

VILLAGE OF TARRYTOWN  
BOARD OF TRUSTEES  
REGULAR MEETING 7:00 P.M.  
Monday, October 3, 2022  
Tarrytown Village Hall  
One Depot Plaza, Tarrytown, New York

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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/37436> for instructions on how to join & participate via zoom.

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REGULAR MEETING: 7:00 P.M.

1. Board Miscellaneous and Liaison Reports
2. Changes and/or Additions to the Agenda
3. Administrator's Report
4. Presentation: New Yorkers for Clean Power, Betta Broad, Director
5. Public Hearing –Local Law # 8 Vehicles and Traffic, Traffic Regulations, Speed Limits, to change the Village-wide speed limit, unless otherwise posted, from 30 MPH to 25 MPH

WHEREAS, since the State of New York recently adopted legislation to authorize municipalities to establish lower municipality-wide speed limits if not otherwise posted, the Village would like to update our Village Code to reflect this change; and

WHEREAS, a notice of public hearing was published in the Journal News on September 23, 2022; and

WHEREAS, a public hearing was held on the proposed action on October 3, 2022; and

WHEREAS, in accordance with Article 8 of the State Environmental Conservation Law and 6NYCRR Part 617 and based upon review of the Proposed Action, the Village Board of Trustees hereby determines that the Proposed Action is a Type 2 a action and therefore no further review is required under SEQRA.

NOW, THEREFORE, BE IT RESOLVED. that the Board of Trustees of the Village of Tarrytown hereby adopts a local law to amend the Village Code Chapter 291-5 – Vehicles and Traffic, Traffic Regulations, Speed Limits, to change the Village-wide speed limit, unless otherwise posted, from 30 MPH to 25 MPH.

6. Public Hearing – Compatible Use Permit for Mercy College to make use of the property at 828 South Broadway

WHEREAS, the Village has received a request from Mercy College for the Village to issue a Compatible Use Permit, which is required and is requested before the Village Planning Board grants site plan approval; and

WHEREAS, the proposed use will add 26 surface parking spaces to the existing stock of 129 spaces and stormwater management improvements on property located in the Village of Tarrytown; and

WHEREAS, Mercy College is not changing the existing use of the Site and it will continue to be used as office space and periodic faculty and staff training, and not for classroom instruction, and is therefore a permitted principal use in the OB District according to Zoning Code § 305-34(4) ("Existing Use"); and

WHEREAS, Mercy College applied for site plan approval to make parking, drainage, and accessibility improvements to the Site, including redesigning the existing parking lots and adding new landscaping, lighting, parking lot islands, pedestrian sidewalks, drainage and stormwater improvements.

WHEREAS, a notice of public hearing was published in the Journal News on September 23, 2022; and

WHEREAS, a public hearing was held on the proposed action on October 3, 2022; and

WHEREAS, the Village of Tarrytown Planning Board is the Lead Agency for the proposed action; and

WHEREAS, the Planning Board, as Lead Agency, issued a negative declaration on September 28, 2022 determining that the proposed action will not have a significant adverse environmental impact; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village does hereby approve a Compatible Use Permit application by Mercy College for the premises at 828 South Broadway, Tarrytown subject to Mercy College obtaining site plan approval from the Planning Board.

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 calling for a public hearing on a local law to amend the Village Code Chapter 305 – Zoning to enact new provisions in the Village Code to regulate cannabis dispensary facilities in the Village of Tarrytown. (A proposed local law is attached to this agenda).

WHEREAS, since 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 of the Village of Tarrytown adopted legislation to authorize the sale (dispensaries) of cannabis products in Tarrytown, but not the on-site consumption of cannabis products; and

WHEREAS, in order to update our local zoning code the Board of Trustees hereby finds it necessary to adopt new provisions in the Village Zoning Code to regulate certain aspects of such businesses in terms of siting and operation.

NOW, THEREFORE, BE IT RESOLVED. that the Board of Trustees of the Village of Tarrytown hereby schedules a public hearing to be held at 7 p.m. on Monday, October 17, 2022, at Tarrytown Village Hall, 1 Depot Plaza, during the Regular Board Meeting, on a local law to amend the Village Code Chapter 305 – Zoning to enact new provisions in the Village Code to regulate cannabis dispensary facilities in the Village of Tarrytown.

9. Resolution calling for a public hearing on a local law to amend the Village Code Chapter 305 – Zoning to enact new provisions in the Village Code to allow and regulate accessory dwelling units (ADUs) in the Village of Tarrytown (Full language of the proposed law attached to this agenda).

WHEREAS, in order to update our local zoning code and address the housing and economic needs of our local 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.

NOW, THEREFORE, BE IT RESOLVED. that the Board of Trustees of the Village of Tarrytown hereby schedules a public hearing to be held at 7 p.m. on Monday, October 17, 2022, at Tarrytown Village Hall, 1 Depot Plaza, during the Regular Board Meeting, on a local law to amend the Village Code Chapter 305 – Zoning to enact new provisions in the Village Code to allow for and regulate accessory dwelling units (ADUs) in the Village of Tarrytown.

10. Resolution Authorizing a License Agreement with 71 Wildey Street

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby authorize the Village Administrator to execute a property license agreement with the owner of 71 Wildey Street to account for the encroachment of an oil tank on the public right of way under the sidewalk in front of the property; and

BE IT FURTHER RESOLVED that the Board of Trustees of the Village of Tarrytown hereby authorizes the Village Treasurer to work with the Town of Greenburgh's Assessor's office to include the license agreement fee as part of the annual tax bill for the 71 Wildey Street property.

11. Resolution Authorizing the Purchase of a New Vehicle for the Fire Chief

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby authorize the purchase of a 2023 Chevrolet Tahoe White SSV SUV as a replacement for the oldest Tarrytown Fire Department Chief's vehicle, piggybacking off of a public bid issued by the Fabius Fire District, at a total approximate bid Price of \$52,497.50, plus a 60-month unlimited mileage bumper-to-bumper warranty for an additional cost of \$4,415, for a total approximate purchase price off of this piggybacked contract of fifty six thousand eight hundred and ninety four dollars and fifty cents (\$56,894.50); and

BE IT FURTHER RESOLVED that the new vehicle purchase will be funded by the issuance of debt authorized by the Board of Trustees on September 6, 2022.

12. Resolution Authorizing an Amendment to the Master Fee Schedule to increase allowable Taxi Fares

WHEREAS Section 273-12 of the Village Code states that a taxicab owner or driver or a livery owner or driver shall not charge a fare for taxicab services or livery services in excess of the schedule of rates established by the Board of Trustees; and

WHEREAS Uber and other freelance service providers have challenged the business model for traditional taxi services in the Village; and

WHEREAS Taxi Fares have not increased since 2017;

NOW THEREFORE BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby increases the allowable taxi fare for trips within the Village of Tarrytown from \$5 to \$8 per trip, with no additional charge for passengers being dropped at the same location, but the fare can include a \$1 charge for each additional drop off location.

13. Resolution Declaring Support for the New York State Climate Action Council Scoping Plan

WHEREAS, the Sixth Assessment of the International Panel on Climate Change (IPCC) finds that climate change is causing dangerous and widespread disruption in nature and affecting the lives of billions of people around the world; and

WHEREAS, the IPCC Assessment concludes that rapid, deep and sustained reductions in global greenhouse gas emissions (GHG) are necessary, including accelerated action in this critical decade, to limit global warming to within 1.5°C and 2°C in this century; and

WHEREAS, New York State recognizes the urgent need to reduce and eliminate GHG emissions in the atmosphere, passing the 2019 Climate Leadership and Community Protection Act ("Climate Act") committing the State to:

- reduce GHG emissions by 40 percent by 2030 below 1990 levels, and achieve net-zero emissions by 2050;
- meet 70 percent of electricity needs from renewable resources by 2030, and 100 percent of electricity needs from zero-emissions resources by 2040;
- ensure a just and equitable transition that leaves no one behind, and dedicate up to 40 percent of the benefits of clean energy investments to Disadvantaged Communities; and

WHEREAS, the New York State Climate Action Council has approved for public comment a Draft Scoping Plan to meet New York's climate and equity goals; and

WHEREAS, the Scoping Plan calls for shifting to energy-efficient electrification in buildings and transportation as the primary solution to replace fossil-fuel combustion in these sectors, which together account for 60 percent of the state's carbon emissions; and

WHEREAS, the Scoping Plan calls for a phase-down of emissions from fossil fuel-fired electricity generation, while ensuring support and protections for impacted workers as they transition to clean energy jobs;

WHEREAS, the 2021 Jobs Study by the Just Transition Working Group for the NYS Climate Action Council estimates that meeting New York's climate goals will result in a net gain of 189,000 jobs across the state by 2030, alone, with a ratio of jobs gained to jobs displaced of 10 to 1; and

WHEREAS, the Scoping Plan includes measures that would expand the development of renewable resources and battery storage, encourage "agrivoltaics," or the co-location of agricultural activities with solar and wind, and provide resources to communities to assist with renewable siting and land-use planning;

WHEREAS, the Scoping Plan recognizes the critical role that rural landscapes play, both natural and working lands, in sequestering carbon emissions and enabling the state to achieve net-zero emissions, and the importance of agricultural land preservation, open space protection, support for farmers to improve soil health, and policies that expand afforestation and reforestation and incentivize and assist private landowners in implementing sustainable forest management practices;

WHEREAS, the Integration Analysis for the Scoping Plan finds that meeting emissions reduction goals of the Climate Act is technically feasible and will have the additional and significant benefit of improving public health by eliminating co-pollutants from fossil fuel combustion, resulting in an estimated \$50 to \$120 billion in health-related savings by 2050; and

WHEREAS, according to NYSERDA, over half of what New Yorkers currently spend on energy leaves New York, mostly for fossil fuels; and

WHEREAS, our communities would be better served by keeping energy spending primarily within the local economy;

NOW, THEREFORE BE IT RESOLVED, the Village of Tarrytown affirms the critical importance of meeting the emissions and equity goals of the Climate Act, which will help mitigate dangerous warming while delivering the additional benefits of improving public health, economic opportunities, agricultural land open space protection, and quality of life for the people of the Village of Tarrytown; and

BE IT FURTHER RESOLVED the Village of Tarrytown declares its support for prohibiting an expansion of fossil fuel infrastructure, which contradicts the goals of the Climate Act, and for transitioning to efficient electricity-based solutions for buildings and transportation; and be it further

BE IT FURTHER RESOLVED, the Village of Tarrytown supports a planning process for a managed transition of the utility gas system that maintains affordable, safe, and reliable utility service and protects low- and moderate-income households from an undue burden in the transition; and

BE IT FURTHER RESOLVED, the Village of Tarrytown supports the recommendations of the Scoping Plan for advanced building codes that will improve the energy efficiency of new buildings, creating healthier living and work environments while reducing monthly energy costs; and

BE IT FURTHER RESOLVED, the Village of Tarrytown supports the recommendations of the Scoping Plan to phase in code requirements prohibiting on-site combustion of fossil fuels in new buildings over a 2024-2027 period; and

BE IT FURTHER RESOLVED, the Village of Tarrytown calls on the Climate Action Council to include in the Scoping Plan the necessary policies and support to help owners of existing buildings improve energy efficiency and transition to zero-emissions equipment, ensuring cost parity with fossil systems, with incentives and financing assistance as necessary; and, be it further

BE IT FURTHER RESOLVED, the Village of Tarrytown supports Scoping Plan recommendations that make electric vehicles more affordable relative to gas-powered vehicles, and expand fast-charging infrastructure; and, be it further

BE IT FURTHER RESOLVED, the Village of Tarrytown urges the Climate Action Council to include in the Scoping Plan recommendations to expand assistance for all-electric upstate municipal transit systems; and, be it further

BE IT FURTHER RESOLVED, the Village of Tarrytown further urges the New York State Department of Environmental Conservation and NYSEERDA to immediately launch a sustained statewide public education and information campaign on the benefits of a clean energy economy and climate-friendly choices by consumers of heating and cooling systems, transportation, and products and appliances; and, be it further

BE IT FURTHER RESOLVED, the Village of Tarrytown shall forward copies of this resolution to the Commissioner of the NYS Department of Environmental Conservation, President of NYSEERDA, Chair of the NYS Public Service Commission, the NYS Climate Action Council, and Members of the State Senate and Assembly representing the Village of Tarrytown.

#### 14. Appointment of Office Assistant Financial Support

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby appoint Alexandra Algaba of Yorktown Heights, NY, on a provisional basis to the position of Office Assistant/Financial Support, at an annual salary of \$70,720 effective Wednesday, October 19, 2022, subject to all applicable Civil Service Rules and Regulations (Note: The probationary period only starts when the employee takes, passes and is appointed from the Civil Service list for this position.)

#### 15. Appointment of a Part Time Water and Sewer Maintenance Worker Grade 1

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby appoint Charles J. Martins as a part-time Water and Sewer Maintenance Worker Grade 1 for a monthly stipend of \$2000.00 per month to maintain his Class 1-B Water Operator License

and provide coverage in the absence of the Chief Water Plant Operator for up to 40 hours, and

BE IT FURTHER RESOLVED that Charles J. Martins will be paid \$90.00 per hour for any on site water distribution work that is performed above the 40 hours covered by the monthly stipend.

16. 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 by the Fire Wardens who were polled and unanimously approved the following membership change.

Active Membership: Andrew Buchsbaum has been elected to Out of Town Active Membership at Consolidated Engine Co.

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

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, September 19th, 2022 as submitted by the Village Clerk.

18. Approval of Audited Vouchers

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve Abstract No. 06 of Audited Vouchers in the total amount of \$289,350.57 as presented by the Village Treasurer, to be paid in the following amounts:

General	\$ 143,358.19
Water	\$ 19,421.20
Sewer Fund	\$ 114.05
Capital	\$ 99,701.00
Library	\$ 7,608.02
Trust & Agency	\$ <u>19,148.11</u>
Total	\$ 289,350.57

19. 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

LOCAL LAW \_\_\_ - 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 \_\_ - 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-80, 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-80, 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.
  - 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 a new addition to an existing one-family dwelling is created for the ADU and the addition increases footprint, square footage or FAR to trigger the requirement for Planning Board site plan approval under § 305-132(A)(1) and/or or 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 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.