

Board of Trustees
Village of Tarrytown
Regular Meeting No. 11
July 20, 2015
8:00 p.m.

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

ABSENT: Trustee Zollo

The meeting began with the Pledge to the Flag.

REPORTS

Trustee McGovern noted that this Wednesday is the annual Senior Picnic at Pierson Park for members of the Tarrytown Seniors and members of the Board of Trustees.

PRESENTATION OF POLICE SERGEANT SHIELDS

Mayor Fixell noted at the June 17, 2015 Board of Trustees Special Meeting, Police Officers Christopher Cole and Gregory Budnar were promoted to Police Sergeant and the Board of Trustees publically presented the two officers their Police Sergeant Shields.

CHANGES AND/OR ADDITIONS TO THE AGENDA

Mayor Fixell noted that there will be an addition to tonight's agenda regarding a resolution authorizing a funding application to the NYS Office of Parks, Recreation and Historic Preservation for Patriots Park Comprehensive Site Improvements.

ADMINISTRATORS REPORT

Administrator Blau noted that the Board of Trustees is working with the Lake Savers LLC to address the algae in the Upper Tarrytown Lake. Lake Savers has come up with a new plan. Lake Savers was treating the lake, but we were still getting the nutrient loading into the lake; which was causing the algae blooms. The new concept is to trap the nutrients that were causing the algae blooms and treat that area instead of treating the entire Upper Lake. This work will start next week.

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 – CONSULTANT FEES FOR APPLICATIONS TO THE PLANNING BOARD

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

Mayor Fixell questioned whether anyone wished to address the Board on this matter. No one appeared.

Trustee Hoyt moved, seconded by Trustee McGee, and unanimously carried, that the hearing be closed.

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

PLEASE TAKE NOTICE that the Board of Trustees of the Village of Tarrytown will hold a public hearing on the 20th day of July, 2015, at 8 PM, in the Municipal Building, One Depot Plaza, Tarrytown, New York 10591, to hear, discuss and to act upon a proposed amendment to the Code of the Village of Tarrytown, Chapter 305. Zoning, Article XVI. Site Development Plan Review, Section 305-138 (B) and (C) of the Code of the Village of Tarrytown to address payment of consultants' fees for applications to the Village Planning Board.

Section 1: Purpose.

The purpose of this article is to allow for reimbursement to the Village for the actual costs of consulting services with respect to the review of applications before the Planning Board for approval to utilize any property in the Village.

Material to be deleted appears in [parenthesis], material to be added is in **bold typeface**.

Section 2: Amendment to Sections 305-138 (B) and (C) of the Village Code.

Sections 305-138 (B) and (C) of the Village Code shall be amended to read as follows:

B. Review services. The Planning Board, in review of any application for a site plan, **compatible use permit and/or subdivision** or amendment to a site plan, **compatible use permit** and/or subdivision, may refer such application to a planner, **attorney**, engineer, landscape architect, environmental expert or other professional as the Planning Board shall deem reasonably necessary to enable it to review such application as required by law. Fees applications charged by such professionals shall be in accord with fees usually charged for such services in the Metropolitan New York Region **and shall be no more than the fee charged to the Village for similar services**. All such charges shall be paid by the Village. The applicant shall reimburse the Village for the cost of such professional review services, **including the fees for the attorney assigned to represent the Planning Board** [other than legal services performed by the Village Attorney], **from the escrow account established in accordance with subsection 305-138 (C)**, upon submission of an invoice from the Village. **All invoices for fees charged to applicants by consultants shall be reviewed and approved by the Village Administrator as to reasonableness before payment by the Village and applicant shall be provided with copies of the invoices charged against the escrow deposit. In the event an applicant believes that the charges invoiced are excessive, the applicant may file a written protest to the Village Board, within 15 days of receipt of the invoice, questioning such invoice and the Village Board shall review the protest by the applicant and provide the applicant with a written response within 45 days of receipt of the protest** [The applicant must pay the invoice within one month of mailing of the invoice by the Village. Failure to make timely payment may result in a stop-work order issued by the Building Inspector.] No certificate of occupancy shall be issued for the subject property until all review costs have been paid to the Village. The payment of such fees shall be required in addition to any and all other fees required by this or any other section of this chapter or any other local law.

C. Escrow accounts. At the time of submission of any application before the Planning Board, **an initial escrow of \$2,500.00 shall be established with the application**. [the Planning Board may require the establishment of an escrow account from which withdrawals shall be made to reimburse the Village for the cost of professional review services.] The applicant shall then provide **any additional** funds to the Village for deposit into such account in the amount to be determined by the Planning Board based on its evaluation of the nature and complexity of the application. [The applicant shall be provided with copies of any Village voucher for such services as they are submitted to the Village.] When the balance in such escrow account is reduced to 1/2 of **the initial escrow amount of the amount established by the Planning Board, whichever is higher** [its initial amount], the applicant shall deposit additional funds into such account to bring its balance up to the amount of the initial deposit. If such account is not replenished within 30 days after the applicant is notified, in writing, of the requirement for such additional deposit, the

Planning Board may suspend its review of the application. A building permit or certificate of occupancy shall not be issued unless all professional fees charged in connection with the applicant's project have been reimbursed to the Village. After all pertinent charges have been paid, the Village shall refund to the applicant any funds remaining on deposit.

Section 3: Supersession of other laws.

A. All laws, ordinances, rules and regulations of the Village are modified and superseded by this article with respect to their application to fees which may be charged with respect to applications for land use permitting or approvals.

B. This article shall modify and supersede, with respect to the properties covered thereby, the provisions of Article 7 of the Village Law of the State of New York, Executive Law Article 42, and Navigation Law Article 4 of the State of New York.

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 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.

BY ORDER OF THE BOARD OF TRUSTEES OF THE VILLAGE OF TARRYTOWN

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby amend the Code of the Village of Tarrytown, Chapter 305. Zoning, Article XVI. Site Development Plan Review, § 305-138 (B) and (C) of the Code of the Village of Tarrytown to address payment of consultants' fees for applications to the Village Planning Board.

WHEREAS, a public hearing was held for the proposed action on July 20, 2015; and

WHEREAS, a notice of public hearing was published in the Journal News on June 19, 2015; and

WHEREAS, the Board of Trustees of the Village of Tarrytown is the only agency which has approval authority over the Proposed Action, and is therefore the Lead Agency for the Proposed Action.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

In accordance with Article 8 of the State Environmental Conservation Law and 6NYCRR Part 617, including without limitations the criteria set forth in 6 NYCRR Part 617.7(c) and based upon review of the Environmental Assessment Form and all other materials that were prepared for the Proposed Action, the Village Board of Trustees hereby determines that the Proposed Action will not have a significant adverse impact on the environment, and hereby adopts a Negative Declaration.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby adopt Local Law No. 3 of 2015.

PUBLIC HEARING – MORATORIUM FOR TARRYTOWN STATION STUDY AREA

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

PLEASE TAKE NOTICE that the Board of Trustees of the Village of Tarrytown will hold a public hearing on the 20th day of July, 2015, at 8 PM, in the Municipal Building, One Depot Plaza, Tarrytown, New York 10591, to hear, discuss and to act upon a proposed amendment to the Code of the Village of Tarrytown, Chapter 306. Moratoria. Interim Development Moratorium for Tarrytown Station Study Area within the Village of Tarrytown.

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

SECTION 1. Purpose and Intent. Pursuant to the authority duly vested in it and to preserve its intended objectives and ensure future possible implementation of new regulations it may deem necessary, the Board of Trustees of the Village of Tarrytown (the "Village Board") has determined that the existing code does not adequately address all circumstances which have arisen with respect to development of the area designated as the Tarrytown Station Study Area ("Study Area") in the Village of Tarrytown (the "Village"). These circumstances include, but are not limited to, traffic, flooding and safety issues and other potential adverse impacts to the health, comfort, aesthetics and general welfare of the Village residents. Such circumstances have become evident such as increased volume of traffic in and around the train station. The Village Board has completed the first phase of the study and intends to review current zoning, planning and environmental rules as they apply to the Study Area in order to make such changes as are in the best interests of the Village and compatible with the Study Area.

It has been determined by the Village Board that, in order 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. Without placing a moratorium on applications pending revision of the code, the Village will be faced with additional development without having an opportunity to fully address all of the issues raised in the first phase of the study. This protection of the public interest and welfare includes the prevention of premature, inconsistent or improper development which could prejudice the integrity and objectives of the study presently being undertaken and could result in uses which may be inconsistent with and in violation of the intent of said planning.

SECTION 2. This Local Law shall apply to all properties located within the Village Study Area as set forth in the attached map.

SECTION 3. Scope of Controls.

A. During the effective period of this Local Law:

- 1) No building permit shall be issued by the Building Inspector for new construction or the expansion of any structure within the Study Area unless all land use approvals have been obtained and an application for a building permit therefore had been filed with the Building Inspector prior June 24, 2015.
- 2) The Planning Board shall not grant any preliminary or final approval of a site plan, subdivision or any special permit within the Study Area unless the application was pending and at least one public hearing on such application had been open prior June 24, 2015, the date on which the Village Board voted to schedule a public hearing on this moratorium.
- 3) The Zoning Board of Appeals shall not grant any variance or special permit within the Study Area unless the application was pending and at least one public hearing on such application had been open prior June 24, 2015, the date on which the Village Board voted to schedule a public hearing on this moratorium.

B. The Village Board reserves the right to direct the Building Inspector to revoke or rescind any building permits or certificates of occupancy issued in violation of this Local Law.

SECTION 4. No Consideration of Applications. No applications for construction affected by this Local Law or for approvals for site plan, subdivision, variance or special permit shall be considered by any board or agency of the Village while this Local Law is in effect. Nothing in this Local Law shall preclude an applicant for such proposed construction from having a maximum of two informal conferences with an appropriate board or agency while this Local Law is in effect. The foregoing restrictions shall not apply to any application meeting the exceptions in Section 3.

SECTION 5. Term. This Local Law shall be in effect for a period of six months from the date of its effective date.

SECTION 6. Penalties. Any person, firm or corporation that shall construct, erect, enlarge or alter any building or structures in violation of the provisions of this Local Law or shall otherwise violate any of the provisions of this Local Law shall be subject to:

- A. Such penalties as may otherwise be provided by the laws, rules and regulations of the Village for violations; and
- B. Injunctive relief in favor of the Village to cease any and all such actions which conflict with this Local Law and, if necessary, to remove any construction which may have taken place in violation of this Local Law.

SECTION 7. Validity. The invalidity of any provision of this Local Law shall not affect the validity of any other portion of this Local Law which can be given effect without such invalid provision.

SECTION 8. Superseding Other Laws.

- A. All laws, ordinances, rules and regulations of the Village are modified and superseded by this Local Law with respect to their application to the properties designated under this Local Law for the term of this Local Law.
- B. This Local Law shall modify and supersede, with respect to the properties covered by this Local Law and, for the term of this Local Law, the provisions of Article 7 of the Village Law of the State of New York.

SECTION 9. Hardship.

- A. 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. For the purposes of this Local Law, unnecessary hardship shall not be the mere delay in being permitted to make an application for construction or a variance, special permit, subdivision or site plan during the pendency of this Local Law.
- B. Procedure. Upon submission of a written application to the Village Clerk by the property owner seeking a variation of this Local Law, the Village Board shall, within thirty (30) days of receipt of said application, schedule a public hearing on said application upon five (5) days written notice in the official newspaper of the Village. At said public hearing, the property owner and any other parties wishing to present evidence with regard to the application shall have an opportunity to be heard, and the Village Board shall, within thirty (30) days of the close of said public hearing, render its decision either granting or denying the application for a variation from the strict requirements of this Local Law. If the Village Board determines that a property owner will suffer an unnecessary hardship if this Local Law is strictly applied to a particular property, then the Village Board shall vary the application of this Local Law to the minimum extent necessary to provide the property owner relief from strict compliance with this Local Law.

- C. Any party aggrieved by the determination of the Village Board on an application for a variation from the strict compliance with this Local Law may appeal said decision to the Supreme Court, State of New York, Westchester County, pursuant to Article 78 of the Civil Practice Law and Rules within thirty (30) days of the filing of said decision in the Office of the Village Clerk.

SECTION 10. Effective Date. This Local Law shall take effect immediately upon filing in the office of the Secretary of State, and is subject to review and renewal by resolution of the Village Board for an additional period of time, effective immediately.

**BY ORDER OF THE BOARD OF TRUSTEES OF
THE VILLAGE OF TARRYTOWN**

Attorney Silverberg noted that the Village is undertaking a study around the railroad station area to look at possible rezoning and different kinds of uses. The Village's Planning Consultant submitted a preliminary report for the study area and the Village is moving forward with a more expansive study of the area which may include zoning changes. The Village Board felt at this time in the process that it might make sense to put any applications on hold with respect to properties within that area, so the Village can have an opportunity to complete its review and determination and directed that legislation be drafted for consideration. Attorney Silverberg also pointed out an error in Section 1 "Purpose and Intent." He thought that there were a couple of applications in the study area, however, there is only one application presently pending. This amendment stating this fact does not change the substance of the law, it is just for clarification. We should take out "Such circumstances have become evident as a result of the increasing number of applications for construction within the Study Area" and just leave in "Such circumstances have become evident such as increased volume of traffic in and around the train station."

Robert Corvedu, 159 Wildey Street, asked if this study is going to rezone the bottom of Wildey Street. Attorney Silverberg stated that the Village is looking at the Tarrytown Station Study Area; whether or not the Village proposes to make specific changes on specific lots is still being reviewed.

Administrator Blau stated that the Village is not looking to rezone that area right now. The study is to determine what should be occurring in the study area. If there is a proposal to rezone that area, the public will have a right to speak to any zoning changes. There would be a public hearing process.

Mark Constantine, Attorney for a client who has significant interest with regard to the "Study Area." There are significant interests at stake with respect to the moratorium. The public hearing notice was posted on the website on July 8, 2015 and the public hearing is being held tonight, July 20, 2015. That might satisfy some of the statutes that require the minimum amount of notice; however, given what is at stake here, the Board should consider keeping the public hearing open to allow for written submissions. While the Village Attorney Silverberg noted a minor correction to the proposed legislation; Mr. Constantine believes it goes beyond a minor correction. With only one application pending, there doesn't seem to be a need for a moratorium. He believes to enact a moratorium, there has to be a dire necessity with regard to a crisis condition or emergency. He also believes that the property owners deserve to see a copy of the preliminary study of the Tarrytown Station Study Area before the board takes action on adopting the moratorium. Mr. Constantine is here tonight on behalf of his client, the Ferrarro family. The Ferrarro's have been before the Planning Board and Zoning Board on an application in the moratorium area. Currently, the Ferrarro's application is before the Zoning Board of Appeals in the middle of a public hearing. He noted that the proposed moratorium local law refers to exemptions and would like the Board of Trustees, if this proposed law is adopted tonight, to consider the Ferrarro's application as an exemption. He wants the Board to also consider that it is not merely a coincidence that this moratorium is now being rushed in with a public hearing and special board meeting in the middle of July when most people are away. He knows the owner of the American Independent Paper is away and others who are concerned and interested in this proposed moratorium are not available to

be here this evening. He again asks the Board to keep this public hearing open to allow people to review the first study report and have an opportunity to comment. In regard to the retro-active effect of the proposed moratorium, he asks the Board to reconsider that as well since he has not heard that there is an emergency, dire necessity or crisis condition. He requested the Board to remove the retro-active portion from the proposed legislation.

Arthur Cecchini, owner of Valad Electric, stated that he has been a business owner in Tarrytown since 1957. He has been through Urban Renewal. During the Urban Renewal process, they were allowed to stay at his location because his property is tucked between the bridge and the railroad. His building was built in 1926 and it is built like a fortress. Valad Electric is a manufacturing business and they operate as a subcontractor for the United States government. He would like to move his company upstate and would like to sell his property. He is in the middle of negotiations on both the purchase of a building and the sale of the building in Tarrytown and this moratorium will have a devastating effect on our business. The Ferraro's are interested in my building for a self-storage facility. This is a perfect use for his building. The property is out of the way and they are going to make improvements to the building. He has never asked anything from the Village of Tarrytown in all the years he has paid taxes. But he is asking for the Board's help now so he can move forward with his plans to sell his building.

Attorney Silverberg noted that the correction to the Purpose and Intent section of the proposed moratorium is not the text of the law; it is to set forth reason for the proposed law. There are other reasons noted in the purpose and intent to adopt the proposed moratorium, including increase in traffic and the fact that the Village has undertaken a study of this area. Most municipalities adopt moratoria before they even start the study. The Village has already completed one study and is moving forward with a second, more involved study of the area. The first study was not released today, it was sent to Mr. Ferraro today because he had submitted a FOIL request last week. The Village has had that document for a number of weeks. The document is the first study, not the final study for the area. The purpose for the proposed moratorium is to keep things in place while the Village completes the current study of the station area. There is nothing in the law that speaks to the words, "dire necessity and crisis condition" as being a prerequisite to adopting a moratorium. The Village has a right under the law to adopt a moratorium on development within the Village while the Village is conducting a study. If there is a hardship, there is a provision in the law that the property owner can demonstrate a hardship and the Board can grant a waiver of the law under specific conditions where in fact there is a hardship. Mr. Constantine and his client Mr. Ferraro were before the Planning Board and they withdrew his application. Mr. Ferraro appeared before the Zoning Board of Appeals last week, but the materials presented to the Zoning Board did not match the materials which were the basis of the notice for the hearing before the Zoning Board, so no action could be taken. The criteria set forth in the moratorium legislation has three parts to allow an applicant to proceed; 1) The applicant had to hold a public hearing before the Planning Board prior to June 24, 2015, Mr. Ferraro withdrew his Planning Board application; 2) The applicant had to hold a public hearing before the Zoning Board prior to June 24, 2015; and 3) The applicant had to file a building permit prior to June 24, 2015.

Trustee McGovern asked Mr. Cecchini if he could wait until the six-month moratorium expires.

Mr. Cecchini, owner of Valad Electric stated that it would be devastating for him to wait six months. He has a replacement property upstate that he plans on buying for his business and without selling his property; he will lose the opportunity to buy the property upstate.

Trustee Butler asked if the Valad Electric property was before the Zoning Board of Appeals for a variance. Attorney Silverberg responded, yes. Attorney Silverberg noted that they were first before the Planning Board and there was an issue of which land use Board should complete the environmental review. Mr. Constantine withdrew the Planning Board application and decided to let the Zoning Board of Appeals complete the environmental review. They were before the Zoning Board of Appeals last week; however, they modified their site plan which changed the zoning variances they needed. The notices

that were sent out for the Zoning Board meeting addressed the old site plan variances, not the new site plan variances. So the Zoning Board application could not proceed. Trustee Butler noted that regardless of the moratorium and a proposed hardship waiver, this application has to go through the process and get approval by the Zoning Board of Appeals and the Planning Board.

Attorney Constantine stated that his client still has to apply for a building permit, but he has never seen a requirement in a Village Code or proposed Moratoria to say the only way you qualify for an exemption is that you have to juggle three applications at one time. The Ferraro family has a pending application before the Zoning Board and opened a public hearing. The changes to our application was at the request of the Village Engineer regarding the number of parking spaces and his client is willing to provide the number of parking spaces that they originally proposed, if necessary. The Ferraro family's application for a self-storage building would not create a burden on the school system and would not create burden to the Village with regard to essential services and even might reduce the impact on the Village compared to the Valad Electric business. The building is essentially going to remain the same except for a minor increase in size, which is within the Village's Zoning Code. The only issue is the parking. The only reason the Ferraro family is asking for a parking variance is because the Tarrytown Village Code does not provide a standard for a self-storage parking. The national standards and studies indicate that a self-storage facility does not require the same amount of parking as a typical factory use.

Mr. Cecchini, owner of Valad Electric stated that it was very difficult to find a replacement property for manufacturing and time is of the essence. Valad Electric manufactures radar installation and heating equipment for ships and planes. Valad Electric provides food warming ovens in all of the Air force jets in addition to other manufacturing. He asked the Board for their help to allow him to move forward so Valad Electric can continue for the next generation.

Robert Ecker, General Council for Valad Electric stated that they have been looking for a replacement property for a very long time.

Attorney Silverberg noted that when the Ferraro family submitted a Planning Board application, there was not a letter of consent from the owner. When was the contract to sell to the Ferraro family actually executed? Mr. Constantine doesn't feel the question is relevant to this public hearing. Attorney Silverberg noted that the reason he is asking is that Mr. Constantine is making an argument that the Village has delayed the process of their application; however, in June there was no letter of consent from the owner for the Ferraro family to make the application. Mr. Constantine noted that he would discuss this with his client and see if they are inclined to share that information. However, he doesn't believe it is relevant for the Village Board's consideration.

Attorney Silverberg noted that the first study is part of an over-all study that is being currently being conducted. Often times, municipalities adopt a moratoria before they begin to study an area. Therefore, the content of that study is not critical to adopting or not adopting this moratorium.

Attorney Constantine referred to a New York Court of Appeals Case, a matter of Bell Harbor Realty versus Kerr (35 NY 2nd 507 page 512). This case states, temporary abandoning development of certain land uses is the hallmark of a moratorium. To the enactment of a moratorium to be upheld, the municipality must show that its actions are 1) in response to a dire necessity, 2) a reasonably calculated to alleviate or prevent a crisis condition and 3) The municipality is presently taking steps to rectifying the problem.

Trustee McGovern asked if Valad Electric has a crisis condition referred to in Attorney Constantine's New York Court of Appeals case. Attorney Silverberg noted that the Bell Harbor Realty case deals with the revocation of prior approvals, which is completely different from what is being proposed tonight.

Mayor Fixell noted that if the Board adopts the moratorium tonight and a hardship waiver application is filed, the Board proposes to take a thoughtful hardship review of the conditions and determine whether a hardship makes sense.

James A. Haggerty, 117 Grove Street, asked if another applicant submits a hardship application within 30 days, how long would the process take. Mayor Fixell noted that the hardship waiver would have to be considered at a public hearing within 30 days from the date of an application for a waiver of the restrictions of the moratorium.

Alexander Roberts, 63 Miller Avenue and member of the Tarrytown Boat Club, stated that the Tarrytown Boat club has a difficult financial situation with respect to the Striped Bass restaurant building which was currently condemned. The Boat Club has an agreement with a developer to rebuild the restaurant, which he believes has been discussed with the Village. He is concerned about the moratorium and the impact on this property of which they are expecting an application presented to the Boat Club within the next few months. He asked the Board if this would qualify for a hardship waiver.

Mayor Fixell stated that the Boat Club would have to file a hardship waiver application and explain the situation before the Board can comment on it.

Attorney Silverberg noted that if the moratorium legislation is adopted, the hardship provision of the law reads "...the Village Board shall vary the application of this Local Law to the minimum extent necessary to provide the property owner relief from strict compliance with this Local Law." Therefore, the Boat Club can submit a hardship application and if granted by the Board, can decide what relief is appropriate.

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

Trustee Butler moved, seconded by Trustee McGovern, and unanimously carried, that the following local law be adopted as amended by taking out the phrase "the increasing number of applications for construction within the Study Area and" in Section 1. Purpose and Intent: Approved: 6-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby amend the Code of the Village of Tarrytown, Chapter 306. Moratoria to establish a six-month moratorium on applications and development in the Tarrytown Station Study Area.

WHEREAS, a public hearing was held for the proposed action on July 20, 2015; and

WHEREAS, a notice of public hearing was published in the Journal News on July 10, 2015; and

WHEREAS, the Board of Trustees of the Village of Tarrytown is the only agency which has approval authority over the Proposed Action, and is therefore the Lead Agency for the Proposed Action.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

In accordance with Article 8 of the State Environmental Conservation Law and 6NYCRR Part 617, including without limitations the criteria set forth in 6 NYCRR Part 617.5(c)(30) the Village Board of Trustees hereby determines that the Proposed Action is a Type II action requiring no further environmental review.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby adopt Local Law No. 4 of 2015 as modified.

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

RESOLUTION AUTHORIZING FUNDING APPLICATION TO THE NYS OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION (OPRHP) FOR PATRIOTS PARK COMPREHENSIVE SITE IMPROVEMENTS

Trustee Hoyt moved, seconded by Trustee Basher, and unanimously carried, that the following resolution be approved: Approved: 6-0

WHEREAS, the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) is accepting applications for funding under the Environmental Protection Fund (EPF) Municipal Grant Program through the 2015 NYS Consolidated Funding Application process for the acquisition, development and planning of parks and recreational facilities to preserve, rehabilitate or restore lands, waters or structures for park, recreation or conservation purposes and for structural assessments and/or planning for such projects.; and

WHEREAS, the Board of Trustees of the Village of Tarrytown intends to submit a grant application to OPRHP that will provide for the replacement of an existing outdated play structure , provide protective surfacing and retaining/seating walls, install a new pavilion for shade, replace the existing swing set, install riprap for streambank stabilization and handrails for stairs that lead down to the Andre Brook, install new fencing and apply a new sports coating for the existing basketball court and install a new water fountain.

WHEREAS, the total project cost is expected to be \$351,246; and

WHEREAS, the Board of Trustees of the Village of Tarrytown supports the application for a Municipal Grant in an amount not to exceed 75% of the total project cost, or up to \$263,434; and

WHEREAS, the Village of Tarrytown will provide a cost-sharing match commitment not to exceed 25% of the total project cost, or up \$87,812; and

NOW, THEREFORE, BE IT RESOLVED, that the Village Administrator is hereby authorized and directed to file an application for and accept funds from the NYS Office of Parks, Recreation and Historic Preservation (OPRHP), and upon approval of said grant to act on behalf of the Village of Tarrytown in all matters related to the grant.

SUMMER CAMP EMPLOYMENT

Trustee Butler moved, seconded by Trustee Basher, that the following resolution be approved. Motion carried, all voting “aye” with the exception of Trustee Hoyt who recused himself because his daughter works in the Summer Camp. Approved: 5-0-1

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve the following 2015 summer day camp employment schedule as submitted by the Recreation Supervisor:

2015 Day Camp Staff

<u>Position</u>	<u>Name</u>	<u>Hourly Rate</u>
Day Camp Director	Murphy, Kelly	\$17.75
Assistant Director	Albano, Tom	\$17.75
Health Director	Caldwell, Marcie	\$17.75
Office Manager	Scaglione, Janine	\$15.25
Arts & Crafts	Figueroa, Kristina	\$15.00

Board of Trustees	-11-	July 20, 2015
Music	Ramos, Edwin	\$15.00
Sports	Jones, Lavon	\$15.25
<u>Counselors</u>		
1	Aitken, Azon	\$7.50
2	Brand, Wendell Jr	\$7.25
3	Briante, Jessica	\$7.25
4	Briante, Matthew	\$7.00
5	Daley, JD	\$9.25
6	Dorazio, Matt	\$7.25
7	Dorazio, Samantha	\$7.25
8	Flaconer, Jonathan	\$8.25
9	Gernea, Peter	\$7.00
10	Green-Falco, Taylor	\$8.25
11	Lantigua, Veronica	\$10.50
12	Larocca, Amanda	\$7.25
13	Onwe, Jen	\$8.25
14	Onwe, Vanessa	\$7.25
15	Randazzo, Andrew	\$7.25
16	Rodriguez, Dashley	\$7.25
17	Shillingford, Rahhim	\$8.00
18	Torres, Yesenia	\$7.25
19	Vargas, Stephanie	\$7.00
20	Gomez, Jonathan	\$7.00
21	Sosa, Gabriel	\$7.00
<u>Lifeguards</u>		
1	Acevedo, Kayla	\$12.00
2	McCarthy, Sara	\$12.00
3	Vallo, Lauren	\$12.00

<u>Position</u>	<u>2015 Tot Camp Staff Name</u>	<u>Hourly Rate</u>
Tot Camp Director	Ford, Jackie	\$17.75
Assistant Director	Millhaven, Alex	\$17.75
Office Manager Tot	Austin, Karen	\$15.25
Music	Myers, Randy	\$15.00
<u>Counselors</u>		
1	Carney, James	\$7.00
2	Gonzales, Tony	\$10.00
3	Hofman, Charlotte	\$7.25
4	Morhous, Michelle	\$7.25
5	Hoyt, Michelle	\$12.00
6	Rivera, Sam	\$7.00

FIRE DEPARTMENT MEMBERSHIP CHANGE

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

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 June 16, 2015 Board of Fire Wardens meeting: Membership: Frank Giampiccolo Jr. and Joseph

Vercesi have been removed from active membership at Hope Hose Company. Driver: Richard Miscioscia has been approved as a driver for Conqueror Hook & Ladder.

APPOINTMENT OF THE ETHICS BOARD

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby appoint Noah Zamdmer as member of the Ethics Board for a term to expire in April 2018.

APPOINTMENT OF THE TARRYTOWN MUNICIPAL HOUSING AUTHORITY

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby appoint Jordan D. Becker as member of the Tarrytown Municipal Housing Authority for a term to expire in April of 2020.

GREYSTONE-ON-HUDSON – CARRIAGE TRAIL TO BE A ROAD ON OFFICIAL MAP

Trustee Hoyt moved, seconded by Trustee Basher, and unanimously carried, that the following resolution be approved: Approved: 6-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby name the roadway in the Greystone-on-Hudson development Carriage Trail.

AGREEMENT BETWEEN THE TARRYTOWN POLICE BENEVOLENT ASSOCIATION, INC. AND THE VILLAGE OF TARRYTOWN

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve the five-year memorandum of agreement between the Village of Tarrytown and the Police Benevolent Association, Inc. (PBA) effective from June 1, 2014 through May 31, 2019. The authorized salary increases are 2.5% in each year of this five-year collective bargaining agreement.

AGREEMENT WITH WESTCHESTER COUNTY FOR MUTUAL AID AND RAPID RESPONSE PLAN

Trustee Hoyt moved, seconded by Trustee McGee, and unanimously carried, that the following resolution be approved: Approved: 6-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby authorize and direct the Mayor to execute an Inter-Municipal Agreement with Westchester County associated with the Mutual Aid and Rapid Response Plan for municipalities in Westchester County.

CAPITAL BUDGET FOR FISCAL YEAR 2015-2016

Trustee Basher moved, seconded by Trustee Butler, and unanimously carried, that the following resolution be approved: Approved: 6-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve the following capital budget for fiscal year 2015-2016:

Capital Budget 2015-2016 – General Fund

Department	2015-2016
Buildings	
Roof Overlay with Additional Drains - Old Police Headquarters	\$50,000
EMCCC Building Repairs and Renovations	\$225,000
Paint Riverside Hose Engine Room	\$12,000
DPW	
Roads, Sidewalks, Drainage - DPW	
Milling and Paving of Existing Roadways	\$400,000
Altamont Avenue Sidewalk Replacement	\$190,000
Expansion of Commuter Parking on Green Street	\$18,000
Sidewalk from H-Bridge to Stairs to MNR Station	\$35,000
Pedestrian Tunnel under Metro North Railroad Tracks	\$72,000
Recreation	
Fence Replacement - Gracemere Park	\$22,500
Replace Skate Shack Staircase at Upper Tarrytown Lake	\$35,000
Create Roadway and Parking Area for New Soccer Field Adjacent to Upper Tarrytown Lake	\$115,000
Parking Lot Improvements at New Recreation Facility and Senior Center	\$70,000
Fire	
RIT Packs (36)	\$22,000
Utility 61 Cascade Booster Pump	\$15,000
Scott AV-3000 Voice Amplifiers (51)	\$25,000
Install Water Line to Fireboat Dock	\$10,000
Tarrytown Lakes	
Nutrient Filtration and Treatment for Upper Tarrytown Lake (authorized by BOT on 4/15/15)	\$28,950
Vehicles	
DPW	
Utility Body to Repurpose H-1 as Mechanics Truck	\$12,000
2007 Chevrolet (H-1 and H-3) Mason Dump Trucks	\$75,000
TOTAL	\$1,432,450

Capital Budget 2015-2016 – Water Fund

Distribution	2015-2016
Cleaning and Cement Mortar Lining	
PHASE 7 – Paulding Avenue, Hudson Place, Martling Avenue, White Plains Road	
Design, Engineering, Surveying, Soil Boring and Testing	\$52,500
PHASE 8 – Benedict Avenue, South Broadway, Rosehill Avenue, Fairview Avenue, Hamilton Place, Grove Street	
Design, Engineering, Surveying, Soil Boring and Testing	\$52,500
Vehicles	
2003 Chevrolet Utility Body (W-1); Truck to be repurposed to Traffic 1	\$55,000
TOTAL	\$160,000

Capital Budget 2015-2016 – Sewer Fund

Sewer Distribution	2015-2016
Sewer Main and Manhole Rehabilitation and/or Replacement	\$100,000
Engineering	\$20,000
Total	\$120,000

RETAINAGE, REPAVING PROJECT FROM 2011

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

WHEREAS, the Village is holding a retainage in the Capital Fund totaling \$9,936.54 associated with the 2011 Road Repaving Project; and

WHEREAS, the Village has received no request for return of the retainage and the Village has attempted to contact the contractor regarding the return of the retainage; and

WHEREAS, the Village's auditor have recommended that the Village take action to transfer the retainage to enable the use of the funds to pay down future debt service.

NOW, THEREFORE BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby authorize the transfer of \$9,936.54 from the capital to the reserve for debt service.

APPROPRIATION OF FUND BALANCE FOR PLANNING PROJECTS

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby appropriate fund balance in the amount of \$95,000 to Planning Board, Contractual (A8020.420) to pay for consulting services associated with three planning projects.

LIEN ON VILLAGE PROPERTY

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

WHEREAS, the Village previously acquired certain property from The Holy Spirit Association For The Unification Of World Christianity ("Holy Spirit Association"), which property had an outstanding mortgage lien benefiting Henry B. Green and H. Stuart Green, dated June 22, 1975, in the original principal sum of \$40,000.00 ("the Lien"); and

WHEREAS, the Holy Spirit Association agreed to remove the Lien at its own expense; and

WHEREAS, the Church has been unable to resolve removing the Lien and therefore a legal action to quiet title must be commenced; and

WHEREAS, the Village wishes to resolve the outstanding issue without incurring any expenses related to the litigation to quiet title.

NOW THEREFORE, IT IS RESOLVED: the Village Administrator is authorized to execute an assignment to the Holy Spirit Association of any claims the Village may possess in relation to the Lien.

VEHICLE AND TRAFFIC CODE AMENDMENT – PARKING - NORTH WASHINGTON STREET

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby amend the Village Code to reduce the area of prohibited parking during certain hours in front of the Neighborhood House that is regulated for the use of senior vans to service the Senior Nutrition Program at the site.

Material to be deleted is in parenthesis (). New material is set forth in **bold**.

291.80. Schedule XV: Parking Prohibited Certain Hours

In accordance with the provisions of 291-19, no person shall park a vehicle between the hours listed upon any of the following described streets or parts of streets:

<u>Name of Street</u>	<u>Side</u>	<u>Hours/Days</u>	<u>Location</u>
Washington Street, North	West	9:00 a.m. to 4:00 p.m. Monday through Friday; except for Senior vans	From a point 60 feet north of Wilkey Street north for (60) 30 feet

SURPLUS VEHICLES

Trustee Basher moved, seconded by Trustee McGee, and unanimously carried, that the following resolution be approved: Approved: 6-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby declare the following vehicles surplus:

Ford Van (Police Department)
Chevrolet Impala (Police Department)

SCHEDULE A PUBLIC HEARING – AMENDMENT TO CHAPTER 221, PARKS AND RECREATION AREAS

Trustee Hoyt moved, seconded by Trustee McGee, and unanimously carried, that the following resolution be approved: Approved: 6-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby schedule a Public Hearing for the regular meeting of August 17, 2015, to hear and discuss and act upon a proposed amendment to Chapter 221 of the Code of the Village of Tarrytown entitled “Parks and Recreation Areas” to establish a new Section of the Chapter to control swimming, wading and boating in waterways in and adjacent to parks and open space in the Village of Tarrytown.

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF THE BOARD OF TRUSTEES HELD ON JUNE 15, 2015

Trustee McGee moved, seconded by Trustee Basher, and unanimously carried, that the following resolution be approved: Approved: 6-0

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 June 15, 2015 as submitted by the Village Clerk.

APPROVAL OF THE MINUTES OF THE SPECIAL MEETING OF THE BOARD OF TRUSTEES HELD ON JUNE 17, 2015

Trustee Basher moved, seconded by Trustee Butler, and unanimously carried, that the following resolution be approved: Approved: 6-0

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 June 17, 2015 as submitted by the Village Administrator.

APPROVAL OF THE MINUTES OF THE SPECIAL MEETING OF THE BOARD OF TRUSTEES HELD ON JUNE 24, 2015

Trustee Hoyt moved, seconded by Trustee Butler, that the following resolution be approved. Motion carried, all voting “aye” with the exception of Trustees Basher and McGovern who recused themselves. Approved: 4-0-2

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 June 24, 2015 as submitted by the Village Administrator.

APPROVAL OF AUDITED VOUCHERS

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve Abstract No. 2 of Audited Vouchers, which includes the July 6, 2015 and the July 20, 2015 vouchers to be paid in the following amounts:

General	\$ 1,282,368.15
Water	254,654.16
Sewer Fund	7,496.25
Capital	368,733.91
Library	53,111.04
Trust & Agency	<u>15,538.22</u>
Total	\$ 1,981,901.73

The Board was polled all voting “aye” with the exception of Trustee McGee who recused herself from Voucher Number 2012250974 and Trustee Hoyt who recused himself from Voucher Numbers 2012250812 and 2012250909. Motion carried. 6-0

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

Asten Morgan Jr., 15 Oak Avenue, stated that last year the Village installed new water lines in the area of Oak Avenue and Cobb Lane. The road condition on Cobb Lane is deplorable and unsafe. There seems to be no engineering on Cobb Lane regarding water flow and drainage. He has been in the area for 6 years and they now have water problems when it rains. Hopefully, when the Village repaves Cobb Lane, the Village looks at the drainage system. The storm catch basins on Cobb Lane are in very bad condition. His main issue is the street he lives on, Oak Avenue. When he purchased his house six years ago, he was told that it was a private road. He doesn't like that the road is private for one reason is that garbage pickup is inconsistent. After the water lines were installed, the contractor put down gravel that look like rocks, 2 inches in size. A neighbor had their driveway professionally resurfaced and they used residential gravel which are much smaller. He showed the Board of Trustees a sample of both types of gravel. Oak Avenue is not safe to walk on and you cannot ride a bike on it. When it snows, his car cannot make it out of his driveway.

Administrator Blau noted that the Village extended the time for the contractor who did the water line replacement project to do additional work. Once the contractor is finished with the additional water lines, they will come back and pave all of the locations where they did the work including Cobb Lane and Oak Avenue.

Mr. Morgan Jr. asked if it is a private road, who owns the road. Administrator Blau stated that he should schedule an appointment with him and he can show him on the tax map but that the Village does not own a private road.

Francesca Spinner, 206 Wilson Park Drive, thanked the Board for reconsidering the parking outside the Neighborhood House on North Washington Street. Originally, Chief Brown suggested the 60 feet and now we feel that the 30 feet is sufficient. She is not sure if the 60 feet currently centers on the curb cut for the Neighborhood House. She wants the curb cut to be taken into consideration and to maximize the number of parking spaces.

ADJOURNMENT

Trustee Basher moved, seconded by Trustee Hoyt, and unanimously carried, that the meeting be adjourned at 9:45 p.m.

Carol A. Booth
Village Clerk