

VILLAGE OF TARRYTOWN
BOARD OF TRUSTEES
REGULAR MEETING 7:00 P.M.
Monday, November 7, 2022
Tarrytown Village Hall
One Depot Plaza, Tarrytown, New York

Members of the Public may attend in person or remotely. For those members of the public interested in viewing and/or participating in the meeting remotely, visit <https://www.tarrytowngov.com/home/events/37441> for instructions on how to join & participate via zoom.

REGULAR MEETING: 7:00 P.M.

1. Presentation: Arrow of Light Cub Scout Den Introduction, and Pledge of Allegiance
2. Presentation of the Annual Audit by the Village's auditors, Nawrocki Smith, LLP
3. Board Miscellaneous and Liaison Reports
4. Changes and/or Additions to the Agenda
5. Administrator's Report
6. Appointment and Swearing In of Police Officer - Christine Williams

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby appoint Christine Williams to the position of Police Officer, Grade 4 in the Village of Tarrytown Police Department at an annual salary of \$91,721.00 effective November 8th, 2022. This appointment is subject to the provisions of Civil Service and the Village's contract with the PBA, including a probationary period of not less than twelve weeks and not more than fifty-two weeks as mandated by Civil Service Rules and Regulations

7. Public Hearing – Local Law #9-2022 to amend the Village Code Chapter 305 – Zoning to enact new provisions to regulate cannabis retail dispensaries in the Village of Tarrytown. (Full Text of Local Law #9-2022 appended to this agenda)

WHEREAS, the State of New York has adopted legislation to legalize the sale and consumption of cannabis; and

WHEREAS, pursuant to the provisions of State Law, the Board of Trustees adopted legislation prohibiting on-site consumption of cannabis products but did not opt-out of allowing retail dispensaries; and

WHEREAS, the Board of Trustees hereby finds it necessary to adopt new provisions in the Zoning Code to regulate certain zoning aspects of such businesses; and

WHEREAS, a notice of public hearing was published in the Journal News on October 7, 2022 and October 27; and

WHEREAS, a public hearing was held on the proposed action on October 17, 2022 and November 7, 2022; 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: that in accordance with Article 8 of the State Environmental Conservation Law and 6 NYCRR Part 617, including without limitations the criteria set forth in 6 NYCRR Part 617.7(c), the Village Board of Trustees hereby determines that the Proposed Action will not have a significant adverse environmental impact and hereby adopts a Negative Declaration for the proposed action;

BE IT FURTHER RESOLVED. that the Board of Trustees of the Village of Tarrytown hereby adopts Local Law #9-2022 to amend the Village Code Chapter 305 – Zoning to enact new provisions to regulate cannabis dispensary facilities in the Village of Tarrytown. The full text of Local Law # 9-2022 can be found attached to this agenda and in the minutes of this meeting.

8. Public Hearing – Local Law # 10-2022 Amend Chapter 269 Taxation Increase Maximum Income Levels for Senior Citizens

WHEREAS, the State of New York has adopted legislation allowing municipalities to expand the property tax exemption eligibility for those 65 and older; and

WHEREAS, the Town of Greenburgh passed a law expanding tax exemption benefits for senior citizens based on their income levels on September 28, 2022; and WHEREAS the Village of Tarrytown has not increased the income eligibility levels for qualifying tax exemptions for senior citizens since 2011; and

WHEREAS, rising inflation, increasing medical costs and other factors have increased the cost of living for senior citizens, and expanding tax exemption benefits can help more residents 65 and older to remain in the Village, thereby increasing quality of life for all; and

WHEREAS, a notice of Public Hearing was published in the Journal News on October 27, 2022: and

WHEREAS, a Public Hearing was held on the proposed action on November, 7, 2022; 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, 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), the Board of Trustees determines that the action is a Type 2 action and therefore no further review is required under SEQRA; and

BE IT FURTHER RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve this amendment to the Code of the Village of Tarrytown, Chapter 239 of the Tarrytown Code, entitled Taxation; and

BE IT FURTHER RESOLVED, that the Board of Trustees of the Village of Tarrytown does hereby adopt these changes as Local Law No. 10 of 2022. The full text of Local Law # 10-2022 can be found attached to this agenda and in the minutes of this meeting.

9. Public Hearing – Local Law #11-2022 to amend the Village Code Chapter 305 – Zoning to enact new provisions to allow and regulate accessory dwelling units (ADUs) in the Village of Tarrytown (Full language of the proposed law attached to this agenda).

Note – the public hearing on this proposed local law has to be continued to the next Board of Trustees meeting of November 21, 2022 due to edits made to the text of the local law.

WHEREAS, in order to update our local zoning code and address the housing and economic needs of our community, the Board of Trustees hereby finds it useful and appropriate to adopt new provisions in the Village Zoning Code to allow for and regulate accessory dwelling units (ADUs) in the Village of Tarrytown; and

WHEREAS, a notice of public hearing was published in the Journal News on October 7, 2022 and October 27; and

WHEREAS, a public hearing was held on the proposed action on October 17, 2022 and November 7, 2022; 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: that in accordance with Article 8 of the State Environmental Conservation Law and 6 NYCRR Part 617, including without limitations the criteria set forth in 6 NYCRR Part 617.7(c), the Village Board of Trustees hereby determines that the Proposed Action will not have a significant adverse environmental impact and hereby adopts a Negative Declaration for the proposed action; and

BE IT FURTHER RESOLVED. that the Board of Trustees of the Village of Tarrytown hereby adopts Local Law #11-2022 to amend the Village Code Chapter 305 – Zoning to enact new provisions to allow and regulate accessory dwelling units (ADUs) in the Village of Tarrytown. The full text of Local Law #11-2022 can be found attached to this agenda and in the minutes of this meeting.

10. Opportunity for the Public to address the Board only on items listed on the agenda, other than public hearing items. Speakers shall have three (3) minutes each to address the Board of Trustees
11. Resolution to add a handicapped parking space in front of 171 Sheldon Ave.

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby authorize an amendment to the Vehicle and Traffic Section of the Village Code Section 291-92, Schedule XXVII – Handicapped Parking Spaces, to add the following:

<u>Name of Street or Lot</u>	<u>Side</u>	<u>Number of spaces, Location</u>
Sheldon Ave.	North	1 Space, from a point 226 feet west of Meadow ST. for a distance of 20 Feet In a westerly direction

12. Resolution authorizing a contract under the Sourcewell Shared Purchasing initiative to perform a storm drain remediation project on Detmer Avenue.

BE IT RESOLVED by the Board of Trustees of the Village of Tarrytown that the Department of Public Works is authorized to perform a JOC pursuant to the Sourcewell Shared Purchasing Initiative, piggybacking on a bid authorized by the City of White Plains, to use Gordian contract management services and their contractor ELQ to perform a storm drain remediation at Detmer Avenue, at a total approximate cost of \$60,089.93; and

BE IT FURTHER RESOLVED that the Village Administrator is authorized to execute a contract and the Village Treasurer is authorized to take the necessary and appropriate actions to issue a purchase order for these services in order to complete this project; and

BE IT FURTHER RESOLVED that the funding source will be an appropriation of capital fund fund balance for this project.

13. Resolution authorizing a contract under the Sourcewell Shared Purchasing initiative to replace the firehouse driveway apron at the Main Street Firehouse.

BE IT RESOLVED by the Board of Trustees of the Village of Tarrytown that the Department of Public Works is authorized to perform a JOC pursuant to the Sourcewell Shared Purchasing Initiative, piggybacking on a bid authorized by the City of White Plains, to use Gordian contract management services and their contractor ELQ to perform a firehouse driveway apron replacement project at the Main Street Firehouse, at a total approximate cost of \$60,854.52; and

BE IT FURTHER RESOLVED that the Village Administrator is authorized to execute a contract and the Village Treasurer is authorized to take the necessary and appropriate actions to issue a purchase order for these services in order to complete this project; and

BE IT FURTHER RESOLVED that the funding source will be an allocation/ appropriation of previously authorized debt for fire department facility improvements.

14. Resolution to Amend the Scope of Work for PCI Engineering on Phase VIII of the Water Main Replacement Project

WHEREAS in July 2021 the Village engaged Professional Consulting LLC (PCI) Engineering to prepare design documents and perform construction management services related to the Water Main Replacement project contemplated for the Altamont Ave., Rosehill Ave., Grove St., and Hillside Pl. area of the Village of Tarrytown (Phase VIII); and

WHEREAS recent systemic issues have demonstrated the need to add the Woodland Avenue area to Phase VIII of the water main replacement project;

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Tarrytown authorizes the Village to amend the scope of work in the agreement with Professional Consulting LLC (PCI) Engineering to add the Woodland Avenue area to the Water Main Replacement Project; and

BE IT FURTHER RESOLVED that the Village Administrator is authorized to execute the agreement for these services and to work with all involved departments of the Village of Tarrytown to move ahead with the work contemplated herein; and

BE IT FURTHER RESOLVED that the funding source will be from the Capital Fund for Water System improvements, through previously authorized debt.

15. Winter Stroll Event December 3, 2022

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby authorizes the closing of the Mini Lot Parking Lot as well as South Washington Street from Main Street to the South Washington St Parking Lot by the firehouse on

Saturday, December 3, 2022 between the hours of 5:00 pm to 10:00 pm for the Winter Stroll Event.

BE IT FURTHER RESOLVED that the Village Administrator is authorized and directed to take the necessary and appropriate actions and to work with the involved Village departments and the Chamber of Commerce to make the Winter Stroll Event possible.

16. Turkey Trot Street Closures

WHEREAS, the Village of Tarrytown will hold its annual Turkey Trot on Sunday, November 20, 2022, at 8:00 am to 10:30 am with a start and finish at Pierson Park; and

WHEREAS, the Turkey Trot race-course will include the Tarrytown RiverWalk, a portion of the Sleepy Hollow RiverWalk, a small portion of Division Street, West Main Street and Green Street.

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby authorize the closure of portions of West Main Street, a small portion of Division Street, Green Street and portions of the parking lots which are Lots C, F and G as the cut-through and turnaround points of the race, on Sunday, November 20, 2022, for the noted times of the race.

17. Appointment of Maintenance Mechanic/Utility Position

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby appoints Filip Michalski to the position of Maintenance Mechanic Utility Position, Step 1, in the Department of Public Works at an annual starting salary of \$77,214.00, effective November 8th, 2022, subject to a probationary period of a minimum of 12 weeks and a maximum of one year and subject to all applicable civil service rules and regulations.

18. Fire Department Membership Changes

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 18, 2022 Board of Fire Wardens meeting.

Active Membership: James R Feeney has been elected to Active Membership of Washington Engine Co.

Marine 5: Michael Pereira has met all of the qualifications to operate Marine 5.

Driver: Logan Timothy Spector has been approved as a driver for Utility 61.

19. Approval of the Minutes of the October 17, 2022 Board of Trustees Meeting

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve the minutes of the Board of Trustees Meeting held on Monday, October 17, 2022 as submitted by the Village Clerk.

20. Approval of the action item minutes of November 2, 2022, Board of Trustees Meeting

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve the Action Item minutes of the Board of Trustees Meeting held on Wednesday, November 2, 2022 as submitted by the Village Clerk and the Village Administrator.

21. Approval of Audited Vouchers

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve Abstract No. 08 of Audited Vouchers in the total amount of \$1,637,489.91 as presented by the Village Treasurer, to be paid in the following amounts:

General	\$ 651,694.53
Water	\$ 30,378.21
Sewer Fund	\$ 1,475.47
Capital	\$ 890,491.02
Library	\$ 37,065.64
Trust & Agency	<u>\$ 26,385.04</u>
Total	\$ 1,637,489.91

22. Opportunity for the Public to Address the Board on items not included on the agenda. Speakers have three (3) minutes before yielding to the next speaker.

23. Adjournment

LOCAL LAW #9 - 2022

A local law to amend Chapter 305 of the Tarrytown Code, entitled “Zoning” to add new provisions regarding Cannabis Retail Dispensaries

Be it enacted by the Village Board of the Village of Tarrytown as follows (Language in **Bold and Underlined** to be added, language in ~~**Strikethrough and bold and underlined**~~ to be deleted):

Section 1. Amending Section 305-5 entitled “Word usage, terms defined” to add a new definition of Cannabis Retail Dispensary as follows:

BUSINESS

Any person, firm, association, partnership, corporation or other entity, whether for profit or not for profit.

CANNABIS RETAIL DISPENSARY

A licensed adult-use cannabis retail dispensary in accordance with and subject to New York Cannabis Law

CELLAR

The portion of a building that is partly or entirely below grade which has more than 1/2 of its height, measured from floor to ceiling, below the average finished grade of the ground adjoining the building.

Section 2. Amending Section 305-37 entitled “Neighborhood Shopping NS Zone” to add a new permitted use in subsection A(2) as follows:

(k) Cannabis Retail Dispensary, provided that any signage contain only letters or numbers and shall be prohibited from including any images.

Section 3. Amending Section 305-39 entitled “Restricted Retail RR Zone” to add a new permitted principal use in subsection A as follows:

(9) Cannabis Retail Dispensary subject to site plan approval and off-street parking requirements, neither of which can be waived by the Building Inspector under section 305-132(C), and provided that payment is made into the parking fund in accordance with section 305-63(C)(7)(d) and further provided that any signage contain only letters or numbers and shall be prohibited from including any images.

Section 4. Amending Section 305-40 entitled “General Business GB Zone” to add a new permitted principal use in subsection A as follows:

(18) Cannabis Retail Dispensary, provided that any signage contain only letters or numbers and shall be prohibited from including any images

Section 6: 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 7: 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.

LOCAL LAW 10- 2022

A local law to amend Chapter 267 of the Tarrytown Code, entitled “Taxation”, Article III entitled “Senior Citizens Exemption” to amend 267-7 entitled “Criteria for grant of exception”

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

Section 1: Legislative Intent and Findings. The State Legislature, by Chapter 488 of the Laws of 2022, amended Section 467 of the Real Property Tax Law by increasing its income requirements so that a greater number of senior citizens may enjoy tax exemptions currently provided for them. To keep the Village’s exemption benefits in line with inflation and increased medical costs and to ensure that senior citizens continue to receive maximum exemption benefits, the Village Board finds that adoption of this amendment is necessary and desirable to support the efforts senior citizens to remain independent in their own homes.

Section 2: Amending Provision. Amending Section 267-7 entitled “Criteria for grant of exemption” (with language in **Bold and Underlined** to be added, language in **Strikethrough and bold and underlined** to be deleted) as follows:

§ 269-7 Criteria for grant of exemption.

Any real property located in the Village of Tarrytown shall be exempt from taxation by the Village to the extent of 50% of the assessed valuation thereof, pursuant to § 467 of the Real Property Tax Law, provided that:

- A. All of the owners of said real property are 65 years of age or over or, where the owners are husband and wife, either the husband or the wife must be 65 years of age or over.

- B. **As of the taxable status date, May 1, 2023, the income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making the application for exemption does not exceed the sum of \$50,000. ~~The income of the owner or the combined income of all the owners of the property does not exceed the sum of \$29,000 for the 12 consecutive months immediately preceding the date of the application for exemption.~~** Where title to the property is vested in either the husband or wife, their combined income may not exceed such sum. Such income shall include social security and retirement benefits, interest dividends, rental income, salary or earnings and income from self-employment but shall not include gifts or inheritances. In connection with any application for exemption, the applicant shall furnish the Board of Assessors such evidence of the income or combined income as the Board of Assessors may require.

C. In the event that the income **referenced in subsection B** exceeds **~~\$50,000~~ \$29,000**, the following income schedule shall apply:

<u>Income Level</u>	<u>Percent of Exemption</u>
<u>\$0 to</u> <u>\$29,000\$29,000</u>	<u>50%</u>
<u>\$29,000.01 to</u> <u>\$29,999.99\$50,000</u> <u>.01 to \$50,999.99</u>	<u>45%</u>
<u>\$30,000 to</u> <u>\$30,999.99</u>	<u>40%</u>
<u>\$31,000 to</u> <u>\$31,999.99</u>	<u>35%</u>
<u>\$32,000 to</u> <u>\$32,899.99</u>	<u>30%</u>
<u>\$32,900 to</u> <u>\$33,799.99</u>	<u>25%</u>
<u>\$33,800 to</u> <u>\$34,699.99</u>	<u>20%</u>
<u>\$34,700 to</u> <u>\$35,599.99</u>	<u>15%</u>
<u>\$35,600 to</u> <u>\$36,499.99</u>	<u>10%</u>
<u>\$36,500 to</u> <u>\$37,399.99</u>	<u>5%</u>

<u>Annual Income</u>	<u>Percentage of Assessed Valuation Exempt From Taxation</u>
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<u>\$0 to \$50,000.00</u>	<u>50%</u>
<u>\$50,000.01 to \$50,999.99</u>	<u>45%</u>
<u>\$51,000.00 to \$51,999.99</u>	<u>40%</u>
<u>\$52,000.00 to \$52,999.99</u>	<u>35%</u>
<u>\$53,000.00 to \$53,899.99</u>	<u>30%</u>
<u>\$53,900.00 to \$54,799.99</u>	<u>25%</u>
<u>\$54,800.00 to \$55,699.99</u>	<u>20%</u>
<u>\$55,700.00 to \$56,599.99</u>	<u>15%</u>
<u>\$56,600.00 to \$57,499.99</u>	<u>10%</u>
<u>\$57,500.00 to \$58,399.99</u>	<u>5%</u>

- D. The title to the property shall have been vested in the owner or all of the owners of the property for at least 12 consecutive months prior to the date of making application for exemption.
- E. The property is used exclusively for residential purposes.
- F. The real property is the legal residence of and is occupied, in whole or in part, by the owner or by all of the owners of said property.

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 5: 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.

LOCAL LAW #11 - 2022

A local law to amend Chapter 305 of the Tarrytown Code, add a new subsections to permitted accessory uses in all single-family residential districts of an Accessory Dwelling Unit

Section 1. Amending § 305-5 entitled “Word usage, terms defined” to add the following definition under subsection B:

ACCESSORY DWELLING UNIT or ADU

An accessory residential dwelling unit that provides independent living facilities for one or more persons, including a separate kitchen, bathroom, and sleeping area that is located wither within the same structure as, or on the same lot as, a primary dwelling unit.

Section 2. Amending § 305-14 entitled “Residential R-80 Zone” Section “B” entitled “Permitted Accessory uses” to add a new subsection making Accessory Dwelling Units a permitted accessory use:

(15) Accessory Dwelling Unit

(a) Intent: The Village seeks to legalize and control existing accessory dwelling units in single-family residential zones and regulate new conversions or new construction of accessory dwelling units in single-family residential zones; to diversify housing while ensuring single-family residential zones maintain their character; to ease single-family homeowners’ financial burden by allowing a means of rental income, to provide for the health, safety and welfare of the Village of Tarrytown’s residents and the occupants of accessory dwelling units.

(b) Required standards. The Building Department shall grant a permit for the creation, legalization or construction of an accessory dwelling unit (ADU): (a) within or as an addition to an existing one-family dwelling in all single-family residential zones (R-60, R-40, R-30, R-20, R-15, R-10, R-7.5 and R-5); (b) within an existing detached building in all single-family residential zones; (c) within a new detached building that meets the district’s requirements for accessory buildings in the R-60, R-40, R-30, R-20, R-15 residential zones; and (d) within an existing detached building on a lot in the R-10, R-7.5 and R-5 residential zones, but there shall be no construction of a new building for an ADU in the R-10, R-7.5 and R-5 residential zones, subject to any applicable building and fire code standards and subject to these standards:

- 1) **Number of ADUs per lot:** There shall be no more than one ADU per lot.
- 2) **Owner-occupancy.** The owner of the single-family residence lot must reside as the owner’s primary residence in either the main dwelling unit or the ADU.

- 3) Floor area: An ADU shall have a minimum habitable floor area of 300 square feet and a maximum habitable floor area of 1,000 square feet. Notwithstanding the foregoing, an ADU shall not have a habitable floor area of more than 50% of the habitable floor area of the lot's primary dwelling.
- 4) Bedrooms. The maximum number of bedrooms in an ADU shall be two.
- 5) Setbacks and Building Coverage. Notwithstanding any other provision of this Chapter, an existing building that is legally non-conforming with current dimensional or coverage regulations may be legally changed in use, in whole or in part, to an ADU provided that the dimensional non-conformity is not increased and provided the height of an existing building that fails to meet setback requirements is not increased.
- 6) Entrances. No new entrances to the street-facing façade of a main building may be added for the purpose of creating an ADU
- 7) Height of ADU. Notwithstanding any other provisions of this Chapter, the maximum building height shall be the lesser of: (1) 25 feet; or (2) the height of the one-family dwelling principal building.
- 8) Minimum term of rental: The rental term of an ADU shall be for at least six months.
- 9) Parking. No additional parking is required for an ADU provided that existing off-street parking is not reduced below that which is otherwise required through the creation of the ADU.
- 10) Adequacy of Septic System: If the lot is serviced by a septic system the owner must demonstrate that the existing septic system can handle the addition of any ADU by securing the necessary permits from the Westchester County Department of Health.
- 11) Land Use Board Review. No land use board review is necessary for an ADU permit except if: (i) (a) a new addition to an existing one-family dwelling is created for the ADU and the addition increases footprint, square footage or FAR triggering the requirement for Planning Board site plan approval under § 305-132(A)(1); (b) an existing garage is converted to an ADU resulting in the need for on-site parking triggering the requirement for Planning Board site plan approval under § 305-132(A)(2); and/or (c) there is a change, addition or modification to land or buildings designated as an historic district or historic landmark by the Village Board triggering the requirement for

Planning Board site plan approval under § 305-132(A)(3); and/or (ii) Architectural Review Board approval under § 9-4(A)(4).

(c) Penalties for offenses.

- 1) Any owner or builder, or any agent of either of them, who fails to secure a permit for a the construction of creation of ADU, who allows occupancy of an ADU without a certificate of occupancy for the ADU, or who constructs or causes to be constructed an ADU in violation of the provisions of this chapter shall be in violation of this chapter and subject to penalties under § 305-115 of this chapter.
- 2) It shall be unlawful to use, establish, maintain, operate, occupy, rent or lease any portion of any premises as an ADU in the Village of Tarrytown without first having obtained a permit and certificate of occupancy for the ADU from the Village of Tarrytown Building Department.
- 3) All ADU owners who have not previously obtained a permit and certificate of occupancy for an ADU located on their lots shall apply to the Building Department within six months following the effective date of this section (and if necessary, the Zoning Board of Appeals). If application is so made within said six-month period, the owner of the ADU shall not be deemed in violation of this section. If application is not made within said six-month period, the owner of the ADU shall be deemed in violation of this chapter and shall be subject to the penalties provided herein.

Section 3: Amending § 305-15 entitled “Residential R-60 Zone” Section “B” entitled “Permitted Accessory uses” to add a new subsection:

(15) Accessory Dwelling Unit in compliance with § 305-14(B)(15).

Section 4: Amending § 305-16 entitled “Residential R-40 Zone” Section “B” entitled “Permitted Accessory uses” to add a new subsection:

(15) Accessory Dwelling Unit in compliance with § 305-14(B)(15).

Section 5: Amending § 305-17 entitled “Residential R-30 Zone” Section “B” entitled “Permitted Accessory uses” to add a new subsection:

(15) Accessory Dwelling Unit in compliance with § 305-14(B)(15).

Section 6: Amending § 305-18 entitled “Residential R-20 Zone” Section “B” entitled “Permitted Accessory uses” to add a new subsection:

(15) Accessory Dwelling Unit in compliance with § 305-14(B)(15).

Section 7: Amending § 305-19 entitled “Residential R-15 Zone” Section “B” entitled “Permitted Accessory uses” to add a new subsection:

(15) Accessory Dwelling Unit in compliance with § 305-14(B)(15).

Section 8: Amending § 305-20 entitled “Residential R-10 Zone” Section “B” entitled “Permitted Accessory uses” to add a new subsection:

(15) Accessory Dwelling Unit in compliance with § 305-14(B)(15).

Section 9: Amending § 305-21 entitled “Residential R-7.5 Zone” Section “B” entitled “Permitted Accessory uses” to add a new subsection:

(15) Accessory Dwelling Unit in compliance with § 305-14(B)(15).

Section 10: Amending § 305-22 entitled “Residential R-5 Zone” Section “B” entitled “Permitted Accessory uses” to add a new subsection:

(15) Accessory Dwelling Unit in compliance with § 305-14(B)(15).

Section 11. Amending 305 Attachment 3 regarding list of “Permitted Accessory Uses” to add the following under Single-Family Residence Districts:

P. Accessory Dwelling Unit in compliance with § 305-14(B)(15).

Section 12: 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 13: 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.