so many benefits without any of the burdens. It will also provide a significant tax base to the Village and the Schools as well. We are planning to offer a reduced rental program for the units at 20% below full rental rate. We can provide some discounts at the accommodation level, not necessarily the care level. We have agreed to pay the recreation fee. We are working with the Planning Board to bring in a LEED certified consultant. The building will not necessarily be designated specifically LEED; it will be LEED certifiable, which means that the building will be significantly energy efficient.

Trustee McGovern asked him to explain what he meant by providing a discount at the accommodation level and not the care level.

Mr. Kroskin noted that they charge two fees in an assisted living building. The first fee is everything excluding care. Care is defined as activities of daily living, walking, bathing, dressing, bathroom needs, eating, medication management, incontinent products, etc. The part that can be discounted is the accommodation piece, which includes your unit, food, activities, transportation and utilities.

Dolf Beil, White Plains resident, noted that this is exactly the kind of project that we in Tarrytown should be looking at. It's the right size, it provides all the benefits, the right location and he completely supports it.

Mark Fry, Ossining resident, noted that he previously worked for Artis Senior Living, they were his clients, which is right next door to this project. This is the kind of project that he loves to see in Tarrytown. It fulfills a tremendous societal need, it will generate a tremendous amount of taxes for the Village, the county and for the schools, but doesn't generate any school children. There will be little to no added traffic to the area, it is a very low number of units per acre and he fully supports this project.

Trustee Brown moved, seconded by Trustee McGovern and unanimously carried, that the hearing be closed.

Roll Call –Mayor Butler, Yes, Trustee Brown, Yes, Trustee Hoyt, Absent, Deputy Mayor McGovern, Yes, Trustee Rinaldi, Yes, Trustee Zollo, Yes

Chapter 305 – Zoning Changes – 99 White Plains Road

PLEASE TAKE NOTICE that the Board of Trustees of the Village of Tarrytown will hold a public hearing on Tuesday the 16th day of February, 2021, at 7:00 p.m. to be held either via in-person meeting, or Zoom Video Conference, depending on the State's directives about gatherings under NY on Pause to hear and consider a proposed amendment to apply the A/D and SEAL Floating/Overlay Zone to 99 White Plains Road (Section 1.140, Block 89, Lot 2) for 85 Units of Assisted Living and Memory Care Housing.

A local law to rezone the property known as 99 White Plains Road, Tarrytown, New York (Section 1.140, Block 89, Lot 2)

Be it enacted by the Board of Trustees of the Village of Tarrytown as follows:

Section 1. Apply A/D and SEAL Floating/Overlay to the entire Property.

The Board of Trustees applies the A/D and SEAL Floating/Overlay Zone to the Property.

Section 2. Amending Zoning Map.

The Village of Tarrytown Zoning Map shall be amended to reflect the Property's underlying zoning (LB Zoning District) and the application of the A/D and SEAL Floating/Overlay Zone to the Property.

Section 3: 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 4: 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.

Trustee Zollo moved, seconded by Trustee McGovern, and unanimously carried, that the following resolution be approved: Approved: 6-0-1

WHEREAS, the Planning Board of the Village of Tarrytown declared itself lead agency on July 27, 2020;

WHEREAS, the Planning Board, as Lead Agency, issued a negative declaration under SEQRA on December 28, 2020;

WHEREAS, the Planning Board on December 29, 2020 recommended that the Board of Trustees grant the proposed rezoning to amend the Zoning Code to allow for Service Assisted Enhanced Assisted Living Housing (SEAL) in the A/D Floating/Overlay Zone in connection with the application by Sunrise and their proposed action for 85 Units of Assisted Living and Memory Care Housing at 99 White Plains Road;

WHEREAS, the Board of Trustees approved the zoning text amendment in the A/D Floating/Overlay Zone on February 1, 2021; and

WHEREAS, a notice of public hearing on the proposed zoning code application was published in the Journal News on February 5, 2021; and

WHEREAS, a public hearing was held on the proposed action on February 16, 2021; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby apply the A/D and SEAL Floating/Overlay Zone to 99 White Plains Road (Section 1.140, Block 89, Lot 2) and the Village of Tarrytown Zoning Map shall be

amended to reflect the Property's underlying zoning (LB Zoning District) and the application of the A/D and SEAL Floating/overlay Zone to the property.

BE IT FURTHER RESOLVED, that the Village of Tarrytown does hereby adopt these changes as Local Law No. 3 of 2021.

Roll Call –Mayor Butler, Yes, Trustee Brown, Yes, Trustee Hoyt, Absent, Deputy Mayor McGovern, Yes, Trustee Rinaldi, Yes, Trustee Zollo, Yes

CONTINUATION OF A PUBLIC HEARING – CHAPTER 305 ZONING – NEW ARTICLE FOR THE STATION AREA OVERLAY (SAO) ZONE

Note: The Board of Trustees has advised the public comment period for this public hearing will be limited to one hour, after which the Board will deliberate to consider all the comments received to date.

Trustee Rinaldi moved, seconded by Trustee Kim, and unanimously carried, that the hearing be opened.

Roll Call –Mayor Butler, Yes, Trustee Brown, Yes, Trustee Hoyt, Absent, Deputy Mayor McGovern, Yes, Trustee Rinaldi, Yes, Trustee Zollo, Yes

Village Attorney Zalantis, noted that the Board of Trustees is considering a version of the law that limits the height to 48 feet or four stories, whichever is less. And they are considering a version of the law that omits the ability to measure from base flood elevation. Just the current code would apply. There wouldn't be an artificial increase in height based on using the base flood elevation, the limit would be 48 feet or four stories, whichever is less, regardless of whether you're in a flood zone or not.

RESOLUTION - AMMENDMENT TO THE PROPOSED ZONING – NEW ARTICLE FOR THE STATION AREA OVERLAY (SAO) ZONE

Trustee Zollo moved, seconded by Trustee Kim, and unanimously carried, that the following resolution be approved: Approved: 6-0-1

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve to make an amendment to the proposed local law zoning for a new Article for the Station Area Overlay (SAO) Zone to limit the height to 48 feet or four stories, whichever is less and that the proposed local law omits the ability to measure from base flood elevation. The current code would apply and there would not be an artificial increase in height based on using the base flood elevation, the limit would be 48 feet of four stories, whichever is less, regardless of whether you are in a flood zone or not.

Mark Fry, Ossining resident, noted that as a professional planner, he would like to make the following comments. He thinks the law needs a lot of work. Traditional zoning has served the Village of Tarrytown well. It specifies what kinds of uses can go in what zones, industrial zone, retail zones, restaurant zones etc. It specifies very clearly the dimensional constraints not only how tall it is, but what setbacks, front, rear and sides, how far from the property line and varies in different districts with good reason. And normal constraints like, building coverage, setbacks, floor area ratio, etc. are all very important. This SAO concept, which is completely unproven, not exactly form based zoning, but something that can lead to excessive and dangerous results, because it doesn't provide any of the normal constraints that have been provided all over Tarrytown since the first zoning was passed. He thinks that this needs to be rethought from the beginning. He thinks it really requires a lot more than just a change in the height and the base flood elevation.

Dolf Beil, White Plains resident, noted that on three separate occasions he had requested that due diligence be done on the scorecard approach. From his experience as an operational auditor, for each case, extensive field review was undertaken to ensure we knew what we were getting into. That clearly has not happened here. He contacted 11 communities with relevant experience shown on the map, several common threads emerged. They were primarily rural, none were within 350 miles from here and all had a purpose to achieve. More staff time was

required than with other approaches. He doesn't believe the scorecard that was presented over a year ago has been subject to citizen review. No changes have been made in its values. Certainly Tarrytown citizens' don't agree that gray water retention deserves equal weight with view shed protection. This should be addressed through examination in a public forum. Planning and legal staff should be considered and their input should be obtained before we proceed to avoid surprises after implementation. This is a drastic change to zoning. The current approach has served us well for over 60 years, its replacement deserves serious consideration.

Barbara Goodman Barnett, Main Street, thanked the Board for all their time and effort on working on this for the past year. However, she is not convinced that it makes sense for our station area, the station area is not that big. Why wouldn't we just keep our current zoning as is? If developers want to submit proposals, they can come before the various board, which has always been the case. If they want a certain height that is not in our code, then they can apply for a variance. Why would we commit to a certain height and other specifications before seeing what they have to offer? Just because a lot of time was spent on the proposed SAO, doesn't mean we have to go with it.

Howard Smith, Main Street, thanked the Board for addressing the height concerns. He hopes that the following questions are addressed before you move to adopt. There's a quote from the LWRP under the heading of Special Waterfront Zones, "To advance the vision outlined in the LWRP, the Village established the waterfront general business district." His question is given that we already have an alternate zoning designation relevant to this area that's consistent with a vision of the LWRP, why not extend it to cover the area covered by the SAO instead of adopting a new approach. According to information shared by George James, SAO type zoning using scorecard has not been adopted anywhere in the northeast. There appears to be a few similarities between the municipalities where it has been adopted and Tarrytown and there is reason to believe that it has been problematic where it's been adopted. Before proceeding further, wouldn't it be a good idea to do some independent investigation to assess how successful this approach to zoning has been in addressing whatever issues it was intended to address and other municipalities. The following direct quote from the 2018 Comp Plan is consistent with the themes that have emerged in studies, reports, and plans over the past 30 years. It comes under Built Environment. For the built environment, participants were most concerned with future development and its impact to the character of the Village. In particular, participants discussed environmental impacts, historic preservation, scale of development, impacts on infrastructure, traffic considerations and housing affordability. Many discussed how nearby developments from both regional and neighboring municipalities would also impact Tarrytown and that such developments should be planned for and considered. How does any of our previous planning work provide a rationale for adopting a largely untested approach to zoning that does not explicitly provide through code language, the protections that community has clearly said they are looking for. The adoption of the SAO would leave the Village vulnerable in terms of view scape protection until such time as Village wide view scape regulations are adopted. Wouldn't it be more appropriate to adopt these view scape regulations first? Relating to the 2016 Tarrytown Connected framework, the knowledge is that development of station area will require zoning changes, but states that "in order to adopt such zoning and environmental impact assessment will need to be undertaken consistent with the state environmental quality Review Act." Wouldn't it be appropriate to pursue funding to pay for a GIS so the potential impact of the SAO can be assessed before moving to adopt it?

Katy Krider, North Washington Street, thanked Deputy Mayor McGovern for helping her understand this project a little better. The background was extremely helpful. She asked how much development we really want. This seems like this is geared toward bigger, dense developments, do we really want a bunch more when we've already have such a traffic concern? Regarding the SAO language itself, she doesn't know if she is reading the correct version to define neighborhood character. She wants to understand that better to make sure it's clear that we are capturing the neighborhood character in the document. She thinks the scorecard is a bad idea. Having worked with contracts a lot, there seems to be a lot of holes in this proposed law. It's not weighted correctly, based on the concerns of the Village. Therefore, it seems like a developer's document, not a document for the Village. She thinks this is something that developers could use against us. She recommends that you don't use the scorecard. She doesn't want more large development. She doesn't think we can manage it.

Trustee Zollo moved, seconded by Trustee McGovern, and unanimously carried, that the following resolution be approved: Approved: 6-0-1

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby continue the public hearing on the draft proposed Station Area Overlay (SAO) Zone law to the Monday, March 1, 2021, Regular Meeting of the Board of Trustees at 7:00 p.m. for ongoing consideration and public discussion to be held either via in-person meeting, or Zoom Video Conference, depending on the State's directives about gatherings under NY on Pause.

Roll Call –Mayor Butler, Yes, Trustee Brown, Yes, Trustee Hoyt, Absent, Deputy Mayor McGovern, Yes, Trustee Rinaldi, Yes, Trustee Zollo, Yes

CONTINUATION OF A PUBLIC HEARING ON A PROPOSED ZONING TEXT
AMENDMENT TO ADD PROVISIONS FOR TRANSIT ORIENTED DEVELOPMENT
(TOD) MIXED USES IN THE "ID" ZONING DISTRICT (adopted)

Note: The Board of Trustees has advised the public comment period for this public hearing will be limited to one hour, after which the Board will deliberate to consider all the comments received to date.

Trustee Zollo moved, seconded by Trustee Rinaldi and unanimously carried, that the hearing be opened.

Roll Call –Mayor Butler, Yes, Trustee Brown, Yes, Trustee Hoyt, Absent, Deputy Mayor McGovern, Yes, Trustee Rinaldi, Yes, Trustee Zollo, Yes

Village Attorney Zalantis noted that the version of this law currently before the Board and that has been circulated and noticed provides that a height limitation of 48 feet and four stories and the existing code provisions regarding height apply.

Chapter 305 – Zoning Changes – 29 South Depot Plaza

PLEASE TAKE NOTICE that the Board of Trustees of the Village of Tarrytown will hold a public hearing on Tuesday the 16th day of February, 2021, at 7:00 p.m. to be held either via in-person meeting, or Zoom Video Conference, depending on the State's directives about gatherings under NY on Pause to hear and consider a proposed amendment to add a new subsection as follows:

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. Amending Existing Provision. Amending Chapter 305, Section 41.A. to add new subsection (10) as follows:

(10) Multi-family residential facilities over first floor non-residential uses as transit oriented development, provided the following criteria are met.

(a) Applicability. Multi-family residential over first floor non-residential uses shall only be permitted on parcels that are:

[1] a minimum of one-acre lot area;

[2] located within 100 linear feet from direct access to a platform for the Metro-North Train Station;

(b) Uses and standards. Where not modified herein, the requirements of the ID District shall apply.

[1] a minimum of 50% of the total first floor square footage shall be dedicated to non-residential uses permitted in the ID District which shall be limited to those identified in 305-41.A(1), (8), and (9) above, with at least 5% of the floor area being those uses listed in 305-41.A(8) or (9);

[2] Any portion of the first floor facing towards the closest public road or walkways extending from the train station shall contain uses listed in 305-41.A(8) or (9) or an entry lobby are for the residential use, so that same shall appear open and inviting to the public.

[3] The applicant shall provide a pedestrian circulation plan showing connections to the existing walkways and any adjacent related uses and access to and from adjacent streets and the train station/platform.

[4] For any property directly abutting the railroad tracks, the rear yard setback may be reduced to 0.

[5] To allow for multi-family residential development, the maximum height may be increased to 48 feet and 4 stories.

[6] Parking requirements: given that the multi-family residential will be part of a transit-oriented development, as well as a mixed use development with opportunities for shared parking, parking requirements for the residential use shall be 1.05 spaces per residential unit. The width of a parking space may be reduced to 8 ½ feet. Required parking can be provided on-site or on an adjacent property, provided that the applicant has a long term agreement for parking satisfactory to the Village Attorney. The parking requirement for non-residential uses may be provided through shared parking as may be approved by the Planning Board. For commercial storage uses two loading spaces shall be provided.

[7] The number of residential units shall not exceed 75 units per acre and shall include a mix of studio, one and two-bedroom units.

[8] The maximum floor area ratio for the residential use excluding entry lobby and amenity spaces shall not exceed 1.75.

[9] The applicant must show that all new sewer, water and traffic impacts generated from the proposed project can be mitigated so as to not negatively impact the existing network. Efforts shall be made to incorporate green infrastructure to reduce impacts.

[10] The applicant shall provide a pedestrian circulation plan showing safe pedestrian access within the property and connecting to the community.

[11] The project shall comply with all FEMA regulations and the regulations set forth in 6 NYCRR Part 490 so as to address issues of sea level rise and not worsen potential for flooding in the area.

[12] Buildings shall be designed such that no façade shall exceed 150' in length without architectural features acceptable to the Planning Board to break up the visual effect of the building and avoid a box like appearance, which may be accomplished through the use of variations in height and with offsets, projections, balconies, setbacks and other distinctive architectural elements.

[13] The project shall comply with sound environmental sustainability standards including for example, but not limited to the following:

a. Use of solar panels for electric usage

b. Use of geothermal sources to power heat pumps and airhandlers

c. Utilize WaterSense plumbing fixtures, drip irrigation and water submeters to reduce water usage

d. Utilize energy star appliances, low VOC products, high efficiency filters, UV treatment for air handling units

e. Utilize materials that have environmental product declaration as well as health product declaration and sound construction waste management

f. The project will achieve an energy-efficient rating better than 15% of ASHRAE 90.1 standards

Section 4. Amending the Schedule of Regulations. The Schedule of Regulations referred to in Section 305-11.A and listed as Attachment 305b Zoning Schedule Column 2 is amended to add new item C(6) under Industrial District (ID) as follows:

(6) Multi-family residential over first floor non-residential uses as transit oriented development, subject to the criteria set forth in Section 305-41.A(10).

Section 5. Severability

If any section, subsection, clause, phrase or other portion of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

Section 6. 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.

David Barnett, Main Street, noted that he is encouraged by the Board for listening to their concerns regarding the height at 29 South Depot Plaza. The Board made it clear they will measure the total height of the building from ground level regardless of the base floor elevation. That's a step in the right direction. However, he and others have concerns of the direction of the Village's future. Some of his concerns: increased traffic patterns to the scale, height and density of current proposed construction to the shrinking viewsheds to the lack of new infrastructure, the true affordable housing, environmental impacts and many other issues. He thinks it is naïve to think that the residents at the proposed 29 S. Depot Plaza will not add to the traffic in that immediate area. And what makes developers think people will live in an industrial zone, where neighbors are already complaining about being woken up to the sound of trucks backing up at 3 a.m. One of the selling points of this development was its affordable housing. Really? It will only provide 6 or 7 affordable housing units. Another major concern is the impact on the river views. We are after all referred to as a river town. What happens when the river totally disappears from view as one project after another slowly blocks any sense that there's actually a river beyond the concrete wall of steel and bricks along the river's edge.

Dolf Beil, White Plains resident, noted that 90% of the speakers and 270 petition signers are against this proposal. There's an unprecedented 55 foot height in a 40 foot zone. You can call it 48 feet, but when you put things at the top of the building, it will be 55 feet above the ground. The Comprehensive Plan does not call for increased height by the river. It blocks the LWRP's major viewpoints. He did not understand the base elevation and how high this

building will be. He thinks that the balloon test should be done again. There were major misrepresentations in the submissions. The historic train station requires a positive declaration. There was no environmental impact statement and it clearly is going to have environmental impacts. This exacerbates s horrendous traffic situations. It brings residential into a notoriously noxious industrial area. If approved, there will be two 300 foot monoliths and it won't be pretty. Finally, the most contentious Planning Board decision ever.

Linda Whitehead, Attorney with McGullough, Goldberger & Staudt, LLP, representing the applicant, noted she would like the chance to respond to Mark Fry's letter which they received late this afternoon. The letter that he submitted contains a number of misrepresentations and misstatements. The Tarrytown train station building itself has been determined to be eligible for listing on the National Register of Historic Places, that building is almost 500 feet away from our building. If you look at the cases that have determined something to be substantially contiguous, you will find that 500 feet is not substantially contiguous. There are also a number of misstatements of the law with respect to SEQRA in Mr. Fry's letter. She is surprised since he states he works as a professional planner that he does not seem to be aware of what SEQRA actually requires with a Type 1 Action. The SEQRA regulations require that a Type 1 Action must provide a full EAF, not a short form, we did that. It does not say that just because something is a Type 1 Action that an Environmental Impact Statement is required. You would have to consider the impact on the historic building, but you do not have to prepare an environmental impact statement. Mr. Fry also states that there is a contiguous property boundary. But that property boundary is the train tracks, because the station building sits on the same lot as the train tracks. So using that logic, you could be a mile away down the tracks and be deemed to be substantially contiguous.

Howard Smith, Main Street, thanked the Board for their responsiveness on the height issue. He thinks there is still a massing issue under other zoning that would have applied, it's right up against that 300 foot mark where anything more than 200 feet would have required some separation in presumably in the middle. If that was just a lot with no existing pre-existing foundation on it, would we be getting the proposal that we are getting? It started as self-storage, a kind of adaptive reuse of an existing property, but moving in the direction with the mixed use arrangement, he thinks it wouldn't have progressed in this way if we were starting with a blank slate. He thinks that we are dealing with some artificial constraints, associated with the fact that it's already got this 80 foot by 300 foot concrete foundation and we are trying to sort of fit a square peg into a round foundation. He hopes that the Board commits to a 48 feet total height, understanding existing code, zoning that allows for some percentage of roof obstructions, but not treat 48 feet as an average height. A pitched roof that extends much higher in some cases, but lower than the others. He feels that to be truly responsive to people's concerns about height, it really should be no higher than 48 feet. Would the Board be willing to consider in a revised TOD language that would prevent the owner of the neighboring lot 39 from automatically having his property included in the TOD as of right, simply by making a deal with the MTA similar to the deal that has been made by the current developer.

Peter Bartolacci, Miller Avenue, thanked the Board, what has been an overwhelming opposition to 60 foot high buildings. He would like clarity on what 48 feet maximum actually means. He thinks it's disingenuous and totally inaccurate to justify that the 60 foot high, 300 foot long building is what's in the comprehensive plan. The comprehensive plan grew out of an original study, which is the Tarrytown Station Area study, which was the Tarrytown Connected study. If you go to the documentation for the Tarrytown Connected study and you look at what was presented as possible uses for 29 South Depot Plaza, you will see three separate buildings on that piece of land, not one 300 foot long buildings. Each of those three buildings are three stories high, you would never had any opposition to this project whatsoever.

Barbara Goodman Barnett, Main Street, noted that she wanted to bring up the pandemic one more time. There's going to be a new normal and we need to plan accordingly. The President of Metro North believes it will be years, if ever, before ridership gets back to pre-COVID levels. What does that mean for TOD, Transit Oriented Development, more people will be working at home and less commuting? What is being done on this proposal to address this issue?

Katy Krider, North Washington Street, thanked the Board for getting the height lowered to 48 feet. She asked 48 feet from what because the foundation is raised, so is it 48 feet from the foundation, or from the ground? She thinks that there is still a height concern. She still believes that 300 feet is a very long, dense building. In the SAO, you limit to 150 feet façade. She would love to see the Board add something in there that says that the lot next door cannot build under this zoning by just making a deal with Metro North. The language was not written specifically for this building, it's actually broader than that, it allows for less retail and it allows for more units. She still thinks it's too big. She thinks this land is dangerous. The way traffic circulates around it, would be dangerous for children. There's just not enough space or not enough green space. We should make sure this is safe if you're going to put people there.

Heather Haggerty, Kaldenberg Place, noted that as it was brought up that this area may not be suitable for children and communities. Maybe we should look at what areas like this have evolved. The artist's community has taken over these kind of areas naturally. This could be a very interesting building for something like that. This will just be another condo building and Tarrytown already has a landscape of dated condos and this will just be another, we know this was built in 2020 something condos. Maybe we should take this structure and actually work with it. Work with the history of the site working, possibly with wood. Maybe instead of self-storage, it can be taken over by artists and galleries and studios. This may be a way not to have children live in the area because the area really does have some issues with the livability. She suggests to infuse the area with artists and colors and actually take the area and grow upon what is naturally there and try not to make it just a bunch of condos where families live.

Scott K. Johnson, works in Tarrytown, noted that he speaks for the environment and the betterment of humanity. It's not an environmentally sound area. It's an industrial area and there's nonstop traffic there 24 hours a day. It's a very wet area and he believes it should be a no developing zone. If you dig 20 feet deep, you will get the Hudson River. It's an unsafe area with waste pollution, it's not a sound place for families and/or for development. The area would require a total cleanup before you can develop. He asked again, why you would build a house on sinking sand, a wise man builds a house on rock. He feels bad for the people of Tarrytown if this is going to happen. Thumbs down on that development.

Mark Fry, Ossining resident, noted that he wanted to inform the Board that he discovered a serious procedural error in the rezoning request and that must be addressed before the review process on this proposed rezoning and subsequent site plan approval may proceed. He discovered that this application was classified in error as an unlisted action which does not require the preparation of a draft environmental impact statement, while SEQRA requires that it be classified as a type 1 listed action which does require the preparation and the submission of a DEIS. According to the SEQRA regulations, any proposed unlisted action exceeding certain thresholds, which occurs substantially contiguous to any building which is listed on the national or state register of historic places or it's been determined to be eligible must be classified as a type one action and an environmental impact statement must be prepared to evaluate the potential impacts to the historic resources and to evaluate mitigations. He requests that the ongoing public hearing be continued, but that no decision be made on the requested rezoning until these issues are fully resolved in accordance with SEQRA regulations. He suggests that both Board refer with counsel to determine how to best proceed to correct the reclassification of the action to a type one action and issue a positive declaration.

Trustee Rinaldi noted that he was fine with Mr. Fry making his presentation tonight, but he wants it to be very clear what the rules are for deadlines to submit slides or documentations to present at a Board meeting and doesn't want to be put into a position of making exceptions.

Mayor Butler asked Assistant Administrator to read the rules for "screen sharing" documents at a Board meeting.

Assistant Administrator Ringel re-read the following for clarity:

Members of the public who wish to have an item "screen shared" (i.e. displayed during the meeting) during their public comment period, must submit their document(s) to Administrator@tarrytowngov.com no later than 12PM the day of the Board of Trustees Meeting.

Trustee Brown asked Village Attorney Zalantis to address the historic site. We have heard two conflicting views on that tonight.

Village Attorney Zalantis, noted that she doesn't believe anybody's arguing whether the historic site is eligible for historic designation, but that's not the issue. The issue is that Mr. Fry stated in his letter that it should have been considered a type one action. But the standard is that you have to have a certain 25% threshold, which you do here, because it's the number of units and it has to be substantially contiguous to the building. And here we have a building that's 500 feet away. So the argument is it's substantially contiguous to the train tracks, but the train tracks themselves would mean that if you're two miles down the road on the train tracks, you're substantially contiguous. And that's not the intent of the SEQRA regulations. There's a presumption with type one action that there'll be a substantial adverse impact, but you can do a type one action and do it in the method that was done in this case which was an expanded EAF, long form EAF and there were studies to support an analysis of the potential impacts.

Trustee Brown asked Village Attorney Zalantis to speak to the request that was mentioned tonight that we consider saying that the lot next door to this building cannot apply for this zone.

Village Attorney Zalantis noted that this is not an overlay zone. It's a text change amendment that applies to the entire industrial zone, provided that you meet the requirements of the code. For example, you have to be a certain distance to the train platform. She doesn't think you can say that a specific property, if it meets the requirements can't avail itself of developing for that proposed use, but it would have to meet those requirements.

Trustee Kim moved, seconded by Trustee McGovern and unanimously carried, that the hearing be closed.

Trustee Brown noted before she votes, she wants to make a note that the language in this zoning text amendment does address the 150 foot length of the building. It doesn't say that there has to be two separate buildings, but it does say that building shall be designated that no facades shall exceed 150 feet in length without being acceptable to the Planning Board.

Roll Call –Mayor Butler, Yes, Trustee Brown, Yes, Trustee Hoyt, Absent, Deputy Mayor McGovern, Yes, Trustee Rinaldi, Yes, Trustee Zollo, Yes

Trustee Brown moved, seconded by Trustee Rinaldi, and unanimously carried, that the following resolution be approved: Approved: 6-0-1

WHEREAS, the Planning Board of the Village of Tarrytown declared itself lead agency on August 26, 2019; and

WHEREAS, the Planning Board, as Lead Agency, issued a negative declaration under SEQRA on November 23, 2020; and

WHEREAS, the Planning Board on November 23, 2020, recommended that the Board of Trustees approve the proposed zoning text amendment to the Code of the Village of Tarrytown, Chapter 305 Zoning, to add provisions for Transit Oriented Development in the "ID" Zoning District at 29 South Depot Plaza; and

WHEREAS, a public hearing was held for the proposed action which was opened on December 20, 2020, and continued on January 4, 2021, January 19, 2021, February 1, 2021 and February 16, 2021; and

WHEREAS, in the context of the information and discussion that took place during the public hearing and based upon input from the public, modifications were made to proposed zoning text amendment, in particular to limit the building height within the zone to forty eight feet (48'), with the application of other existing provisions of the Zoning Code in relation to height; and

WHEREAS, a notice of public hearing was published in the Journal News on December 10, 2020 and February 6, 2021; and

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve the zoning text amendment to the Code of the Village of Tarrytown, Chapter 305 Zoning, to add provisions for Transit Oriented Development in the "ID" Zoning District at 29 South Depot Plaza; and

BE IT FURTHER RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby adopt Local Law No. 4 of 2021.

Roll Call –Mayor Butler, Yes, Trustee Brown, Yes, Trustee Hoyt, Absent, Deputy Mayor McGovern, Yes, Trustee Rinaldi, Yes, Trustee Zollo, Yes

Mayor Butler noted that some of the public speakers tonight asked for clarification in terms of the building height and regarding the base flood elevation. He would like to recommend at the next meeting that we have the Village Engineer explain to the public so they can get a better understanding in terms of some of their concerns about height. And can present illustrations or graphics to better explain.

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

There were no speakers.

FIRE DEPARTMENT MEMBERSHIP CHANGES

Trustee Zollo moved, seconded by Trustee McGovern, and unanimously carried, that the following resolution be approved: Approved: 6-0-1

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 January 19, 2021 Board of Fire Wardens meeting. Members: Samuel Langer has been approved for out-of-town active membership at Hope Hose. Kevin McNally and Yernauan Baiskoshan have been removed from active rolls from Washington Engine.

AUTHORIZATION FOR AN AMENDMENT TO THE POLICE CHIEF'S LONGEVITY

Trustee Zollo moved, seconded by Trustee Kim that the following resolution be approved. Motion carried, all voting "aye" with the exception of Mayor Butler who abstained. He thinks this is a good idea, but he would have liked to discuss this after the budget process. Approved: 5-0-1

BE IT RESOLVED, that the Board of Trustees of the Village of Tarrytown hereby authorize the amendment of the calculation of the Police Chief's longevity, based on his contract and other provisions for compensation during his employment with the Village of Tarrytown, so that his annual longevity shall be calculated based on his (the Police Chief's) salary, using a multiplier of four and a half percent of his base salary.

Roll Call –Mayor Butler, Abstain, Trustee Brown, Yes, Trustee Hoyt, Absent, Deputy Mayor McGovern, Yes, Trustee Rinaldi, Yes, Trustee Zollo, Yes

AUTHORIZATION FOR AN INCREASE IN FIRE DEPARTMENT STAND-BY RATE

Trustee Zollo moved, seconded by Trustee McGovern that the following resolution be approved: Motion carried, all voting "aye" with the exception of Mayor Butler who abstained. He thinks this is a good idea, but he would have liked to discuss this after the budget process. Approved: 5-0-1

BE IT RESOLVED, that the Board of Trustees of the Village of Tarrytown hereby authorize an increase in the Tarrytown Fire Department's stand-by rate of pay from nine dollars (\$9.00) to ten dollars (\$10) an hour.

Roll Call –Mayor Butler, Abstain, Trustee Brown, Yes, Trustee Hoyt, Absent, Deputy Mayor McGovern, Yes, Trustee Rinaldi, Yes, Trustee Zollo, Yes

IMA WITH WESTCHESTER COUNTY FOR POSITIVE YOUTH DEVELOPMENT PROGRAM

Trustee McGovern moved, seconded by Trustee Rinaldi, and unanimously carried, that the following resolution be approved: Approved: 6-0-1

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby authorize and direct the Village Administrator to execute an Agreement (IMA) with Westchester County to provide funding not to exceed \$2,200 for the Positive Youth Development Program in the year of 2020.

APPROVAL OF THE MINUTES OF THE BOARD OF TRUSTEES REGULAR MEETING OF FEBRUARY 1, 2021

Trustee Zollo moved, seconded by Trustee Kim, and unanimously carried, that the following resolution be approved as amended: Approved: 6-0-1

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve the minutes of the regular meeting of the Board of Trustees held on Monday, February 1, 2021 as submitted by the Village Clerk.

APPROVAL OF THE MINUTES OF THE BOARD OF TRUSTEES SPECIAL MEETING REGARDING THE POLICE REFORM PUBLIC HEARING #1

Trustee Kim moved, seconded by Trustee Zollo, and unanimously carried, that the following resolution be approved: Approved: 6-0-1

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve the minutes of the special meeting regarding the Police Reform and Reinvention Public Hearing #1 held on Tuesday, January 26, 2021 as submitted by the Village Clerk.

APPROVAL OF AUDITED VOUCHERS

Trustee Zollo moved, seconded by Trustee Kim, and unanimously carried, that the following resolution be approved: Approved: 6-0-1

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve Abstract No. 15 of Audited Vouchers in the total amount of \$689,335.54 to be paid in the following amounts:

General	\$ 543,986.34
Water	\$ 114,743.47
Sewer Fund	\$ 1,074.87
Capital	\$ 3,525.00
Library	\$ 17,396.64
Trust & Agency	\$ 8,609.22
Total	\$ <u>689,335.54</u>

Roll Call –Mayor Butler, Yes, Trustee Brown, Yes, Trustee Hoyt, Absent, Deputy Mayor McGovern, Yes, Trustee Rinaldi, Yes, Trustee Zollo, Yes

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

Peter Lombardi, Tarrytown resident, noted that his mom passed away from COVID in a nursing home. Many residents in nursing home facilities have lost their lives. This

didn't have to happen. He asked for a moment of silence for the rest of his time for all the people who lost their lives in nursing homes in New York State and throughout this Country.

John Stiloski, Stiloski Automotive, noted that Jacob Blake, who someone said was murdered at the police reform meeting, is alive. He was never murdered. He noted that false narratives or miscommunication are being made at Board meetings. He doesn't understand how people have the right to say anything they want, even if it is false information. He understands that people have the right to say anything they want, but he thinks that if you're going to say it, it should be true. And it just goes unnoted and unseen. People questioned about paramilitary in the police reform, unfortunately, some stuff whether you like it or not, the way it is. The Fire Department is another paramilitary agency. He feels that the narrative has been that some people are happy to see failure in our police department. People bring up back the blue and how awful it was going to be. BLM had a march and he feels that they can march all they want. He asked how much property damage BLM caused and how many deaths did it cause. And he wants to know the same for back the blue. At the last police reform committee meeting there were many false narratives. It's almost like they want to see our police department fail. He wants the Tarrytown Police Department to stay strong and be supported.

ADJOURNMENT TO EXECUTIVE SESSION

On the motion of Trustee McGovern, seconded by Trustee Rinaldi, the meeting was adjourned to Executive Session for legal advice at approximately 8:55 p.m. by vote of six in favor, none opposed.

ADJOURNMENT

On the motion of Trustee Kim, seconded by Trustee Zollo, that the Executive Session was adjourned at approximately 9:15 p.m. by vote of six in favor, none opposed.

Carol A. Booth
Village Clerk

FILED 3/10/2021
VILLAGE CLERKS OFFICE

Carol A. Booth

SAO Scorecard

2/16/2020
D. Beil

Due Diligence Requested at 3 BOT Meetings
(1/21/20, 9/22/20, & 11/16/20)

Conclusions from 11 Inquiries:

Primarily Rural

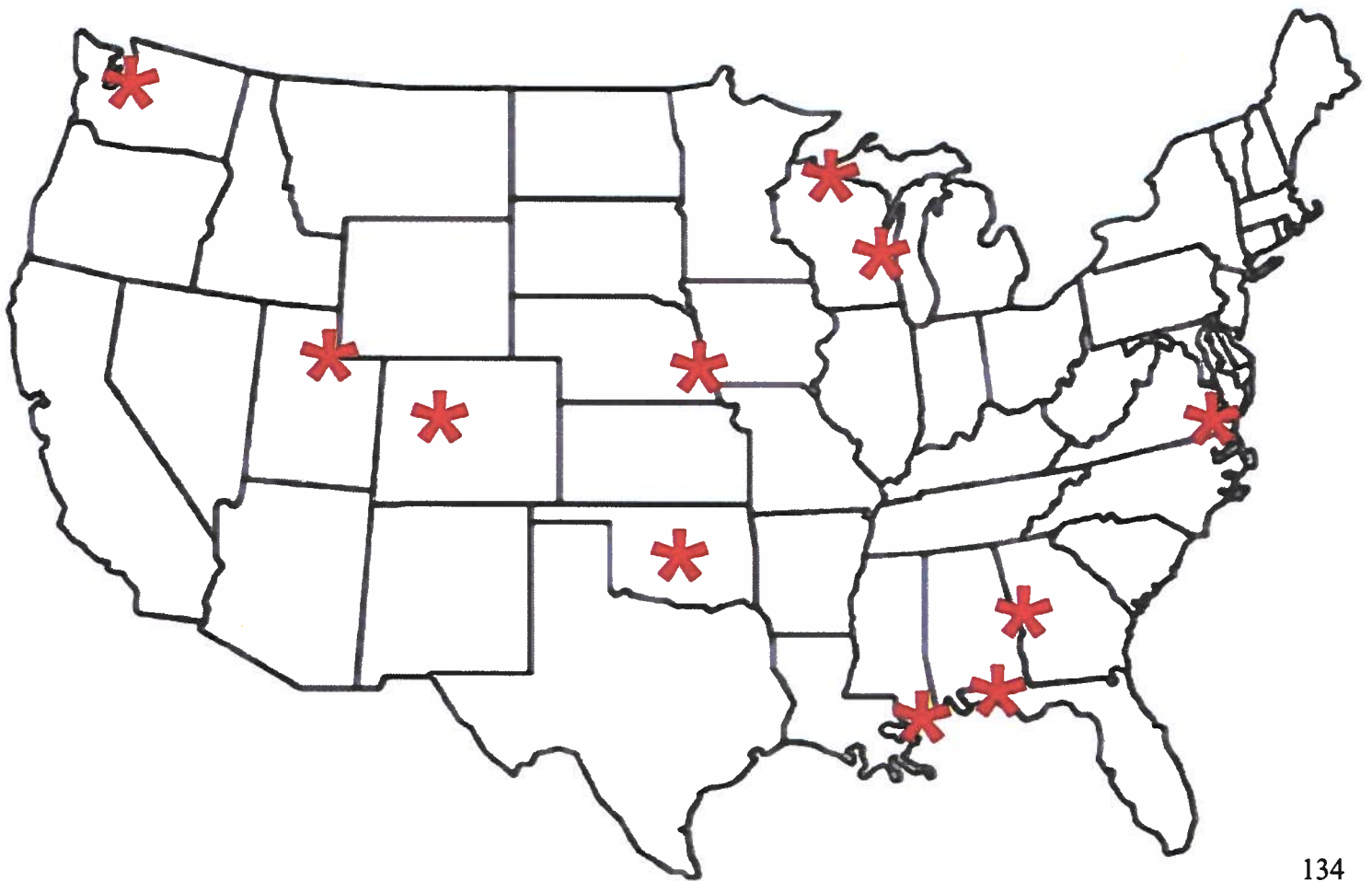
Largely Specific Purpose

None in the Northeast

Sets Stage for Conflict & Legal Action

Must Refine Factors with Experience

Extremely Labor Intensive – One Has 5 Staff



Scorecard: Theirs & Ours

Culinary Water Service	200 points = <u>municiple</u> 100 points = well or spring or cistern	
Electrical	200 points = Public Grid	
Sewage Disposal	200 points = Public or State Approved System	
Size of Dwelling	2500 square feet or more between 1500 to 2500 sq ft less than 1500 sq ft	100 50 25
Total Points Must Equal 1000		
Signature of Owner		

Land Use

Number of land use designations (enter 1, 2 or 3)

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Accessibility

Number of land use designations (enter 1, 2 or 3)

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BOARD OF TRUSTEES PUBLIC HEARING
Applying A/D Overlay Zone to 99 White Plains Road
2/16/21





Sunrise Introduction

- Premium product, offering resident-centered services for seniors
- High-quality, purpose-built communities located in top metropolitan markets
- Leading brand, reputation, and senior living expertise
- Operating in New York state since 1998, with 17 open communities

332 Sunrise Communities

Our Services

- Assisted Living
- Memory Care
- Independent Living
- Skilled Nursing & Rehabilitative Care





KEY FEATURES OF PROJECT

- 85 units of Service Enriched Assisted Living (“SEAL”) Housing
 - 53 Assisted Living
 - 32 Memory Care
- Adaptive re-use of historic Goebel Building
- No traffic or parking impacts
 - Average age of residents = approx. 88
 - 0 residents expected to have cars
 - 54 onsite parking spaces
- No school-aged children





KEY FEATURES OF PROJECT

- Reduced Rental Program
 - 4 AL units
 - 20% below full rental rates
- Positive fiscal impact
- Recreation Fee = \$175,100
- Sustainability
 - Equivalent of “LEED Certified”
 - Green systems and technologies
 - Energy Star Certification





NEXT STEPS

- Close Hearing
- Apply A/D and SEAL Floating/Overlay Zone to Property

29 SDP Summary

90%+ Speakers & 270 Petition Signers Against

Unprecedented 55' Height in 40' Zone

Comp Plan Does *NOT* Call for Increased Height by River

Work Sessions Did NOT Show This

No "Goodies" for Village as with WGBD

Blocks LWRP's Major Viewpoint

Base Elevation Point Not Understood

No Critical Observation of Balloon Test

Major Mis-Representations in Submissions

Historic Train Station Requires Pos. Dec.

No Environmental Impact Statement

Exacerbates Horrendous Traffic Situation

Brings Residential into Noxious Industrial Zone

Opens Density for Franklin Court

Edge on Hudson Not Considered

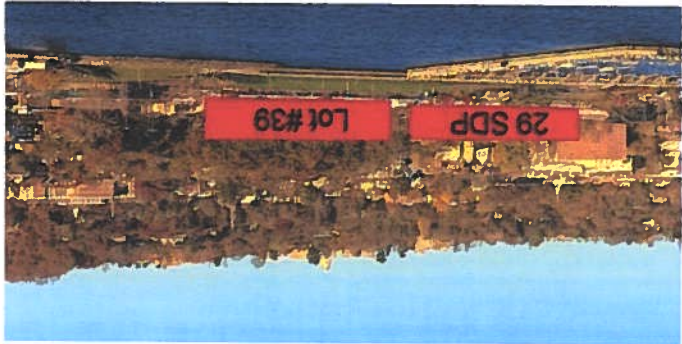
2-300' Monoliths *WILL* Happen

Unknown Changes from COVID-19

No Holistic Development Plan

Most Contentious Planning Board Decision Ever

Sell Out of Tarrytown's Legacy Against People's Will



D. Ba'1

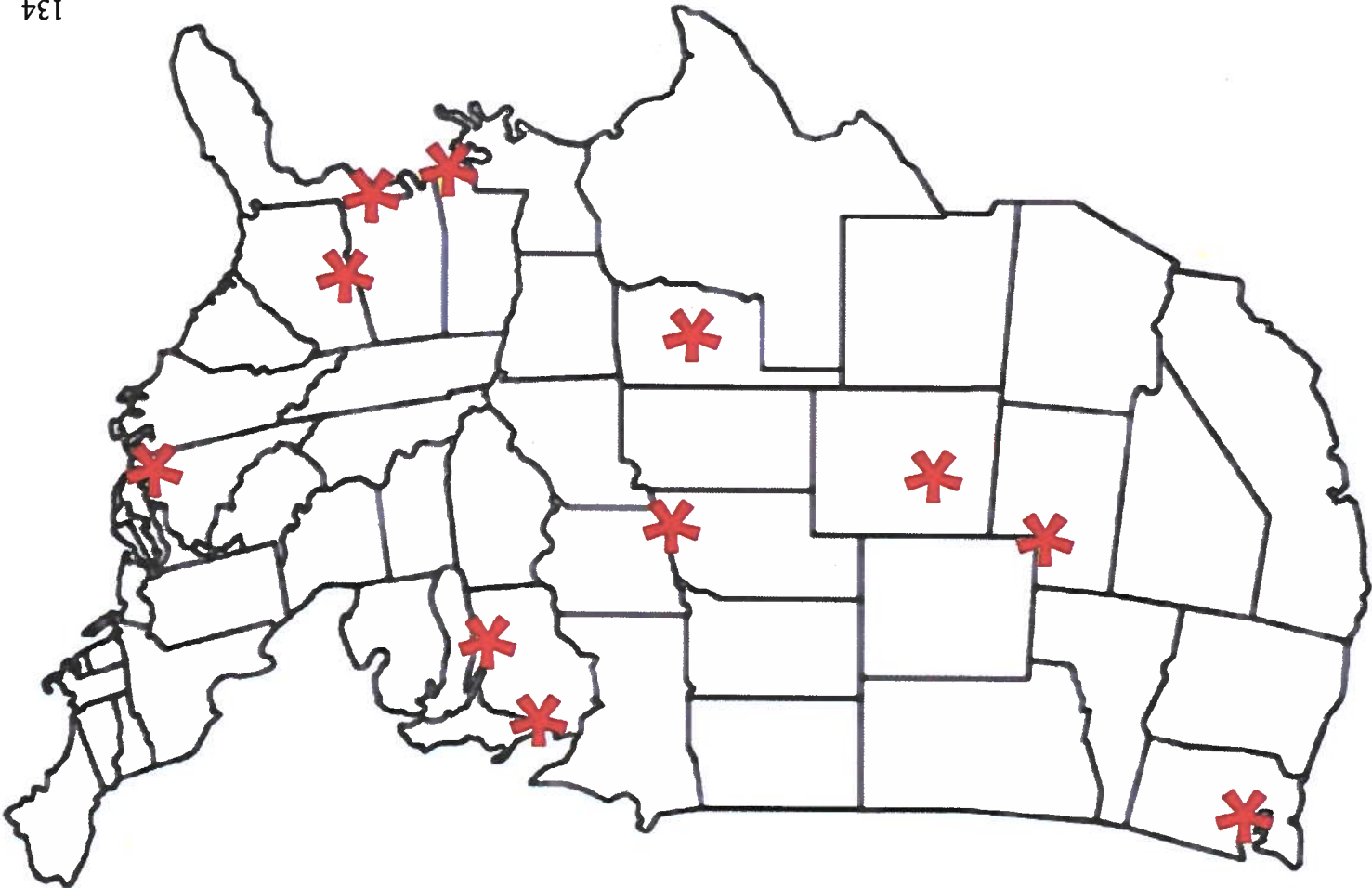
2/16

SAO Scorecard

Due Diligence Requested at 3 BOT Meetings
(1/21/20, 9/22/20, & 11/16/20)

Conclusions from 11 Inquiries:

Primarily Rural
Largely Specific Purpose
None in the Northeast
Sets Stage for Conflict & Legal Action
Must Refine Factors with Experience
Extremely Labor Intensive – One Has 5 Staff



Scorecard: Theirs & Ours

Culinary Water Service	200 points = municipal	100 points = well or spring or cistern
Electrical	200 points = Public Grid	
Sewage Disposal	200 points = Public or State	Approved System
Size of Dwelling	2500 square feet or more between 1500 to 2500 sq ft less than 1500 sq ft	100 50 25
Total Points Must Equal 1000		

Signature of Owner

Most Complicated . . . by FAR Unchanged in 14 Months No Public Dialog on Details Who is Staff to Manage?

