

Board of Trustees
Village of Tarrytown
Special Meeting No. 12
August 12, 2015
6:00 p.m.

PRESENT: Mayor Fixell, Trustees Basher, Hoyt, McGee and Zollo; Village Administrator Blau; Village Treasurer Hart and Village Clerk Booth

ABSENT: Trustees Butler and McGovern

Trustee Basher moved, seconded by Trustee Zollo and unanimously carried to open the public hearing and to immediately go into Executive Session for the purpose of discussing procedural issues with the Village Attorney.

The Board returned from the Executive Session and returned to the scheduled Public Hearing.

PUBLIC HEARING – VALAD ELECTRIC APPLICATION FOR A VARIANCE
FROM THE INTERIM DEVELOPMENT MORATORIUM FOR TARRYTOWN
STATION STUDY AREA WITHIN THE VILLAGE OF TARRYTOWN

Application for a Variance from the Interim Development Moratorium for Tarrytown
Station Study Area within the Village of Tarrytown

PLEASE TAKE NOTICE that the Board of Trustees of the Village of Tarrytown will hold a public hearing on the 12th day of August, 2015, at 6 PM, in the Municipal Building, One Depot Plaza, Tarrytown, New York 10591, to hear and consider the application of Valad Electric Heating Corp. owner of 160 Wildey Street, Tarrytown (“Applicant”), which is seeking a hardship variance from the provisions of the recently enacted Moratorium on Development within the study area designated as the Tarrytown Station Study Area.

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

SECTION 9 of the Local Law establishing the Moratorium provides in part:
“Should any owner of property affected by this Local Law suffer an unnecessary hardship in the way of carrying out the strict letter of this Local Law, then the owner of said property may apply to the Village Board, in writing, for a variation from strict compliance with this Local Law upon submission of proof of such unnecessary hardship.

Anyone wishing to be heard on the application may submit comments in writing prior to 4:00 P.M. on August 12, 2015 or appear at the above time and place to be heard by the Village Board. A copy of the application may be examined at the office of the Village Clerk, One Depot Plaza, Tarrytown, New York 10591.

David S. Steinmetz, Attorney representing Valad Electric and Mr. Arthur Cecchini Sr. regarding the hardship waiver of Interim Moratorium – 160 Wildey Street application dated July 29, 2015 stated that he fully understands the Village’s legal ability to enact a moratorium and also understands that the Village’s Moratorium local law includes in Section 9 to address hardship. In fact, if the Moratorium Local Law didn’t include a section for hardship, he believes it would be an unlawful act. Valad Electric came to Tarrytown in 1957, a third generation specialty manufacturing business. Valad Electric manufacturer’s electrical heating components purchased by the United States government for the Defense Department. Valad Electric is a small business and financially cannot continue in the Village of Tarrytown. Due to the cost of taxes in the Village and the cost of electricity in southern Westchester, it has made it extremely difficult from a business economic standpoint to stay in Tarrytown. Valad Electric has considerable

amount of business loans, the owner and his son are drawing diminutive salaries, they want to keep their employees working and they want to keep their business alive. In order to do that, they have to relocate. They have found a building outside the area where they can continue to function. In order for Valad Electric to relocate, they had to find a unique place to continue to run the company. They started looking over a year ago for a new location. However, Mr. Cecchini has to sell their current business property before they can purchase a new property. The Ferrarro family is interested in purchasing Mr. Cecchini's property at 160 Wildey Street to bring a wonderful, quiet, low-traffic self-storage use to this "nook and cranny" parcel. The parcel at 160 Wildey Street is a very unique parcel and to find somebody interested in this property for a valuable and productive use, potentially self-storage, is very important at this moment in time. We are asking the Board tonight for a chance for the Ferrarro family to present their new proposed use for review by the Zoning Board and Planning Board. If Mr. Cecchini cannot sell his property at 160 Wildey Street to the Ferrarro family, he will not be able to purchase the property upstate to continue to run Valad Electric.

Mayor Fixell asked how long the property at 160 Wildey Street was on the market. The real estate broker for Mr. Cecchini stated that they took the listing in March of 2014. Mayor Fixell asked how many people expressed interest in the property. The real estate broker stated initially, there was a lot of interest because it was a new building on the market. After the interest due to the fact that it was a new listing wore off, there was little interest due to the location of the parcel.

Mr. Cecchini found property near Stewart International Airport which will enable them to keep all of their 10 skilled employees working. It had taken approximately a year to locate a suitable new location, which may not be available if the moratorium prevents moving forward with the transfer of both properties.

Trustee Zollo asked if Mr. Cecchini has an accepted offer for his property. Mr. Steinmetz stated yes, he has an accepted offer from the Ferrarro family.

Trustee McGee noted that the hardship decision is only that Mr. Cecchini can sell and the Ferrarro family can purchase the property. The Ferraro family still has to get approval by all necessary boards. Mr. Steinmetz stated that is correct and that all parties understood that to be the case.

Mayor Fixell stated that the Board will discuss this hardship application and the information submitted in support as well as what has been said during the public hearing and that the Board will be prepared to take a vote at Monday night's meeting.

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

Trustee Basher moved, seconded by Trustee Hoyt and unanimously carried to close the public hearing. Approved: 5 – 0

The members of the Board of Trustees briefly discussed the application and came to a consensus that it would be appropriate to grant the hardship variance. The Village Attorney was asked to draft a resolution for the following regular meeting of the Board.

ADJOURNMENT

Trustee Basher moved, seconded by Trustee Hoyt and unanimously carried that the meeting be adjourned. Meeting adjourned at 6:30 p.m.

Carol A. Booth, Village Clerk