

VILLAGE OF TARRYTOWN
BOARD OF TRUSTEES
REGULAR MEETING 7:00 P.M.
Monday October 16, 2023
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/42636> for instructions on how to join & participate via zoom.

REGULAR MEETING: 7:00 P.M.

Pledge of Allegiance

1. Board Miscellaneous and Liaison Reports
2. Changes and/or Additions to the Agenda
3. Administrator's Report
4. Public Hearing on a Local Law # 3 to amend Chapter 259 entitled "Streets and Sidewalks" of the Tarrytown Code to amend Article XII and add private roads to the list of properties that must be maintained.

WHEREAS, in the interest of health and safety for all, private property owners currently have the responsibility of maintaining sidewalks and curbs adjoining their premises in safe, and passable condition; and

WHEREAS the Board of Trustees of the Village of Tarrytown hereby finds it useful and appropriate to adopt new provisions to add private roads to the list of properties that must be maintained in the interest of public health and safety; and

WHEREAS, a notice of Public Hearing was published in the Journal News on September 8, 2023. September 22nd, 2023 and October 6th 2023; and

WHEREAS, a Public Hearing was held on the proposed action on September 18th, October 2nd and October 16th, 2023; and

WHEREAS, the Board of Trustees of the Village of Tarrytown is the only agency which has approval authority over the proposed action; and

WHEREAS, the proposed action is a Type II Action and therefore no further review under SEQRA is required.

NOW, THEREFORE BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby adopt Local Law # 3 to amend Chapter 259 of the Village Code entitled Streets and Sidewalks to add private roads to the list of properties that must be maintained. The full language of the proposed Local Law can be found at the end of this agenda.

5. Public Hearing on Local Law # 4 to amend the Village Code Chapter 305 – Zoning to: (1) amend Section 47 to add new exemptions to the Yard requirements for mechanical equipment and certain other structures; (2) to amend Section 63 regarding the parking fund payment requirement to exempt the RR (Restricted Retail) Zone applicant from having to obtain a variance when the Planning Board requires payment in lieu of parking contribution to the parking fund.

WHEREAS, in order to simplify the land use process for certain types of improvements and to potentially proceed without the need for Zoning Board of Appeals approval, which will reduce costs and the burden upon property owners, the Board of Trustees hereby finds it useful and appropriate to adopt new provisions in the Village Zoning Code to allow certain minor improvements to be sited within the setbacks, which may potentially reduce the need for residential property owners to seek variances for such minor improvements, but to still require a minimum 3-foot setback for these improvements; and

WHEREAS the proposed minor improvements to be allowed within the setback requirements, but still no closer than 3ft from the side and rear yard lot lines, include certain mechanical equipment for heating and cooling as well as storage sheds and children's playhouses no more than 12ft in height; and

WHEREAS in order to establish in instances where the Planning Board requires payment into the parking fund for a property use in the RR Restricted Retail Zone (or where the Building Inspector waives site plan approval), the applicant need not also have to obtain a variance for parking from the Zoning Board of Appeal, which will reduce the burden on proposed businesses in the RR Restricted Retail Zone but still ensure a process remains through the Planning Board for payment in lieu of parking: and

WHEREAS at the August 21, 2023 Board Meeting, the Board of Trustees determined the proposed action to be a Type I action under SEQRA, and as the only involved agency, declared itself Lead Agency; and

WHEREAS, a notice of Public Hearing was published in the Journal News on August 28, 2023 and October 6th, 2023; and

WHEREAS, the proposed local law has been on the desks of the members of the Board of Trustees for seven days, exclusive of Sunday; and

WHEREAS, a Public Hearing was held on the proposed action on October 2, and October 16th 2023.

NOW, THEREFORE BE IT RESOLVED, that the BOT adopts the Full EAF Part 2 and 3, a copy of which will be attached to the minutes of this meeting; and

BE IT FURTHER 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 therefore the Board of Trustees hereby adopts a Negative Declaration for the proposed action as set forth in the full EAF Part 3, a copy of which is attached to the minutes; and

BE IT FURTHER RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby adopt Local Law # 4 to amend the Village Code Chapter 305 – Zoning to (1) amend Section 47 to add new exemptions to the Yard requirements for mechanical equipment and certain other structures; (2) to amend Section 63 regarding the parking fund payment requirement to exempt the RR (Restricted Retail) Zone applicant from having to obtain a variance when the Planning Board requires payment in the parking fund.

6. Public Hearing on a local law # 5 to amend Chapter 259 entitled “Streets and Sidewalks” of the Tarrytown Code to amend the language regarding grasses and other plants that are allowed between the curb and sidewalk

WHEREAS, in the interest of health, safety and quality of Village life, private property owners have the responsibility of proper maintenance of the planting strips between the sidewalk and curb including keeping the grass cut and free from brush, weeds, long grass, and rubbish; and

WHEREAS to diversify the types of plantings allowed in the planting strip while maintaining standards of safety and accessibility along public pathways, the Board of Trustees hereby finds it useful and appropriate to consider a local law that allows for a greater range of plantings and groundcovers as long as they are lower than 6 inches and do not cause a tripping or entanglement hazard; and

WHEREAS, a notice of Public Hearing was published in the Journal News on September 22nd and October 6th 2023; and

WHEREAS, a Public Hearing was held on the proposed action on October 2nd and October 16th 2023; and

WHEREAS, the Board of Trustees of the Village of Tarrytown is the only agency which has approval authority over the proposed action; and

WHEREAS, the proposed action is a Type II Action and therefore no further review under SEQRA is required.

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby adopt Local Law # 5 to amend Chapter 259 entitled “Streets and Sidewalks” of the Tarrytown Code to amend the language regarding grasses and other plants that are allowed between the curb and sidewalk.

7. 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
8. Resolution to Authorize Intermunicipal Agreement with Town of Greenburgh for Grant Application to NYS Homes and Community Renewal (HCR) RISC Program

WHEREAS, the Sheldon Brook Drainage Area is a stormwater collection basin that covers a significant area of land in the Village of Tarrytown and and the Town of Greenburgh including the Taxter Road neighborhoods to the east, both sides of Rt. 119/White Plains Road, both sides of the New York State Thruway, along Sheldon Avenue to Broadway and west to the Hudson River; and

WHEREAS, in 1983 the Town of Greenburgh established the Sheldon Brook Special Improvement Area to address drainage and flooding issues in the Sheldon Brook Drainage Area, establishing a special taxing district to cover the costs of the stormwater management improvements; and

WHEREAS, properties on Sheldon Avenue have been experiencing more frequent flooding in recent years indicating a stormwater management system that may be undersized for the increase in extreme weather events in the area, or the need for repairs on the system; and

WHEREAS, the NYS Homes and Community Renewal Department’s Resilient Investments through Support and Capital (RISC) Program is a grant program that will fund up to \$200,000 in pre-development and planning projects for flood mitigation projects; and

WHEREAS the Village of Tarrytown and the Town of Greenburgh would like to collaborate on an evaluation of the Sheldon Brook Drainage area and develop a capital plan to improve, expand and upgrade the stormwater infrastructure in the area, to better protect the homes in the area, identify any restrictions or issues with the system and work to develop a plan to remedy and address them.

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby adopt this resolution to authorize the following actions:

- A. Authorize the Village Administrator and other involved village officials to participate in an inter-municipal agreement (IMA) with the Town of Greenburgh on the NYS HCR RISC grant program, authorize the Village Administrator to sign such an IMA with the Town on behalf of the Village of Tarrytown, and
 - B. Authorize the Village of Tarrytown to complete and file an application jointly with the Town of Greenburgh and take the necessary and appropriate actions to participate in the NYS HCR RISC program to investigate, analyze and develop a remediation program and plan to address flooding in the Sheldon Avenue stormwater district, which can be used to apply for future grant funding streams for capital improvements and infrastructure upgrades.
9. Resolution Authorizing an IMA and for the Village to Act as the Lead in Applying for a Cooperative Grant Through the NYS DEC to Expand Recycling Programs Through the Use of a Common Recycling App Platform.

WHEREAS, the Village of Tarrytown acting as the lead, would like to re-apply for a grant from the NYS DEC for a Recycling App on behalf of a group of municipalities, with the proceeds of the grant to be shared by the partnering municipalities in order to reduce the cost of the app for each municipality by approximately fifty percent (50%); and

WHEREAS, the participating municipalities are as follows;

1. Ardsley (Village)
2. Bronxville (Village)
3. Cortlandt (Town)
4. Dobbs Ferry (Village)
5. Elmsford (Village)
6. Greenburgh (Town)
7. Harrison (Town)
8. Hastings on Hudson (Village)
9. Irvington (Village)
10. Mamaroneck (Village)
11. New Castle (Town)
12. New Rochelle (City)
13. Ossining (Town)
14. Ossining (Village)
15. Pelham (Village)
16. Pleasantville (Village)
17. Tarrytown (Village)
18. Tuckahoe (Village)
19. Yonkers (City)

Total estimated number of households – 209,331; and

WHEREAS, pursuant to the provisions of the grant with the NYS DEC, the Village of Tarrytown must be the entity making payment, and the municipalities must submit their - payments to the Village, in turn the Village of Tarrytown must make the payment to the App provider, and then the Village must seek reimbursement from the NYS DEC pursuant to the grant. Upon receipt of the grant reimbursement from the NYS DEC the Village of Tarrytown will disburse all funds reimbursed by the grant to the participating municipalities; all while preserving the individual rights and privileges of each municipality with the App provider.

NOW, THEREFORE, BE IT RESOLVED, that that the Board of Trustees of the Village of Tarrytown hereby adopt this resolution to authorize the following actions:

- C. Authorize the Village Administrator and other involved village officials to participate in an inter-municipal agreement (IMA) with the approximately nineteen (19) participating municipalities to the NYS DEC MSW waste reduction and recycling program and authorizes the Village Administrator to sign such an IMA with the municipalities on behalf of the Village of Tarrytown, and
- D. Authorize the Village of Tarrytown to act as the lead to complete and file an application jointly with the participating municipalities and Sustainable Westchester for the NYS DEC MSW 50/50 waste reduction and recycling grant funding program to help fund the continued use of the Recollect Recycling App.

10. Resolution to Authorize Grant Application for NYS Cyber Security Program

WHEREAS, the threats to municipal cyber networks have intensified in recent years in both frequency and sophistication; and

WHEREAS, the Village engaged PKF O'Connor Davies to conduct a cybersecurity assessment of Village systems, which in their report dated September 11, 2023 included a series of recommendations to fortify Village networks and strengthen IT controls; and

WHEREAS, the New York State Division of Homeland Security and Emergency Services (DHSES) Cyber Security Grant Program will provide up to \$50,000 for cyber security enhancements without requiring matching funds from the Village;

NOW, THEREFORE BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby authorize the submission of a grant application to fund cyber security improvements for Village systems based on the recommendations of PKF O'Connor Davies and the Village IT consultants, A1 Computer Services; and

BE IT FURTHER RESOLVED that the Board of Trustees of the Village of Tarrytown authorizes the Village Administrator to take the necessary and appropriate actions to submit the grant application to the New York State Division of Homeland Security and Emergency Services (DHSES) Cyber Security Grant Program.

11. Resolution to Authorize the Purchase of Senior Shuttle Bus

WHEREAS, the Village was awarded a \$100,000 grant by the Community Development Block Grant Program administered by the Westchester County Urban County Consortium to purchase a new Senior Shuttle Bus to replace the current 2010 model and to address mobility issues for Senior riders who struggle with the entry-point stairs; and

WHEREAS, there are a limited number of low-floor shuttle bus models with a capacity of 14-passengers or fewer; and

WHEREAS, following research and consultation with other municipalities with recently purchased vehicles, the 2023 Promaster 3500 Cutaway New England Frontrunner Low Floor Bus is determined to be the preferred model that meets the needs of the Seniors and other criteria for durability and ease of use; and

WHEREAS, following consultation with four transit vehicle dealers, the availability of the New England Frontrunner is limited and requires a production lead time of 12 to 18 months if not in stock; and

WHEREAS, the Arizona State Department of Transportation engaged in the competitive bidding process to award a contract for Mobility Vehicles and Vehicle Conversion Services under Solicitation #BPM003324 which bid contemplated other municipalities being able to utilize the contract as permitted by General Municipal Law § 103(16) (i.e. “piggybacking”) as long as certain criteria for the competitive bidding process are met and the Village of Tarrytown joins the Cooperative Purchasing Program administered by the Arizona State Office of Procurement; and

WHEREAS, the Arizona State Department of Transportation awarded the bid to four vehicle dealers including Creative Bus Sales/Model 1 on the basis of the lowest responsible bidder under Job Order Contract #CTR054848; and

WHEREAS, the Board of Trustees desires to piggyback off of the Arizona State contract with Creative Bus Sales/Model 1 for the purchase of an in-stock 2023 Promaster 3500 Cutaway New England Frontrunner Low Floor Bus for the purchase price of \$185,028;

NOW THEREFORE BE IT RESOLVED that the Board of Trustees does hereby authorize the Village Administrator to execute a contract with the State of Arizona to become a member of the State Purchasing Cooperative for the purpose of using the competitively-bid Contract #CTR054848 to purchase a 2023 Promaster 3500 Cutaway New England Frontrunner Low Floor Bus; and

BE IT FURTHER RESOLVED that the that the Board of Trustees does hereby authorize the Village Administrator to execute a contract with Creative Bus Sales/Model 1 for the purchase of said bus using Contract #CTR054848 for the amount of \$185,028; and

BE IT FURTHER RESOLVED that the Village Administrator is hereby authorized to take the necessary and appropriate actions to execute the purchase, and that the Village Treasurer is authorized to transfer the required funds from Fund Balance for the project.

12. Resolution to Authorize Change-Order for Water Meter Replacement Project

WHEREAS, the Village is in the process of replacing water meters for all water system users throughout the Village under contract with Ferguson Waterworks; and

WHEREAS, in the course of project implementation it has been determined that approximately 30 large commercial water meters require confined-space entry work to replace meters; and

WHEREAS, confined-space entry work requires additional labor requirements, air circulation and monitoring equipment, and other measures to ensure safety and security for the workers installing the meters;

NOW THEREFORE BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby authorize the Village Engineer's change order request amounting to approximately \$57,000 to cover the additional costs required for the confined-space entry work for certain commercial water meter replacements.

13. Resolution Establishing One Space as Veterans Parking Only in Lot E Next to Pierson Park

WHEREAS, the Board of Trustees would like to establish a "Veteran's Parking Only" parking space in Lot E next to Pierson Park to benefit our residents who have served in the United States Armed Forces and who have a license plate denoting such service.

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees hereby amends Chapter 291-65 entitled "Pierson Park, Losee Park, Lagana Field, Neperan Road Parking Lot" to add the following restriction, under Section A., with a new sub-section (5) to read as follows:

(5) Parking in one (1) space in Lot E adjacent to Pierson Park, along the western row of the parking lot, shall be designated by signage as "Veteran Parking Only".

And be it further resolved that any parking of a vehicle without the proper license plate or sticker denoting the car as belonging to a Veteran of the US Armed Forces shall be subject to a penalty under Chapter 291-65 for violation of this parking restriction.

14. Winter Stroll Event-December 2nd, 2023

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 2, 2023 between the hours of 5:00 pm to 9:00 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.

15. Fire Department-Snow Watch

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby approves the hourly rate for the Fire Department Snow Watch pay to \$15.00 effective October 17, 2023.

16. Fire Department Membership Changes

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby approves the following membership changes recommended at the September 19, 2023 Board of Fire Wardens Meeting.

Officers: Robert Hoyt has been elected as 2nd Lt. to replace Michael Pereira at Conqueror Hook and Ladder.

Active Membership: Justin McCarthy has been elected to active membership at Washington Engine and Michael Harley has been elected to out of town membership at Consolidated Engine.

Drivers: Richard Gallo has been approved as a driver on Rescue 61, and Craig Allan has been approved as a driver of Ladder 37.

17. Approval of the Minutes of the Board of Trustees Meeting of October 2nd, 2023

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby approves the minutes of the Board of Trustees Meeting held on Monday, October 2nd 2023 as submitted by the Village Clerk.

18. Approval of the Action Item Minutes of the October 11, 2023 Work Session

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby approves the action item minutes of the Board of Trustees Work Session held on Wednesday, October 11th, 2023 as submitted by the Village Clerk and the Village Administrator.

19. Approval of Audited Vouchers

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve Abstract No.8 of Audited Vouchers in the total amount of \$1,126,704.49 as presented by the Village Treasurer, to be paid in the following amounts:

General	\$ 641,210.42
Water	\$ 62,031.36
Sewer Fund	\$ 2,287.16
Capital	\$ 329,888.00
Library	\$ 59,223.47
Trust & Agency	\$ 32,064.08
CM (Special Funds)	\$ <u>0.00</u>
Total	\$ 1,126,704.49

20. 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

21. Adjournment

LOCAL LAW 3 - 2023

A local law to amend Chapter 259 entitled “Streets and Sidewalks” of the Tarrytown Code to amend Article XII and add private roads to the list of properties that must be maintained.

Section 1. Amending § 259-35 entitled “Maintenance Required”, deleting it in its entirety and replacing it with the following language:

Old language:

It shall be the duty of every property owner or occupant to keep the sidewalk and curb adjoining his premises in safe, passable condition.

New Language:

It shall be the duty of every property owner or occupant to keep the sidewalk and curb adjoining his premises in safe, passable condition.

It shall also be the duty of every property owner or responsible entity to keep the private road under their ownership, authority or control in safe, passable condition.

Section 2. Amending § 259-36 entitled “Failure to make repairs”, deleting it in its entirety and replacing it with the following language:

Old language:

For failure, upon notice by the Superintendent of Public Works or their designee of not less than 24 hours, to make such repairs as are specified as to place and manner, the Board of Trustees may cause the same to be done and may assess the expense thereof upon the adjoining land

New Language: Upon notice by the Superintendent of Public Works or their designee, repairs shall be made within 30 days unless there is an imminent threat to the health, safety or welfare of the public as determined in the sole discretion of the Superintendent of Public Works and the Village Engineer. In case of failure to make such repairs as specified, the Board of Trustees may cause the same to be done and may assess the expense thereof upon the adjoining land, or to the owner or entity responsible for such property.

Section 3: 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 4: 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 __ - 2023

A local law to amend Chapter 305 of the Tarrytown Code, entitled “Zoning” to: (1) amend Section 47 to add new exemptions to the Yard requirements for mechanical equipment and certain other structures; (2) to amend Section 63 regarding the parking fund payment requirement to exempt the RR (Restricted Retail) Zone applicant from having to obtain a variance when the Planning Board requires payment in the parking fund.

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

Section 1. Legislative Intent

The purpose of these Zoning Code amendments is to simplify the land use process for certain types of improvements and to potentially proceed without the need for Zoning Board of Appeals approval, which will reduce costs and the burden upon property owners. Regarding the yard setback amendment, the purpose is to allow certain minor improvement to be sited within the setbacks, which may potentially reduce the need for residential property owners to seek variances for such minor improvements, but to still require a minimum 3-foot setback for these improvements. Regarding the parking fund amendment, the purpose is to establish that where the Planning Board requires payment into the parking fund with respect to a property in the RR Restricted Retail Zone (or where the Building Inspector waives site plan approval), the applicant need not also have to obtain a variance for parking from the Zoning Board of Appeal, which will reduce the burden on proposed businesses in the RR Restricted Retail Zone but still ensure a process remains through the Planning Board for payment in lieu of parking.

Section 2. Amending Section 305-47 entitled “Yards, setbacks”, Subsection B to add additional permitted exceptions to obstructions in yard for certain mechanical equipment and sheds as follows (language in **Bold and Underlined** to be added, language in ~~**Strikethrough and bold and underlined**~~ to be deleted):

§ 305-47 **Yards; setbacks.**

- A. Yard for every building. No part of a required yard or other open space provided about any building or on any lot for the purpose of complying with the provisions of this chapter shall be included as any part of the required yard or open space for any other building or any other lot.
- B. Obstructions in yards. No building, paving, parking, structures or any use whatsoever or any projection from buildings or structures on any site in any district shall be permitted in a required yard (principal or accessory), except as follows:
 - (1) Entrance and exit roads, driveways, sidewalks, drainage structures and other utilities may be permitted in a required yard if approved by the Planning Board in the process of site plan or subdivision review and approval.
 - (2) Cornices, canopies, eaves or any similar features, none of which is less than 10 feet above grade, may extend three feet.
 - (3) Uncovered front stairs and landings connected to the primary structure may extend a

maximum of five feet into the required front yard.

- (4) An open fire escape may extend four feet, but no required fire escape on any structure shall be constructed on the front or any side thereof which faces on a street or be roofed over or enclosed.
- (5) A terrace or uncovered porch or deck with its floor level no higher than that of the main entrance to the building may extend six feet but, in the case of a side yard, not nearer than six feet to any side lot line. A railing no higher than 42 inches may be placed around any such terrace or porch.
- (6) A chimney may extend two feet.
- (7) A fence or wall no higher than six feet may be placed on any property, subject to the additional restrictions in Subsection D. Barbed wire shall be prohibited in the Village of Tarrytown.

(8) Mechanical equipment for providing heating and/or cooling for a residential dwelling provided the equipment, which does not include a generator, complies with the following:

- (a) the equipment shall not exceed 12 square feet and shall not be located in the front yard nor be nearer than 3 feet to any side or rear lot line;**
- (b) the equipment shall not discharge any air onto an adjacent property; and**
- (c) the equipment shall not emit noise exceeding 62 decibels at the 1 foot from the unit.**

(9) Sheds/toolhouses and child’s playhouse not within the front yard and not nearer than three feet to any side or rear lot line provided the shed/toolhouse and child’s playhouse complies the following:

- (a) They not exceed 100 square feet; and**
- (b) Sheds/toolhouses shall not be higher than 9 feet and a child’s playhouse shall not be higher than 12 feet.**

10) Side or rear stairs no higher than grade level and attached to the principal building provided they are not nearer to any side or rear lot line than 3-feet.

Section 3. Amending Section 305-63 entitled “Off Street parking and loading”, Subsection C(7)(d) to provide that where the Planning Board requires a monetary contribution to the parking fund, the applicant shall not ~~also~~ be required to seek a variance for parking form the Zoning Board of Appeals as follows (language in **Bold and Underlined** to be added, language in ~~**Strikethrough and bold and underlined**~~ to be deleted):

- C. Location, use, design, construction and maintenance of parking and loading facilities.

- (1) Location. Required parking and loading spaces shall be provided upon the same lot as the use or structure to which they are accessory, except that off-street parking spaces required for structures or land uses on two or more adjacent lots may be provided in a single common facility on one or more of said lots, provided that a legal instrument, satisfactory to the Village Attorney, assures the continued existence of the parking facility to serve said structures or land uses as long as they may exist. Such agreements shall also guarantee that upon the termination of such joint use, each subsequent use of the premises will provide off-street parking facilities for its own use in accordance with all requirements of this section. The Zoning Board of Appeals may also permit the substitution of space on another lot under certain conditions where, by reasons of difficult topography or abnormal shape of lot, strict compliance with the minimum off-street parking requirements specified in this chapter or in particular cases found to be necessary and so ordered by the Planning Board or by the Board of Appeals cannot be attained on the lot to which such space would be appurtenant. The Board of Appeals, after notice and hearing and upon recommendation of the Planning Board, may permit the substitution therefor of equivalent off-street parking space on another lot in the same ownership or under lease for a term of not less than five years, the entrance to which is not over 300 feet by normal pedestrian travel from the building or use to which such off-street parking space is appurtenant, and if such alternate off-street parking space is authorized, such space shall be deemed to be required open space appurtenant to such building or use and thereafter may not be used for any other purpose unless other alternative space complying with this subsection is substituted therefor and approved by the Board of Appeals. In no event shall such parking and/or loading spaces for a nonresidential use be so located without approval of the Zoning Board of Appeals.
- (2) Size of parking spaces. Each parking space shall be at least nine feet wide and 18 feet long. If enclosed, the Planning Board may require the size of the space to be increased for maneuverability.
- (3) Additional standards as to size and location. Off-street parking spaces shall be set back from any side-street line a distance equal to the front yard requirements on such side street unless lots are back to back, in which case they shall be set back 15 feet. Enclosed parking structures and paved parking areas shall constitute an accessory building and shall conform to the required setback requirements for the applicable zoning district as delineated in the Tarrytown Zoning Schedule. Notwithstanding the provisions of Subsection C(1) and (2):
 - (a) Parking units required for one-family dwellings may be reduced in width to eight feet and may be provided in accessory garages or carports or in a side or rear yard or in a driveway not less than eight feet nor more than 30 feet in width or in a combination thereof but may not otherwise encroach upon a required front yard, and the driveway may not be less than five feet from any side or rear lot line, except in any R-5 District.
 - (b) Parking units for all other uses shall be nine feet in width and may not encroach upon a required front yard. No driveway accessory to such uses shall be closer than 10 feet to any side or rear lot line. No parking space or parking area other than approved entrance and exit drives shall be permitted in any front yard.
 - (c) A required front, side or rear yard shall be defined as the minimum yard required for the

applicable zoning district as delineated in the Tarrytown Zoning Schedule.

- (4) Grades, drainage, paving and marking. Required off-street parking facilities may be enclosed in a structure or may be open, except as required specifically herein or by the Planning Board in site plan review. All required parking facilities shall be graded, surfaced, drained and maintained throughout the duration of their use to the extent necessary to avoid nuisances of dust, erosion or excessive water flow across public ways or adjacent lands. The maximum slope within a parking area shall not exceed 5%. In multifamily residential developments and in nonresidential developments, the Planning Board shall require the provision of suitable markings to indicate individual parking spaces, maneuvering area, entrances and exits.
- (5) Parking and loading area landscaping. Except for parking spaces accessory to a one-, two- or three-family dwelling, all off-street parking areas shall be developed in accordance with Planning Board site plan approval and guidelines established by the Planning Board.
 - (a) Notwithstanding the above provisions in this subsection, where an off-street parking area in any business or multifamily residence district adjoins a one-family residence district or is adjacent to a street, park or other public open space, there shall be a suitably maintained landscaped strip of a width specified in Subsection **C(5)(c)**, below. Each such landscaped strip shall consist of an evergreen hedge, wall or fence not less than two feet in height, located at the inner edge of such required landscaped strip, exclusive of entrances and exits, and in front or outside of any such wall or fence there shall be a planting screen of shrubbery not less than four feet in width, at least 1/2 of which shall consist of evergreens not less than two feet in height. Each such landscaped strip shall be maintained by the property owner.
 - (b) The shrubbery shall be of sufficient density to conceal in midsummer of the year succeeding the planting thereof 25% of the vertical area of such wall or fence. Any portion of such landscaped strip not occupied by shrubbery shall be planted with a good quality grass seed or permanent plant cover such as ivy or pachysandra or similar growth and shall be kept free of trash, suitably watered except when prohibited in times of drought and suitably trimmed and maintained. Wherever motor vehicles are to be parked adjacent to such landscaped strip, there shall be a suitable curb or bumper guard, approved as to design and construction by the Code Enforcement Officer.
 - (c) Minimum widths of landscaped strips shall be:
 - [1] Along a street frontage, except as to entrances and exits: 10 feet.
 - [2] Along any boundary abutting directly on a residence district, except as specified below: 10 feet.
 - [3] Along any boundary of a multifamily residence use, the adjacent portion of which is used for the parking of passenger vehicles or for access and turning areas appurtenant thereto: five feet.
- (6) Traffic circulation. In order to encourage safe and convenient traffic circulation, the

Planning Board may require the interconnection of parking areas via access drives within and between one or more adjacent lots. The Board shall require written assurance and/or deed restrictions, satisfactory to the Village Attorney, binding the owners and their heirs and assignees to permit and maintain such internal access, circulation and inter-use of parking facilities by the users of the facilities.

- (7) Miscellaneous parking requirements.
- (a) Deemed required open space. Such off-street parking and off-street loading space, together with the necessary entrances, exits, passageways, turning areas and landscaped borders, shall be deemed to be required open space on the lot on which it is situated and shall not thereafter be encroached upon or reduced in any manner except as specified in Subsection C(7)(b) below.
 - (b) On application by the owner or lessee or in the course of site plan review and recommendation by the Planning Board and after due notice and hearing, if the Board of Appeals shall find that the minimum off-street parking space specified for any use by this chapter is, in a particular case, in excess of the number required to comply with Subsection D, Schedule of Off-Street Parking Requirements, it may, in such case and subject to such conditions as it may impose, waive temporarily the construction of such number of units so found to be in excess of those so required, but the land necessary to provide the parking units, temporarily waived, and the access and turning areas appurtenant thereto shall not be built upon but shall be deemed to be required open space to be kept available for the construction of the required parking units, temporarily waived, and the Board of Appeals shall have the power, after notice and hearing, to rescind such waiver when, in its judgment, the public interest so requires.
 - (c) With respect to any use for which the required parking units are not specifically set forth in this chapter or upon recommendation of the Planning Board, the Board of Appeals shall determine the number of off-street parking units which will bear a reasonable relation to the minimum off-street requirements for specified uses as set forth in the schedule and shall require that such number of units be provided.
 - (d) Parking fund.
- [1] Upon the establishment of a parking fund for the RR Restricted Retail Zone by the Village Board of Trustees, should the Planning Board or the Zoning Board of Appeals, depending upon which of these two Village agencies is responsible for the review and approval of the particular parking requirement, determine that such parking requirement cannot be fulfilled because the applicant does not have land on site available for parking or has land on site that cannot be accessed from public rights-of-way, said Board may shall require a monetary contribution in lieu of the provision of parking spaces, up to a maximum of 15 parking spaces. If the application requires payment into the parking fund in lieu of the provision of parking spaces and such parking fund payment as detailed herein is a condition of a Planning Board approval, the applicant shall not also be required to seek a variance for parking from the Zoning Board of Appeals. The amount to be placed in the parking fund shall be as follows:

- [a] From one to five parking spaces: \$1,000 per parking space.
- [b] From six to 10 parking spaces: \$2,000 per parking space.
- [c] From 11 to 15 parking spaces: \$3,000 per parking space.
- [2] These procedures shall be limited to the off-street requirements within the RR Restricted Retail Zone. The parking fund, when established, shall be used exclusively for the creation of new parking in the downtown commercial area or for the maintenance of the existing parking in the downtown commercial area.
- (e) **Notwithstanding § 305-132A(1) and provided no changes or modifications are proposed to the site, in ~~In~~ the RR Restricted Retail Zone, if the Building Inspector finds that a change of use or occupancy **within a year period from the previous use** will not require an increase of more than five off-street parking or loading spaces beyond that required for the previous use, or in the number of spaces actually approved for construction to serve the use, and the applicant does not have land available on-site for parking or has land on-site that cannot be accessed from public rights-of-way, site plan approval requirements may be waived by the Building Inspector. If the Building Inspector determines that site plan approval is not required, the parking requirements under this chapter shall be deemed fulfilled **with no requirement for the applicant to seek a parking variance from the Zoning Board of Appeals.**** The decision of the Building Inspector can first be reviewed by the Village Administrator and then by the Planning Board.
- (f) In MU Zones, parking and loading spaces and all paved internal roads shall be subject to additional setbacks from the property lines, as specified in § **305-129**.

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 5 - 2023

A local law to amend Chapter 259-49 of the Tarrytown Code, to amend the language regarding grasses and other plants that are allowed between the curb and sidewalk

Section 1. Amending § 259 Streets and Sidewalks, Article XIV Miscellaneous Provisions, Section 49 entitled “Maintenance of sidewalk area.” as detailed below.

Section 2. Deleting the current language in Section 259-49:

The owner and occupant of each and every premises within the Village shall keep the adjacent sidewalk area between the curb and property line free from brush, weeds, long grass, rubbish and other materials and shall keep the grass thereon cut.

Section 3. Replacing the current language in Section 259-49 with the following language:

Maintenance - The owner and occupant of each and every premises within the Village shall keep the adjacent sidewalk area between the curb and property line in good care, free from brush, weeds, long grass, rubbish and other materials and shall keep the grass and other low-growing plants thereon cut. The following details plants and lawn-type flowers that are allowed or prohibited.

- A. Allowed plants between curbs and sidewalks – This includes lawn grasses and other lawn-type low growing plants that do not exceed four to six inches (4” – 6”) in height, which do not create a tripping or entanglement hazard. Examples of allowed plants includes but is not limited to lawn-grasses, mosses, clovers and other plants such as sporadically spaced bulb-flowers to naturalize a lawn area such as crocuses, snow drops and other similar plants.
- B. Prohibited plants between curbs and sidewalks – This includes plants that may create a barrier, trip hazard or entanglement hazard and are prohibited between the curb and the sidewalk. Such plants include but are not limited to shrubs, decorative plants, grasses and flowers that exceed six inches in height, vines and other similar plants. This also includes noxious or poisonous plants such as poison ivy, poison oak, stinging nettles and other plants that could cause injury to persons entering and exiting vehicles, or crossing between the sidewalk and the street.

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.