

Village of Tarrytown, NY

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Village Board of Trustees Minutes 10/21/2013

Board of Trustees
Village of Tarrytown
Regular Meeting No. 16
October 21, 2013
8:00 p.m.

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

The meeting began with the Pledge to the Flag.

MOMENT OF SILENCE – WILLIAM CROSBIE

Mayor Fixell requested a moment of silence for the former Village Justice, William Crosbie who passed away today. Judge Crosbie served the Village in many capacities. Mr. Crosbie was our Village Justice for many years and he was also a Trustee of the Village. The Tarrytown Board of Trustees would like to extend their deepest sympathy to the Crosbie family.

REPORTS

Mayor Fixell noted that the Westchester County Clerk, Tim Idoni's outreach staff is coming to Tarrytown to process passports on Thursday, October 24, 2013, at 24 Main Street between 11 a.m. and 2 p.m. The mobile van will be parked in front of Sweet Grass Restaurant. If you are applying for a passport, you need proof that you are a U.S. citizen, such as a previous passport or an original or certified copy of your birth certificate, a valid driver's license or a government issued I.D. card. The fee for the passport is \$135.00 for an adult and a child's passport is \$105.00. If you have any questions, you can go to their website, Westchesterclerk.com or contact them at 914-995-3086

Trustee Basher reported on two incidents of outstanding police work accomplished by our police department. Trustee Basher read two letters of commendations, which are affixed to the official minutes of this meeting.

Trustee Hoyt reported that the Annual Halloween Parade will be held this Saturday, October 26th at 5:30 p.m. It starts at Patriots Park and ends at Main Street where there will be a live band until 10:30 p.m. The rain date is Sunday, 10/27. Individual and group floats are welcome. For information, please contact the Recreation Department at 631-8347 or email ttrec@aol.com.

VILLAGE ADMINISTRATOR'S REPORT

Pierson Park/Andre Brook – The park was opened on Saturday, October 19. The only item yet to be completed is the installation of the railing for the fishing pier. The new railing will be installed on both the old pier and new extension of the pier. The contractor and our consultant agreed on a design for attaching the railing to the decking at the end of last week and it should be completed within the next 2 weeks.

H-Bridge – the contractor working on the H-bridge will be moving from the east side of the southwest bridge ramp to the west side of the bridge ramp tomorrow. It is anticipated that the work on the southwest bridge ramp should be completed in 2 ½ weeks. The Board authorized to have flagmen on the bridge for the morning and afternoon rush hours.

Taxicabs – today, the taxi stand was moved back to the train station from the resident commuter parking lot. The taxi stand is now located on the north side of the railroad station with queuing available to taxis on Cortlandt Street, heading southbound, by the intersection with Main Street. The parking spaces that were used for queuing by the taxis by the Portuguese American Club are once again available for residents with parking permits.

Enhanced Star Tax Exemption – At the last Work Session, I reported on the need for residents with the Basic Star Tax Exemption to file for the exemption by the end of the year. Senior citizens who have the enhanced Star exemption will not receive a letter and will not have to register with the New York State Tax Department.

PUBLIC HEARING – SANDWICH BOARD SIGNS IN RESTRICTED RETAIL ZONING DISTRICT (adopted)

PLEASE TAKE NOTICE that the Board of Trustees of the Village of Tarrytown will hold a public hearing on the 21st day of October, 2013, at 8 PM, in the Municipal Building, One Depot Plaza, Tarrytown, New York 10591, to hear, discuss and to act upon an amendment to Chapters 247 entitled "Sidewalk Cafes, Vending and Musicians", Chapter 251 entitled "Signs" and Chapter 259 entitled "Streets and Sidewalks". A summary of the legislation is available at Village Hall. The complete text of this legislation follows:

A LOCAL LAW to amend the Code of the Village of Tarrytown, Chapter 247 entitled "Sidewalk Cafes, Vending and Musicians", Chapter 251 entitled "Signs" and Chapter 259 entitled "Streets and Sidewalks" by adding provisions to allow for the placement of sandwich boards on sidewalks in limited zoning districts and to address a contradictory provision in the Village Code regarding sidewalk vending.

SECTION 1. LEGISLATIVE INTENT AND FINDINGS OF FACT.

A. Findings of Fact.

The Merchants Council of the Sleepy Hollow Chamber of Commerce has requested that the Board of Trustees consider allowing for sandwich board signs throughout the Restricted Retail zoning district. The Board is interested in working collaboratively with the Merchants Council in an effort to create a business friendly environment in the Restricted Retail zoning district. In addition, a review of the Village Code to determine what amendments were required evidenced a contradiction in the Code between what is permitted pursuant to a Sidewalk Vending permit and what is restricted in the Chapter entitled Streets and Sidewalks. It is the intention of the Board to address this contradiction in the provisions of the Code.

B. Legislative Intent.

The intent of this amendment to allow for the placement of sandwich boards for all establishments in the Restricted Retail zoning district subject to conditions to safeguard pedestrians in the Restricted Retail zone.

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

SECTION 2. AMENDMENT TO CHAPTER 247, SECTION 4

A. Chapter 247, Section 4, Conditions for issuance of permit is hereby amended to add a new Subsection H as follows:

H. A sandwich board sign may be permitted, associated with the operation of the sidewalk café, provided that the sandwich board sign is not placed in the required minimum clear distances included in this Section. A separate permit shall be issued for the sandwich board sign and a fee for this permit shall be established by the Board of Trustees and included in the Master Fee Schedule, which may be amended by the Board of Trustees from time to time. The permit shall be valid from March 15 up to and including November 30 of any calendar year. Should a sandwich board sign be placed in the required minimum clear distance, the permit for the sandwich board sign shall be automatically revoked and the fee associated therewith shall be retained by the Village. There shall be no appeal of this revocation and the applicant shall not be entitled to apply for another sandwich board sign until the following calendar year. The sandwich board sign may not be larger than 36 inches (36") in height and 24 inches (24") in width and may only include on the sign advertising relating to the sidewalk café to which the sign permit is issued. The sandwich board shall not be placed on the sidewalk prior to 9:00 a.m. and shall be removed from the sidewalk at the close of business for the sidewalk café or 10:00 p.m., whichever is earlier. A sandwich board shall not remain on the sidewalk overnight.

B. Existing Subsection H. shall become Subsection I.

C. Existing Subsection I. shall become Subsection J.

D. Existing Subsection J. shall become Subsection K.

SECTION 3. AMENDMENT TO CHAPTER 251, SECTION 7

A. Chapter 251, Section 7, Requirements for specific zoning districts, Subsection C. Retail, commercial and industrial districts is

hereby amended as follows:

§~251-7. Requirements for specific zoning districts.

C. Retail, commercial and industrial districts.

(1) No signs shall be erected in retail, commercial and industrial districts, as established by the Zoning Ordinance of the Village of Tarrytown, with the exceptions noted in this chapter. **Specific regulations relating to the Restricted Retail districts, which does not apply in other retail, commercial and industrial districts is included in Subsection D below.**

B. Chapter 251, Section 7 is hereby amended by adding a new Subsection D as follows:

D. Restricted Retail District.

- **A sandwich board sign may be permitted in the Restricted Retail District in the specific areas noted hereinbelow:**

(a) **Broadway, from Wildey Street to West Elizabeth Street.**

(b) **John Street, from Main Street to a point 200 feet south of Main Street.**

(c) **Kaldenberg Place, from Main Street to Central Avenue.**

(d) **Main Street, from Broadway to Windle Park.**

(e) **Neperan Road, from Broadway to Archer Place.**

(f) **North Washington Street, from Main Street to Central Avenue.**

(g) **South Washington Street, from Main Street to a point at the southerly edge of the Washington Street parking lot.**

- **A sandwich board sign may be permitted subject to the following conditions:**

(a) **There is at least four (4) feet minimum clear distance for pedestrians to walk by the sandwich board sign and/or enter and exit the premises.**

(b) **The sandwich board sign shall not exceed 36 inches (36") in height and 24 inches (24") in width.**

(c) **The advertising on the sign is limited to wares or services provided by the permittee and for no other purpose.**

(d) **The sandwich board shall not be placed on the sidewalk prior to 9:00 a.m. and shall be removed from the sidewalk at the close of business for the sidewalk café or 10:00 p.m., whichever is earlier. A sandwich board shall not remain on the sidewalk overnight.**

(e) **A fee associated therewith is paid by the permittee as established by the Board of Trustees in the Master Fee Schedule.**

(f) **The sandwich board sign may be permitted from March 15 up to and including November 30 of any calendar year.**

- **Should a sandwich board sign be placed in the required minimum clear distance or should the sign advertise items not permitted pursuant to this Chapter, the permit for the sandwich board sign shall be automatically revoked and the fee associated therewith shall be retained by the Village, There shall be no appeal of this revocation and the applicant shall not be entitled to apply for another sandwich board sign until the following calendar year.**

SECTION 4. AMENDMENT TO CHAPTER 259, ARTICLE XIV, SECTION 42

Chapter 259, Article XIV, Miscellaneous Provisions, Section 42, Merchandise displays on sidewalks is hereby amended as follows:

No person who is the owner, lessee or occupant of any premises adjoining any street, avenue or highway shall place or keep or permit to be placed or kept on any sidewalk in front of, adjoining or adjacent to such premises any goods, wares or merchandise, **unless a sidewalk vending permit is issued in accordance with Chapter 247, Sidewalk Cafes, Vending and Musicians, Article II, Sidewalk Vending.** Nothing herein contained shall prohibit persons from placing goods, wares or merchandise or household furniture on the sidewalks for purposes of loading and unloading.

SECTION 5. EFFECTIVE DATE

This local law shall take effect immediately, as provided by law and shall sunset on December 1, 2014.

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**

Trustee Basher moved, seconded by Trustee Zollo 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 Zollo, and unanimously carried, that the hearing be closed.

Trustee Zollo moved, seconded by Trustee McGovern, that the following resolution be approved. Motion carried, all voting "aye" with the exception of Trustee Butler who abstained. Approved: 6-0-1

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby amend the Code of the Village of Tarrytown, Chapter 247 entitled "Sidewalk Cafes, Vending and Musicians," Chapter 251 entitled "Signs" and Chapter 259 entitled "Streets and Sidewalks" to allow for the placement of sandwich boards for all establishments in the Restricted Retail zoning district subject to conditions to safeguard pedestrians in the Restricted Retail zone.

WHEREAS, a public hearing was held for the proposed action on October 21, 2013; and

WHEREAS, a notice of public hearing was published in the Journal News on October 10, 2013; 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 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. 12 of 2013.

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.

APPROVAL TO AMEND THE MASTER FEE SCHEDULE FOR ESTABLISHMENT OF A NEW SANDWICH BOARD PERMIT

Trustee Zollo moved, seconded by Trustee McGovern, that the following resolution be approved. Motion carried, all voting "aye" with the exception of Trustee Butler who abstained. Approved: 6-0-1

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve to amend the Master Fee Schedule to add a new sandwich board permit fee in the amount of \$100.00 annually.

AGREEMENT WITH WESTCHESTER COUNTY – TARRYTOWN/SLEEPY HOLLOW SUMMER DAY CAMP

Trustee Basher moved, seconded by Trustee McGee, and unanimously carried, that the following resolution be approved: Approved: 7-0

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 between Westchester County and the Village of Tarrytown to provide funding for the 2013 Tarrytown/Sleepy Hollow Summer Day Camp program.

CODE CHANGE – PARKING ON FRANKLIN STREET

Trustee Basher moved, seconded by Trustee McGovern, and unanimously carried, that the following resolution be approved:
Approved: 7-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby amend the Code of the Village of Tarrytown, Chapter 291-77 Schedule XII: Parking Prohibited at All Times

Material to be deleted is in parenthesis. New material is set forth in capital letters.

In accordance with the provisions of 291-16, no person shall park a vehicle at any time upon any of the following described streets or parts of streets:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
FRANKLIN STREET	WEST	FROM A POINT 250 FEET NORTH OF WHITE STREET FOR A DISTANCE OF 30 FEET

CODE CHANGE – PARKING ON CHURCH STREET AND MACARTHUR LANE

Trustee Zollo moved, seconded by Trustee Hoyt, and unanimously carried, that the following resolution be approved: Approved: 7-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby amend the Code of the Village of Tarrytown, Chapter 291-77 Schedule XII: Parking Prohibited at All Times

Material to be deleted is in parenthesis. New material is set forth in capital letters.

In accordance with the provisions of 291-16, no person shall park a vehicle at any time upon any of the following described streets or parts of streets:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
CHURCH STREET	NORTH	FROM MACARTHUR LANE FOR 100 FEET IN AN EASTERLY DIRECTION
MACARTHUR LANE	EAST	FROM CHURCH STREET FOR 27 FEET IN A NORTHERLY DIRECTION

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF THE BOARD OF TRUSTEES HELD ON OCTOBER 7, 2013

Trustee Basher moved, seconded by Trustee Zollo, and unanimously carried, that the following resolution be approved: Approved: 7-0

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 October 7, 2013 as submitted by the Clerk.

APPROVAL OF AUDITED VOUCHERS

Trustee Zollo moved, seconded by Trustee Butler, and unanimously carried, that the following resolution be approved: Approved: 7-0

BE IT RESOLVED the Board of Trustees hereby approves the Audited Vouchers included in Abstract No. 7 and hereby orders the Audited Vouchers to be paid in the following amounts:

General	\$ 407,845.16
Water	117,393.76
Sewer Fund	0.00
Capital	10,809.79
Library	3,359.62
Trust & Agency	<u>4,766.45</u>
Total	\$ 544,174.78

The Board was polled all voting “aye” with the exception of Trustee McGee who recused herself from Voucher Number 2012242804. Motion carried. 7-0

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

John Lanzetta, 59 Rosehill Avenue, stated that he was before the Board in September regarding the decorative pillars he had constructed in front of his driveway. He admitted that the pillars were put there by his own lack of knowledge of the Village’s zoning code restrictions. He emailed Administrator Blau photos of pillars in Tarrytown that seemed similarly placed near streets. He would like to know why those pillars would be permissible and his pillars are not. Administrator Blau stated that he will visit the sites in the photos. Mr. Blau noticed that some of the pillars were constructed on private streets and others on public streets. He will also need to search if there are any easements on record. Mr. Lanzetta asked if he can have his demolition date to remove the pillars at the end of October be pushed back until the Board gets the review completed by the Village Administrator. The Board agreed to push the date back until they had a chance to review the photos and the information provided by the Village Administrator.

ADJOURNMENT

Trustee Basher moved, seconded by Trustee Zollo, and unanimously carried, that the meeting be adjourned at 8:21 p.m.

Carol A. Booth
Village Clerk