

Board of Trustees
Village of Tarrytown
Regular Meeting No. 31
March 20, 2017
8:00 p.m.

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

ABSENT: Trustees Butler and McGovern

ADMINISTRATORS REPORT

Administrator Blau noted that at the last meeting he reported on the work that is being done on Route 9 and 119 to construct the new Westchester County Sewer Force Main, where they had to take Route 9 down to one lane. Due to the inclement weather, the work schedule has been extended and should now be completed by this Wednesday, March 22, 2017.

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.

PUBLIC HEARING – SEQRA, OFFICE BUSINESS AND MIXED USE ZONING AMENDMENTS

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

Tony Gioffre, member of Cuddy & Feder LLP, 445 Hamilton Avenue, White Plains, New York, spoke on behalf of the Montefiore Medical Center. Correspondence was submitted to the Board of Trustees on October 24, 2016 with respect to comments in anticipation of the public hearing this evening. The following are the highlights of those comments:

- Montefiore owns property at 555 South Broadway, previously occupied by Kraft Foods. The Premises is comprised of three tax parcels. Two parcels are currently improved with office buildings and related parking and classified in the Office Building “OB” Zoning District. The third parcel is currently unimproved and is classified in the Historic Commons “HC” Zoning District. While no specific development plans are contemplated, Montefiore has a large interest in the proposed zoning amendments given Montefiore’s ownership of significant lands that may be impacted by any rezoning.
- There is no doubt that the healthcare industry is expanding and changing and therefore he offered certain zoning recommendations on behalf of his client. He believes their recommendations clear up inconsistencies in the current version of the zoning code and help avoid inconsistencies associated with any new zoning amendments. He commended the Village Board for the code revisions which include certain definitions that provide further clarity. While the text amendments propose medical and dental offices as a principle use in the OB District, no definition of medical or dental office is proposed, which could avoid ambiguity. This definition would allow for orderly development and use of medical and dental offices in the Village and ensure that Tarrytown residents receive excellent local healthcare.
- There is no clarity provided for definitions for Senior Housing, Institutional Housing and Independent Living. The text, however, provides Assisted Living facilities, which is classified as an Institutional Housing use. These types of uses are associated with the healthcare industry and therefore treatment in the zoning code may directly correlate with the healthcare industry’s desire to invest in

Tarrytown. Senior Housing is permitted in the HC District, but Institutional Housing and Assisted Living Facilities are not. Institutional Housing and Assisted Living Facilities are proposed to be removed from the OB District as permitted uses. These two adjacent districts, the OB and the HC, have very conflicting permitted uses considering that Senior Housing and Assisted Living Facilities are typically permitted in tandem and would benefit from close proximity to medical treatment facilities as they are currently contemplated in the OB District. In addition to this conflict, the Zoning Code and Village of Tarrytown Comprehensive Plan definitions of Senior Housing and Assisted Living Facilities are contradictory and should be clarified. The Comprehensive Plan's definition of Senior Housing, which includes Assisted Living Facilities, contradicts the express prohibition against Institutional Uses in the HC Zoning District. Because no definition of Senior Housing is expressly in the Zoning Code, an applicant must look to the Comprehensive Plan for clarity. If medical and dental offices are to be permitted in the OB district for healthcare and treatment of Tarrytown residents, it is only logical to permit senior housing and assisted living facilities nearby to such care facilities. Such a design represents responsible land use planning and would facilitate traditional land use planning associated with senior housing and assisted living facilities.

- There is no doubt that medical and dental offices uses will require large amount of parking spaces. As the current trends of zoning across the county, parking garages are the most efficient way to provide adequate parking and therefore an applicant should not be penalized in the form of building coverage for constructing parking garages on any premises, which would actually lower the amount of impervious surfaces and expand open spaces on properties.
- The Village of Tarrytown has done an excellent job in maintaining the Westchester Riverwalk throughout the Village and along properties along the Hudson River. We propose the Village Board to specifically exempt the impervious surface resulting from the Riverwalk from the impervious surface calculations and requirements of the Zoning Code. This will allow property owners to permit the RiverWalk on their property without worrying that they are sacrificing any development rights or otherwise violating the zoning code.

Don Walsh, Development Strategies Company Consultant, spoke on behalf of Crescent Associates, 153 and 155 White Plains Road. Currently, the majority of 155 White Plains Road is a medical complex for Columbia Presbyterian with one banking facility. The following are suggestions included in the correspondence given to the Village Board tonight:

- Elaborating and clarifying the definition of medical and dental offices as doctor's offices; consultation rooms; diagnosis, treatment, and health maintenance facilities; and other related uses as may be required by consulting medical personnel in the health care field.
- Clarification of 10-acre requirement for existing lots capable of development. Most of the lots along White Plains Road are not 10 acres. They have been sub-divided into different parcels. As the parcel at 155 White Plains Road was sub-divided back in 2003, when the easternmost end of the site was donated to the Tarrytown Fire Department. In order to accommodate Columbia Presbyterian's requirements, they re-subdivided the two remaining lots into separate 4.6 acre and 8.1 acre sites to create an additional parking area for the main lot at 155 White Plains Road. Columbia Presbyterian has given up approvals already in place from the Planning Board for a 60,000 sq. ft. office building while retaining the right to develop a usable portion of the 4.6 acres. The 155 White Plains Road site is looking into a healthcare use, a senior living or assisted living, a medical facility, a hospice, memory-care, kidney maintenance and rehabilitation and suggests these uses be added to the OB zoning district. Mr. Walsh asked the Village Board to consider every bit of acreage and to look at it as not just 10 acre lots, but as legitimate lots, which have been sub-divided and are already in this area.

Mayor Fixell noted that the Village Board will be working with the Planning Board to review the MU and OB Zoning Districts and to consider tonight's comments more closely. Mayor Fixell proposed to table this public hearing.

Trustee Brown moved, seconded by Trustee McGee, and unanimously carried, that the public hearing be tabled: Approved: 5-0

ARBOR DAY RESOLUTION

Trustee Hoyt moved, seconded by Trustee Zollo, and unanimously carried, that the following resolution be approved: Approved: 5-0

WHEREAS, in 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day is observed throughout the nation and the world; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

WHEREAS, trees are renewable resources giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, trees are a source of joy and spiritual renewal; and

WHEREAS, the Village of Tarrytown has been recognized as a Tree City USA by the National Arbor Day Foundation for 34 years and the Village desires to continue its tree-planting ways.

NOW THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby proclaim Friday, April 21, 2017 as "ARBOR DAY" in the Village of Tarrytown, and urges all citizens to support efforts to care for trees and woodlands in the Village and to support the Village's forestry program.

BE IT FURTHER RESOLVED that the Board of Trustees urges all citizens in the Village to plant trees to improve the community and to promote the well-being of present and future generations.

ACKNOWLEDGEMENT OF RECEIPT OF THE 2016 TARRYTOWN VOLUNTEER AMBULANCE CORPS SERVICE AWARD (PENSION) PROGRAM ANNUAL REPORT REGARDING QUALIFYING POINTS RECEIVED

Trustee McGee moved, seconded by Trustee Zollo, that the following resolution be approved. Motion carried, all voting "aye" with the exception of Trustee Hoyt who recused himself. Approval: 4-0-1

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby acknowledge receipt of the Tarrytown Volunteer Ambulance Corps 2016 annual report of points achieved by respective members of the Ambulance Corps for qualification for Village contribution to the Ambulance Corps members service award program, which report shall be posted for public inspection and comment for 30 days prior to Board of Trustees' consideration of approving submission of the report to the pension fund underwriter, subject to final sign-off by the Mayor.

IMA AGREEMENT SHARING OF MACHINERY AND EQUIPMENT

Trustee Zollo moved, seconded by Trustee McGee, and unanimously carried, that the following resolution be approved: Approved: 5-0

BE IT RESOLVED that the Board of Trustees does hereby authorize and direct the Village Administrator to execute an Inter-Municipal Agreement (IMA) among the Villages of Ardsley, Dobbs Ferry, Elmsford, Hastings-On-Hudson, Irvington, Sleepy Hollow and Tarrytown and the Town of Greenburgh for the purpose of sharing machinery, equipment and/or materials in the respective Public Works departments.

COMPREHENSIVE PLAN AND ZONING AMENDMENTS – TRAIN STATION AREA STUDY

Trustee Zollo moved, seconded by Trustee Brown, and unanimously carried, that the following resolution be approved: Approved: 5-0

WHEREAS, the Village issued a Request for Proposals for work on the Comprehensive Plan and Zoning Amendments associated with the Train Station Area Study (Tarrytown Connected); and

WHEREAS, the Village received three (3) proposals for the Comprehensive Plan and Zoning Amendments associated with the Train Station Area Study.

WHEREAS, the proposals were reviewed by the Village Administrator, two members of the Train Station Area Study Committee and a representative from the Westchester County Planning Department and it is their recommendation that the project be awarded to WXY Architecture & Urban Design.

NOW THEREFORE, 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 with WXY Architecture & Urban Design, per their proposal of \$175,000.00.

IMPROVEMENTS TO SEWER PUMP STATION – SOUTH GROVE STREET

Trustee Zollo moved, seconded by Trustee McGee, and unanimously carried, that the following resolution be approved: Approved: 5-0

WHEREAS, the Village issued a Request for Proposals for the alternating pump controller for the Grove Street Sewer Lift Station; and

WHEREAS, the Village received two (2) proposals for this project; and

WHEREAS, the proposals were reviewed by the Superintendent of Public Works and it is his recommendation that the project be awarded to the proposer with the proposal that addresses the needs of the Village and the neighborhood, PVS Construction, Hopewell Junction, New York.

NOW THEREFORE, 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 with PVS Construction, per their proposal of \$29,250.00.

SCHEDULE A PUBLIC HEARING – ZONING TEXT AMENDMENT

Trustee Hoyt moved, seconded by Trustee Zollo, and unanimously carried, that the following resolution be approved: Approved: 5-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby schedule a Public Hearing for the regular meeting of April 3, 2017, at 8:00 p.m., in the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider a proposed amendment to the Bulk Regulations in the Code of the Village of Tarrytown, Chapter 305 entitled “Zoning.”

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF THE BOARD OF TRUSTEES HELD ON MARCH 6, 2017

Trustee McGee moved, seconded by Trustee Zollo, and unanimously carried, that the following resolution be approved: Approved: 5-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve the minutes of the special meeting of the Board of Trustees held on March 6, 2017 as submitted by the Village Clerk.

APPROVAL OF AUDITED VOUCHERS

Trustee Hoyt moved, seconded by Trustee Zollo, and unanimously carried, that the following resolution be approved: Approved: 5-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve Abstract No. 17 of Audited Vouchers to be paid in the following amounts:

General	\$ 793,222.98
Water	233,717.88
Sewer Fund	0.00
Capital	326,501.96
Library	14,354.43
Trust & Agency	<u>14,293.70</u>
Total	\$ 1,382,090.95

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.

THANKED THE DEPARTMENT OF PUBLIC WORKS

Mayor Fixell thanked the Department of Public Works for doing a great job removing the snow at last week's snow storm. It was a tough storm and they were out there for many hours. It wasn't an easy storm and he very much appreciated the good work.

HAPPY SPRING

The Board of Trustees wished everyone a Happy Spring.

ADJOURNMENT

Trustee Hoyt moved, seconded by Trustee Brown, and unanimously carried, that the meeting be adjourned at 8:22 p.m.

Carol A. Booth
Village Clerk