

Board of Trustees  
Village of Tarrytown  
Regular Meeting No. 14  
September 15, 2014  
8:00 p.m.

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

ABSENT: Trustee Zollo

The meeting began with the Pledge to the Flag.

#### REPORTS

Trustee Hoyt noted that the Village-Wide Tag Sale will be held this Saturday, September 20<sup>th</sup> from 10 a.m. to 5 p.m. In order to have your address placed on the Tag Sale Location Map, contact the Recreation Department at 631-8347. Rain date is Sunday, September 21, 2014.

#### PRESENTATIONS OF FIVE (5) CERTIFICATES OF PUBLIC RECOGNITION

Mayor Fixell presented the following Certificates of Public Recognition:

##### CERTIFICATE OF PUBLIC RECOGNITION – MARY BYRNES

WHEREAS, Mary Byrnes has given 13 years of dedicated volunteer service to the Village of Tarrytown; and

WHEREAS, Mary served as a member of the Architectural Review Board from 2001 to 2014; and

WHEREAS, Mary has served as a member of the Tarrytown Municipal Housing Authority from 2004 to the present; and

WHEREAS, Mary has been Chairperson of the Tarrytown Municipal Housing Authority Board from 2010 to the present.

NOW, THEREFORE BE IT RESOLVED, that I, Drew Fixell, by virtue of the authority vested in me as Mayor of the Village of Tarrytown, and on behalf of the entire Board of Trustees and all our citizens, do hereby tender to Mary Byrnes this certificate of public recognition, extending to her our deep appreciation for her distinguished volunteer service to the community.

Given over my hand and the Seal of the Village of Tarrytown, New York, on this 15th day of September 2014.

##### CERTIFICATE OF PUBLIC RECOGNITION – ERIC CLINGEN

WHEREAS, Eric Clingen has given 26 years of dedicated volunteer service to the Village of Tarrytown; and

WHEREAS, Eric served as a member of the Tarrytown Environmental Advisory Council from 1988 to 2000; and

WHEREAS, Eric served as Chairperson of the Tree Commission from 1990 to 2014.

NOW, THEREFORE BE IT RESOLVED, that I, Drew Fixell, by virtue of the authority vested in me as Mayor of the Village of Tarrytown, and on behalf of the entire Board of Trustees and all our citizens, do hereby tender to Eric Clingen this certificate of public

recognition, extending to him our deep appreciation for his distinguished volunteer service to the community.

Given over my hand and the Seal of the Village of Tarrytown, New York, on this 15th day of September 2014.

CERTIFICATE OF PUBLIC RECOGNITION – HENRY CREPEAULT

WHEREAS, Henry Crepeault has given 39 years of dedicated volunteer service to the Village of Tarrytown; and

WHEREAS, Henry has been a member of the Parks and Recreation Advisory Council since 1975; and

WHEREAS, Henry served as Chairperson of the Parks and Recreation Advisory Council from 1995 to 2014; and

WHEREAS, Henry further assisted the Village as a member of the Pierson Park Rehabilitation Project Design Team.

NOW, THEREFORE BE IT RESOLVED, that I, Drew Fixell, by virtue of the authority vested in me as Mayor of the Village of Tarrytown, and on behalf of the entire Board of Trustees and all our citizens, do hereby tender to Henry Crepeault this certificate of public recognition, extending to him our deep appreciation for his distinguished volunteer service to the community.

Given over my hand and the Seal of the Village of Tarrytown, New York, on this 15th day of September 2014.

CERTIFICATE OF PUBLIC RECOGNITION – DR. CAROLE GRIFFITHS

WHEREAS, Dr. Carole Griffiths has given 33 years of dedicated volunteer service to the Village of Tarrytown; and

WHEREAS, Carole has served as a member of the Tarrytown Environmental Advisory Council since 1981; and

WHEREAS, Carole served as Chairperson of the Tarrytown Environmental Advisory Council from 1982 to 1986 and from 1988 to 1994 and from 1997 to 2014; and

WHEREAS, Carole further assisted the Village as a member of the Open Space Committee in 2001; and

WHEREAS, Carole was nominated to represent Tarrytown in 1988 on the Westchester County Environment Management Council; and

WHEREAS, Carole currently serves as Co-president of the Federated Conservationists of Westchester County; has been a member of the Federated Conservationists of Westchester County since 2009, has been a member of the Westchester County Global Warming Task Force, has been a member of the Advisory Board of the Southern Westchester Energy Action Consortium, and organized and chaired the LIU Brooklyn Sustainability Committee from 2010 to the present.

NOW, THEREFORE BE IT RESOLVED, that I, Drew Fixell, by virtue of the authority vested in me as Mayor of the Village of Tarrytown, and on behalf of the entire Board of Trustees and all our citizens, do hereby tender to Dr. Carole Griffiths this certificate of public recognition, extending to her our deep appreciation for her distinguished volunteer service to the community.

Given over my hand and the Seal of the Village of Tarrytown, New York, on this 15th day of September 2014.

Dr. Carole Griffiths thanked the Board of Trustees for being so supportive to environmental issues.

CERTIFICATE OF PUBLIC RECOGNITION – JULIUS PERRY

WHEREAS, Julius Perry has given 27 years of dedicated volunteer service to the Village of Tarrytown serving as a member of the Architectural Review Board since 1987; and

WHEREAS, Julius served as the Chairman of the Architectural Review Board from 1995 to 2014; and

WHEREAS, Julius further assisted the Village in 1995 as a member of the Village Hall Committee.

NOW, THEREFORE BE IT RESOLVED, that I, Drew Fixell, by virtue of the authority vested in me as Mayor of the Village of Tarrytown, and on behalf of the entire Board of Trustees and all our citizens, do hereby tender to Julius Perry this certificate of public recognition, extending to him our deep appreciation for his distinguished volunteer service to the community.

Given over my hand and the Seal of the Village of Tarrytown, New York, on this 15th day of September 2014.

Trustee Basher noted that without the wonderful citizens who volunteer on committees and boards in the Village, a lot of the wonderful things that happen in the Village would not be possible. On behalf of the Board of Trustees, we thank the honored volunteers tonight for making the Village of Tarrytown a greater place to live because of their tireless hours of volunteer work.

CONTINUATION OF A PUBLIC HEARING – HISTORIC COMMONS DISTRICT HC ZONE – Continued to October 6, 2014

Trustee McGovern moved, seconded by Trustee Basher and unanimously carried, that the continuation of the new public hearing on the Historic Commons District HC Zone be opened.

Administrator Blau noted that he received a letter today from the Westchester County Planning Board regarding the referral review of the Zoning Text Amendment: Historic Commons Zone. Administrator Blau read one paragraph of the letter: “We have reviewed this matter under the provisions of Section 239 L, M and N of the General Municipal Law and Section 277.61 of the County Administrative Code and find that there are no County or intermunicipal planning issues of concern to the County Planning Board. This action is a matter for local determination in accordance with your community’s planning and zoning policies.

Earl Ferguson, Architect and friend of Monica Goetz, the owner of the Shadow Brook Estate, the smallest parcel included in the Historic Commons zoning district. Mr. Ferguson and Ms. Goetz appreciates and supports all the work the Board of Trustees and the Planning Board has done with regard to preservation of historic properties as well as preservation of open space. However, the bulk regulations that are being proposed seem to have an important impact on the Shadow Brook property; its value is truly diminished by it. The property has a total of 8.8 acres and they would like to make some improvements for Ms. Goetz’ security in the future. He asked the board to continue this public hearing to allow them more time to perhaps make comments in regards to the legislation.

Mayor Fixell noted that the public hearing will be continued.

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

BE IT RESOLVED that the proposed amendment to the Zoning code of the Village of Tarrytown, Subsection 305-38 H.(1)(c), which currently states “Identify whether or not there are any visually similar projects within three miles of the proposed project” be amended to state, “Identify whether or not there are any visually similar projects within the Historic Commons District”.

BE IT FURTHER RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby continue the public hearing to the next regular Board meeting on October 6, 2014.

CONTINUATION OF A PUBLIC HEARING – HISTORIC COMMONS DISTRICT –  
(Closed)

Trustee McGovern moved, seconded by Trustee Basher and unanimously carried, that the continuation of the public hearing on the original amending legislation for the Historic Commons District.

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

Trustee Hoyt 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 close the public hearing on the original amending legislation for the Historic Commons District.

CONTINUATION OF A PUBLIC HEARING – ZONING MAP – Continued to October 6, 2014

Trustee McGovern moved, seconded by Trustee Basher and unanimously carried, that the continuation of the public hearing on the Zoning Map be opened.

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

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

BE IT FURTHER RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby continue the public hearing on the Zoning Map to the next regular Board meeting on October 6, 2014.

CONTINUATION OF A PUBLIC HEARING – COMPREHENSIVE PLAN – Continued to October 6, 2014

Trustee McGovern moved, seconded by Trustee Basher and unanimously carried, that the continuation of the public hearing on the Comprehensive Plan be opened.

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

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

BE IT FURTHER RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby continue the public hearing on the Comprehensive Plan to the next regular Board meeting on October 6, 2014.

ADOPTION OF LEAD AGENCY STATUS

Trustee Butler 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 declare itself lead agency for the following actions: Amendment to the Code of the Village of Tarrytown, Chapter 305 entitled "Zoning", Subsection 38 entitled "Historic Commons HC Zone"; Amendment to the Official Zoning Map of the Village of Tarrytown; and Amendment to the Comprehensive Plan of the Village of Tarrytown.

PUBLIC HEARING – REFERRAL OF APPLICANTS FOR BUILDING PERMITS –  
(Adopted)

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

**PLEASE TAKE NOTICE** that the Board of Trustees of the Village of Tarrytown will hold a public hearing on the 15<sup>th</sup> day of September 2014, 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 Chapter 9 entitled "Architectural Review Board" of the Code of the Village of Tarrytown, to simplify the process of installing solar panels on structures throughout the Village. The complete text of this legislation follows:

**A LOCAL LAW** to amend Chapter 9 entitled "Architectural Review Board", Section 4, "Referral of Applicants for Building Permit" of the Code of the Village of Tarrytown.

**SECTION 1. LEGISLATIVE INTENT AND FINDINGS OF FACT.**

**A. Findings of Fact.**

The Building Department has seen an increase in interest voiced to install solar panels on structures in the Village. In addition, various environmental groups throughout the County and State have been offering educational seminars on streamlining the review process concerning solar panel installations in order to simplify the process associated with the installation. The simplification of the process is designed to create an environment within the Village which is conducive to the installation of solar panels on structures.

**B. Legislative Intent.**

It is the intent of the Board of Trustees of the Village of Tarrytown to simplify the process associated with the installation of solar panels on structures by eliminating the review and approval process by the Architectural Review Board subject to specific conditions. The Board believes that this simplification of the process may increase the number of solar panels installed in the Village, but at the very least eases the review process associated with such an installation.

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

**SECTION 2. AMENDMENT TO SECTION 4, SUBSECTION B and C.**

Current Subsection C shall now become Subsection B.

Current Subsection B shall now become Subsection C.

SECTION 3. AMENDMENT TO SECTION 4 TO ADD A NEW SUBSECTION D to exempt applications for solar panels and solar panel arrays from review by the Architectural Review Board subject to certain conditions.

**D. Construction of photovoltaic cells and cell arrays (solar panels) shall not be subject to review by the Architectural Review Board, provided that the construction meets the following criteria:**

- 1) The photovoltaic cells and cell arrays are constructed on a roof of a structure that has a roof line with an angle that is equal to or less than twenty-six (26) degrees (6 on 12 slope of roof line).**
- 2) The photovoltaic cells and cell arrays are not free standing on the property.**

SECTION 4. EFFECTIVE DATE

This local law shall take effect immediately, as provided by law.

All interested parties are invited to attend and be heard. Access to the meeting room is available to the elderly and the handicapped. Signing is available for the hearing-impaired; a request must be made to the Village Clerk at least five days in advance of the meeting.

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

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

Trustee McGovern moved, seconded by Trustee Basher 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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby amend the Code of the Village of Tarrytown, Chapter 9 entitled "Architectural Review Board," §9-4. Referral of applicants for building permits, for the purpose to simplify the process for interested property owners to install solar panels.

WHEREAS, a public hearing was held for the proposed action on September 15, 2014; and

WHEREAS, a notice of public hearing was published in the Journal News on September 5, 2014; 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 hereby adopts Local Law No. 7 of 2014.

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.

FIRE DEPARTMENT MEMBERSHIP CHANGES

Trustee Basher 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 August 19, 2014 Board of Fire Wardens meeting: Membership: Ricardo Palma has been dropped from active membership at Conqueror Hook & Ladder and Colby Klein has been dropped from active membership at Riverside Hose. Driver: Charlie Boyce has been approved as a driver for Consolidated Engine.

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 rescind the August 18, 2014 approval granted for the membership of Sean Casey to the Tarrytown Volunteer Fire Department, Conqueror Hook and Ladder, due to a conflict with New York State law.

REQUEST TO THE WESTCHESTER COUNTY BOARD OF ELECTIONS TO CONDUCT ALL TARRYTOWN VILLAGE ELECTIONS

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

WHEREAS, the Village of Tarrytown conducts village elections pursuant to Article 15 of New York State Election Law; and

WHEREAS, 15-104(1)(c) New York State Election Law provides that the Board of Trustees of a village may request the county board of elections to conduct their general village election held in March of each year.

THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby request that the Westchester County Board of Elections conduct all Tarrytown village elections.

BE IT FURTHER RESOLVED that this resolution shall be effective for all elections in the Village of Tarrytown held more than six months after the date of adoption of this resolution.

HUDSON RIVER VALLEY GREENWAY GRANT APPLICATION

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

WHEREAS, the Village of Tarrytown is applying to the Hudson River Valley Greenway for a grant under the 2014 Greenway Conservancy Trail Grant Program for a project entitled Gracemere Trail Plan to be located in the Village of Tarrytown,



WHEREAS, Requests for Proposals were sent out to four tree care companies for the purpose of professionally trimming the street trees along Main Street and North Broadway; and

WHEREAS, three companies submitted proposals as follows:

- Bartlett Tree Experts \$8,277.00  
(\$1,245.00 option to fertilize street trees as recommended by Company's arborist)
- Westchester Tree Life \$11,650.00
- Almstead Tree & Shrub Care Company \$25,080.00

WHEREAS, it is the recommendation of the Superintendent of Public Works to award this contract to the lowest proposer, Bartlett Tree Experts in the amount of \$8,277.00.

NOW THEREFORE BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby award the contract for the tree trimming to the lowest proposer, Bartlett Tree Experts per their proposal of \$8,277.00.

BE IT FURTHER RESOLVED that the Village Administrator is hereby authorized and directed to execute a contract with Bartlett Tree Experts for the tree trimming on Main Street and North Broadway.

**REJECT THE BID FOR THE ALTAMONT AVENUE RETAINING WALL REPLACEMENT PROJECT**

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

WHEREAS, bid(s) were opened on August 28, 2014 for the Altamont Avenue Retaining Wall Replacement project; and

WHEREAS, one bid was received and is listed below:

- ELQ Industries \$156,383.00  
New Rochelle, NY

and

WHEREAS, the bid exceeded the budget for the Altamont Avenue Retaining Wall Replacement project; and

WHEREAS, the bid was reviewed by the Superintendent of Public Works and it is his recommendation to reject the bid and to re-bid the project.

NOW THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby reject the bid received for the Altamont Avenue Retaining Wall Replacement project.

**TAX CERTIORARI – DP 18 LLC, 828 SOUTH BROADWAY**

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 approve the settlement of the tax certiorari case with DP 18 LLC at 828 South Broadway, as outlined in the Village Attorney's memorandum dated July 3, 2014; and

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

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF THE BOARD OF TRUSTEES HELD ON SEPTEMBER 2, 2014

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 approve the minutes of the regular meeting of the Board of Trustees held on September 2, 2014 as submitted by the Village Clerk.

APPROVAL OF AUDITED VOUCHERS

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 Abstract No. 5 of Audited Vouchers to be paid in the following amounts:

General	\$	244,450.91
Water		94,882.96
Sewer Fund		0.00
Capital		339,247.83
Library		2,372.56
Trust & Agency		6,043.49
Total	\$	686,997.75

The Board was polled all voting “aye” with the exception of Trustee McGee who recused herself from Voucher Number 2012247062. 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

Trustee Butler asked Mr. Ferguson for an update on the stabilization project on the Eastview Pump Station. Mr. Ferguson stated that they are finishing up a draft that he hopes will be submitted to Administrator Blau within the next ten days for the Board’s review and input. This will include the stabilization aspect of the building, which is in narrative form as well as photographs. The drawings for the mothballing are being prepared and he expects to have those submitted also as a draft for the board’s review at the same time he submits the conditions assessment within the next ten days.

Trustee Butler asked Administrator Blau if the abatement issues have been addressed. Administrator Blau stated that waiting for the Environmental Assessment report held things up. However, we have the report now and the report was given to Mr. Ferguson. The Phase I report notes items of concern but does not test the items, such as 55 gallon drums of liquid and does not state how the items of concern should be abated.

Mr. Ferguson noted that there has not been any testing of materials inside the building at this time. That is usually done in a Phase II of an Environment report. When the materials get tested, it will state what hazardous materials exist and recommended abatement procedures. He doesn’t know how the Village will proceed with a Phase II assessment. He was hoping that the building would not have to suffer another winter of exposure. He met with a roofer today and received information as to how they should approach the stabilization of the roof on the main building. The report will note whether the Village should spend money for a temporary repair or propose construction of a new roof. We will include that recommendation in the final draft that the Board will receive.

Administrator Blau noted as part of the contract with Mr. Ferguson, it was agreed that the Village would conduct a Phase I Environmental audit. It was never agreed that the Village would conduct a Phase II Environmental audit. If the Board wants him to reach out to the

engineering firm who did the Phase I audit to get a price for a Phase II audit, we can certainly do that. However, that was not part of the original program.

Mark Fry, member of the Tarrytown Lakes Committee stated the following:

- He is very glad to see the stabilization study on the Eastview Pump Station building is moving forward. It is up to this Board to make the determination on the Phase II study, which he believes is necessary.
- The soccer field is coming along beautifully. However, the soccer field needs ADA Compliant access. We do have an agreement with Toll Brothers to provide limited access, but they require a notice in advance for access through a locked gate to be opened by Recreation Department personnel. That would put the Village in violation of the Americans with Disabilities Act. The Village cannot take title to this property until the ADA Compliance is provided.

Administrator Blau noted that the ADA access was discussed at the last Planning Board work session. The Planning Board is trying to come up with a plan that doesn't significantly impact upon the open space but that complies with the ADA.

Evan Kreeger, Grove Street, stated that he is part of a Mullers initiative called, "Transition Tarrytown." The movement is called "Transition Towns" which started in Europe about ten years ago and has migrated to the United States. He gave the Village Clerk three copies of "The Transition Handbook" for anyone who is interested. Mullers are groups and individuals who are interested in actively using the Transition Model in their community. He is interested in forming a public gathering in Tarrytown and is looking for guidance from the Board. The motto of Transition Towns is "from oil dependency to local resilience."

Mayor Fixell referred Mr. Kreeger to speak to Carole Griffiths, member of the Tarrytown Environmental Advisory Council who was present at the Board meeting.

#### ADJOURNMENT

Trustee Basher moved, seconded by Trustee Hoyt, and unanimously carried, that the meeting be adjourned at 8:48 p.m.

Carol A. Booth  
Village Clerk