

Village of Tarrytown, NY

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Village Board of Trustees Special Minutes 08/22/2013

Board of Trustees
Village of Tarrytown
Special Meeting No. 11
August 22, 2013
7:00 p.m.

PRESENT: Mayor Fixell; Trustees Basher, Butler, Hoyt, McGee and Zollo; Village Administrator Blau, Village Attorney Shumejda, Attorney Silverberg

ABSENT: Trustee McGovern

Trustee Basher moved, seconded by Trustee McGee and unanimously carried to open the Special Meeting.

Trustee Basher moved, seconded by Trustee Butler and unanimously carried to go into Executive Session to discuss the General Motors/Sleepy Hollow litigation.

No action was taken during Executive Session

Trustee Basher moved, seconded by Trustee Zollo and unanimously carried to move out of Executive Session.

Declaration of Lead Agency Status

Trustee Basher moved, seconded by Trustee Hoyt that the following resolution be approved. Motion carried, all voting "aye".
Approved: 6 – 0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby declare itself Lead Agency under SEQRA for the purpose of reviewing an agreement between Tarrytown and Sleepy Hollow for funding of traffic mitigation measures in the Village of Tarrytown.

Issuance of Negative Declaration and Declaration of Unlisted Action

Trustee Basher moved, seconded by Trustee Zollo that the following resolution be approved. Motion carried, all voting "aye".
Approved: 6 – 0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown, having declared itself Lead Agency for the purpose of reviewing an agreement between Tarrytown and Sleepy Hollow for funding of traffic mitigation does hereby issue a Negative Declaration pursuant to SEQRA in regards to the proposed agreement and does further declare that the action an Unlisted Action under SEQRA.

Resolution of the Board of Trustees of the Village of Tarrytown regarding the pending litigation with the Village of Sleepy Hollow

Trustee Basher moved, seconded by Trustee Hoyt that the following resolution be approved. Motion carried, all voting "aye".
Approved: 6 – 0

WHEREAS, a proposal has been pending in the Village of Sleepy Hollow to construct a large mixed use development on the site of the former General Motors plant ("the Project"), and

WHEREAS, during the course of the environmental review by the Village of Sleepy Hollow under SEQRA it was determined that the Project would result in various traffic impacts in Tarrytown that required mitigation; and

WHEREAS, the SEQRA Findings and Special Plan Approval issued by Sleepy Hollow for the Project referenced the implementation of traffic mitigation measures in the Village of Tarrytown, however the Village of Tarrytown concluded that the method of funding the traffic mitigation measures and the total proposed mitigation measures were inadequate; and

WHEREAS, Tarrytown, as an involved agency issued its own Findings Statement pursuant to SEQRA noting Tarrytown's concerns with the manner in which traffic mitigation measures were addressed by Sleepy Hollow; and

WHEREAS, thereafter Tarrytown commenced a proceeding challenging the approvals granted to the Project based upon Tarrytown's concerns with the funding and the level of mitigation; and

WHEREAS, the Supreme Court Westchester County denied Tarrytown's proceeding and Tarrytown subsequently filed a notice of appeal of the adverse decision; and

WHEREAS, Tarrytown and Sleepy Hollow recognize that it will be mutually beneficial to avoid further litigation and enter into an agreement to clarify the funding of mitigation measures in Tarrytown resulting from the Project.

NOW THEREFORE BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown declares itself as lead agency under SEQRA for the purpose of reviewing the proposed agreement between Tarrytown and Sleepy Hollow for funding of traffic mitigation measures in the Village of Tarrytown, resulting from the Project ("the Agreement") and finds the Agreement to be an Unlisted Action under SEQRA.

BE IT FURTHER RESOLVED that in accordance with the annexed SEQRA Negative Declaration the Village Board finds that, as the Agreement is for the purpose of implementing traffic mitigation measures to address previously identified traffic impacts, entering into the Agreement will address the identified adverse impacts of the Project while not causing any significant changes in circumstances. No significant new information has been considered in reaching a determination to resolve the pending litigation between Tarrytown and Sleepy Hollow by entering into the Agreement to address mutual traffic concerns, therefore, no further environmental review is required.

BE IT FURTHER RESOLVED that the Mayor, or in his absence the Deputy Mayor, is authorized to execute the Agreement in substantially the same form as is annexed to this resolution subject to minor changes or corrections approved by counsel.

Trustee Hoyt moved, seconded by Trustee Basher and unanimously carried to re-enter Executive Session to discuss negotiations with Tarrytown Waterfront LLC.

No action was taken in Executive Session.

Trustee Hoyt moved, seconded by Trustee Zollo and unanimously carried that the Special Meeting be adjourned. Meeting adjourned at 8:15 p.m.

Respectfully submitted,

Michael S. Blau
Village Administrator