

Board of Trustees
Village of Tarrytown
Regular Meeting No. 2
Via Zoom Video Conference
December 21, 2020
8:00 p.m.

PRESENT via Zoom Video Conference: Mayor Butler presiding; Trustees: Brown, Hoyt, Kim, McGovern, Rinaldi and Zollo; Village Administrator Slingerland; Assistant Village Administrator Ringel; Village Attorney Kathy Zolantis; Village Treasurer Hart and Village Clerk Booth

The meeting began with the Pledge to the Flag.

Members of the Public interested in viewing the meeting should visit
<https://www.tarrytowngov.com/home/events/32011> for instructions on how to join & participate.

Members of the public who wish to have an item "screen shared" (i.e. displayed during the meeting) during their public comment period, must submit their document(s) to
Administrator@tarrytowngov.com no later than 12PM the day of the Board of Trustees Meeting

REPORTS

Mayor Butler thanked the Department of Public Works for a great job during the snow removal. He wished everyone a happy holiday and to stay safe.

Trustee Zollo noted that the Police Reform and Reinvention Committee meetings have been taking place for about two months now. The committee members are citizen volunteers and community leaders. Starting next month, the committee plans to get public interaction and input so that all of that information can be incorporated into a plan which the Village will prepare either by resolution or local law and submit to the state.

Trustee Hoyt noted that the Department of Public Works did an outstanding job during this past snow storm. He thanked Superintendent Martirano and General Foreman McGuire and all of the staff for a job well done.

Trustee Rinaldi noted that there was a DPW truck that caught on fire and he is glad that everyone was safe. The DPW did a great job during the snow removal and thanked the staff of the DPW.

Deputy Mayor McGovern noted that the Recreation Department has been very busy answering all of the Santa letters.

ADMINISTRATOR'S REPORT

Administrator Slingerland noted the following:

- He thanked all of the departments, Police, Fire, DPW, Parks and Ambulance for doing a great job working through the snow storm and keeping everybody safe.
- He thanked the Fire Department for putting out the DPW truck fire on Highland Avenue fairly quickly and thankfully no one was injured.

Assistant Administrator Ringel noted that if you are not already subscribed to the Village News on our website, you can go to our website, tarrytowngov.com and click on the button, "Subscribe to News" and subscribe. When we post on the "Village News" section, you will automatically receive an email with that news.

Mayor Butler introduced Professor Nolan – John R. Nolan is a distinguished Professor of Law at the Elisabeth Haub School of Law at Pace University where he teaches property, land use, dispute resolution, and sustainable development law courses and is Counsel to the Law School's Land Use Law Center which he founded in 1993. He served as Adjunct Professor of land use law and policy at the Yale School of Forestry and Environmental Studies from 2001-2016. He's an author, he's a special advisor to the Comprehensive Plan in Tarrytown and he's a resident of Tarrytown for many years. He welcomed Professor John Nolan.

GUEST SPEAKER JOHN NOLAN FROM PACE UNIVERSITY LAND USE LAW CENTER - INFORMATION ON GENERAL LAND USE PROCESSES

Professor Nolan thanked the Board for inviting him to speak tonight in his hometown. As a local resident and a Land Use Law Professor, he does have some knowledge of the concerns that have been expressed about the project that the public hearing has been scheduled about and will try in a gentle way, not as an advocate, pro or con, but to address some of those after giving you an overview of the land use legal system in the State of New York. It's important to start out with the realization that the Board of Trustees is a legislative body, you all know that, but it's consequential. It has broad discretion and flexibility in zoning decision making and is to consider the advice of the Planning Board and rezoning's and land use planning. The courts in New York presume the constitutional validity of your decisions. They impose very strict burdens of proof on people who challenge your decisions. Because you're a legislative body and if you have any rational basis for your decisions, you're going to win 99% of the cases. So if a court finds that there's a rational basis for a legislative decision, it will uphold it and the challenger will lose. The courts do not consider whether a decision is the best one in the circumstances, but whether or not there is a rational basis for it. Villages may, but don't have to adopt a comprehensive plan. They may be as broad and specific as they wish and update them when they decide to update them. Comprehensive Plans are not regulatory, typically they're general and aspirational. They establish goals and objectives and sometimes include implementation strategies that are intended to guide subsequent decisions and to respond to regional realities such as housing needs. State law actually encourages that. Regional housing needs are not local in nature, they are market area wide. Same thing is true with transportation planning. The MTA that serves our local stations is a regional body and it serves three commuter rail lines and it's a regional issue. So local governments are encouraged to consider regional needs but not required to in any particular way. This offers local governments flexibility from year to year and from project to project and importantly, it calls upon a certain informed and mature type of legislative leadership because of this obligation to look beyond local needs. New York State law requires that zoning must be consistent with a

comprehensive plan. The comprehensive plan typically does not require details. It doesn't regulate the details of site development, but establishes goals and objectives and kind of points the way forward. It is advisory, not regulatory. Consistency is found when a proposal aligns with objectives found in the comprehensive plan. For example, the Village's comprehensive plan shows that it calls for more diversified housing stock or transit oriented development east of the tracks and the train station for development that creates vibrant, walkable, mixed use neighborhoods that reduce dependence on personal vehicles. A project that aligns with these objectives meets the threshold of consistency with a comprehensive plan. He knows there's some concern about whether rezoning decisions are precedents and bind the hands of the Board of Trustees in the future. He wants to be clear, whatever the Board of Trustees does regarding a particular proposed project, and it will not be a precedent that binds decisions on future projects. Each project is different, this Depot Plaza project, for example, replaces industrial uses with residential development benefiting to public housing projects. It involves immediate adjacency to the commuter train platform. It implicates the rights of the particular owner and who has final approval for a different project and has property rights, as well as the right to select his own business partners. These are unique circumstances and take place in the present. Future projects will present different circumstances and will take place in a different time. It's easy to understand why decisions on individual projects do not bind the hands of future legislators. The Zoning Board of Appeals has to follow its previous decisions as precedents, the legislative body does not. New York case law and statutes call for local land use decision makers to consider regional needs. Unfortunately, the law doesn't say how and where to find these statements of regional needs, nor does it require county or state agencies to report on regional needs. Tonight's decision, for example, involves approving a certain number of housing units that he understands will rent for workforce housing which is affordable to those who are not eligible for low income housing but can't afford market rents. This is called the missing middle housing and there are tremendous reasons for us to need more of it. There's urgency regarding the need for more of it. He knows this because he's been told that by the Westchester County Planning Department, Westchester County Association and the Regional Plan Association, which see this type of housing as missing middle housing as necessary infrastructure for economic development. The legal system does not require the Board of Trustees to take these regional needs into consideration, but it strongly recommends that it does alongside the needs articulated by local stakeholders. As you begin your Public Hearing, those who testify should know that the Board can only base its decisions legally, on facts, substantiated on the record which includes the minutes of this meeting. Uncorroborated assertions and negative personal characterizations are irrelevant legally, and can lead in some circumstances, and have led to arbitrary decisions, which courts can reverse. Our freedom of speech, of course allows comments of almost any variety, but legally, the New York courts and land use system value fact based statements and conclusions. They can be extremely helpful in a public hearing and tonight is the right place to present them. Thank you.

Administrator Slingerland thanked Professor Nolan and for helping the Board and the public understand the process better. He noted as we head into the Public Hearing, the Mayor and Board of Trustees will have an opportunity to ask questions to the presenters on behalf of the proposed 29 South Depot Plaza project. Then once the hearing is open, the public may speak and we will address those comments at the Board meeting on January 4th. Also at the January 4th Board meeting, we will allow for a presentation by both the majority report and the minority report from the Planning Board.

SADIE MCKEOWN, AFFORDABLE HOUSING TASK FORCE CHAIR PRESENTED AFFORDABLE HOUSING NEEDS IN WESTCHESTER INCLUDING TARRYTOWN VILLAGE ADMINISTRATOR SLINGERLAND PRESENTED A SUMMARY ON LAND USE PROCESSES IN TARRYTOWN, INCLUDING HOW IT APPLIES TO 29 S. DEPOT PLAZA (Slides will be attached to the minutes)

Sadie McKeown, Chair of the Village's Affordable Housing Task Force, thanked Professor Nolan and noted that it's great to have him join this conversation given his long history and depth of experience, but also his presence in the Village as a resident. The Village has a Housing Affordability Task Force and its mission is to provide the Village with an understanding of the existing housing supply, identify Tarrytown's housing needs and trends to support current and future populations of the Village and to find opportunities within the existing stock for more affordability. Then in future developments, with the tools that are available through land use, planning, zoning and use vision to incentivize and preserve integrated and affordable workforce and middle income housing for the long term benefit of the community. As a result of the 2018 Comp Plan, which was a four year process, 19 public meetings with over 400 attendees, housing was called out as a central focus of the plan and a top priority for the Comp Plan Management Committee to create a group of volunteers to address housing. Some of the points from the comp plan should complement and expand the Village's range of offerings, walkability, and density of downtown retail and service core represents an inherent strength for consumers and business owners. The downtown and station area represent a significant opportunity to leverage sustainable land use policies and expand transit oriented development. Sadie shared Westchester County Housing Needs Assessment that Norma Drummond shared when she presented to the Board. Westchester's long and short-term economic viability is predicated upon our housing inventory meeting the demands of our workforce. This speaks to the regional issue that Professor Nolan raised. In Westchester County, there is a lack of affordable housing, that includes a lack of workforce and middle income housing. In Westchester, there are four contexts, there are about 346,000 housing units, and most of it is old. In Tarrytown, we have 4,760 units. Tarrytown's housing stock is very old. It's part of the charm of our Village. It's part of what we love. But only 4.5% of our housing stock has been built since the year 2000. 62% of Westchester County units are ownership – below national average of 63%. About 61% of Tarrytown's housing stock is Ownership. 38% are rental units – above the national average of 37%. When we look at affordability, what is clear is that housing homeownership in Westchester is out of reach for most people. Single family house in Westchester, the average price is \$650,000 and requires an income of \$235,000. The median income for a family of four is only \$125,800. So what that means is that most people that live in homeownership in the County today could not afford to buy the house that they actually live in. We see that magnified in Tarrytown as well. Tarrytown has a higher average single family house price, slightly higher income, but needing \$263,000 to afford the average house in Tarrytown. We look at renter affordability in the County, the County median renter income is just under \$37,000. In Tarrytown, we have a higher median rental income close to \$90,000, about 2.5 times the County median. When we focus on and look at 29 South Depot Plaza, there are different unit sizes here relative to studios, one bedrooms and two bedrooms, you want to look across the affordability of different household sizes. This is the most recent data that was published by Westchester County relative to annual Area Median Income (AMI). The median income for a one person household is at \$88,100, for a two person household is \$100,700,

for a three person is \$113,300 and a four person household is at \$125,800. At 29 South Depot Plaza, they are obligated to provide 10% of the units at 60% AMI. That starts with studios at \$1,221, one-bedroom at \$1,301, two-bedrooms at \$1,585. The market rents there for a studio are \$2,050, one-bedroom at \$3,000 and two-bedrooms at \$4,200. These represent what are considered workforce housing or middle income, the missing middle that Professor Nolan represented in his presentation. The studios would be affordable depending on household size between 84% and 93% of the Westchester County Area Median Income (IMA), a one-bedroom again, depending on the family size between 114% and 120% of Area Median Income (IMA) and the two-bedrooms in general at 133% of Area Median Income (IMA). So while the numbers may seem high, when you look at them as its standalone, particularly relative to the 60% AMI, they represent workforce housing. And this project is a mixed income project, which includes the affordable the developers obligated to provide 60% and workforce housing, both of which are needed in the Village. We need options for people at different levels of income. This project provides options at different levels of income. These residents wouldn't qualify for housing at either Asbury Terrace or at the Municipal Housing at Franklin Courts and Tower or at the proposed project at the YMCA. The units at 29 South Depot Plaza are smaller units, they would be a place for a senior or a single person to live if they didn't qualify to live at the new units at the YMCA, which is deeply affordable between 40% and 80% AMI. Regarding the components of the Comp Plan that talk about housing and relate them to 29 South Depot Plaza. New housing should complement and expand the Village's range of offering. We haven't had a standalone new rental project in the Village in a very long time. This type of new housing has been developed in lots of other municipalities around the County. It is a popular form of housing for young professionals, for young couples that want to move to the Village but can't afford a house yet, and for retirees that want to downsize into a smaller apartment. This adds new units at different income levels in a new location. The Village has hasn't had any new housing other than the luxury housing at Hudson Harbor. The Village hasn't had any middle income and moderate income housing in this location, adjacent to the train, which is a terrific thing, walkability and density of downtown retail service core represents an inherent strength for consumers and business owners. This project is walkable to Main Street and would support local retail and business provide more local shoppers, which is a good thing that would also provide tax revenue with real estate tax taxes. Downtown and Station Area represents a significant opportunity to leverage sustainable land use policies and expand transit oriented development. This is a classic transit oriented development as it is adjacent to a train station and it is walkable. It is very appropriate for that location, which she considers has been currently blighted. She was recently down there for the balloon test and she hadn't been down there to really see it and it is a pretty distressed area, which is natural given the use that's there now. She thinks housing will create a real neighborhood particularly with the public housing of Franklin Tower and Courts, which is going to undergo its own redevelopment and the two developments can come together and create a real walkable neighborhood down there.

ADMINISTRATOR SLINGERLAND SUMMARY ON LAND USE PROCESS IN
TARRYTOWN INCLUDING HOW IT APPLIES TO 29 S. DEPOT PLAZA
(Slides will be attached to the minutes)

Administrator Slingerland reviewed the process for the uses permitted in the zone and the application. The applicant, Mr. Ferraro also known as Lexington Group, submitted the complete building permit with the fee in June of 2017. The Building Inspector reviewed the application,

warehousing and storage is allowed in the zone and that use was reviewed, a denial letter was issued in June of 2017. If the project is not zoning compliant or requires land use approvals, then a denial letter is issued, directing the applicant to seek applicable land use Board approval, Planning Board, Zoning Board and Architectural Review Board. While the proposed self-storage facilities is permitted in the industrial development industrial zone, the proposed use requires land use approvals, as indicated in the Building Inspector's denial letter dated June 26, 2017. In the land use review process, the Zoning Board granted parking and loading space variances for 19 spaces and two loading spaces on December 11, 2017. The Planning Board approved the sub division plat on January 22, 2018, to legally subdivide Lot 38 from Lot 39, and the Planning Board approved site plan approval on March 28, 2018. The Planning Board extended that and then the ARB granted their approval in April of 2018. Right now, the applicant has all the required approvals to build a roughly 48,000 square foot 32.1 foot high storage facility. The applicant submitted a request to the Board of Trustees with a narrative plan, proposed zoning text amendments and appropriate escrow fee to change the zoning text that would allow residential and retail on the 1st floor. It would be a residential mixed use with residential and retail or anything nonresidential. The Board of Trustees reviewed the submission and then in July of 2018, there were a couple of different proposals. There was an original proposal for approximately 44 units that was increased later to approximately 68 or 69 units. And the current one that's before the Board of Trustees is for 88 units. On July 8, 2018, the Board referred the matter to the Planning Board for a report and recommendation. The referral to the Planning Board is at this time, it's not an approval. Although the SEQRA has been done by the Planning Board, it's not an approval of this application. All that's been done so far as authorized that it'd be recommended back to the Board of Trustees for their consideration. That's been done and SEQRA has been completed, it was referred to the County Planning Department and a response was received. The Planning Board assumed Lead Agency in August of 2019. The applicant represented to the Board on April of 2020, with the 88 unit application. The Board referred the matter back to the Planning Board on the plan for five stories with 88 units, with height not to exceed 60 ft. and that was referred back on April 3, 2020. The negative declaration has been issued under SEQRA and now the Planning Board has recommended to the Board of Trustees, granting proposed zoning text amendments as the text has been modified by the Planning Board. The Planning Board voted three to two in favor of that recommendation. At the Board of Trustees meeting of January 4th, we will hear reports from both the minority and the majority segments of the Planning Board. So now upon receiving the Planning Board recommendation, the Board has set and tonight we are going to open the Public Hearing on the proposed zoning text amendment to consider amending the text of the ID Zone. The Board is having the applicant make their presentation this evening, he understands their attorney, their planner and other support team members will be presenting tonight. It is his understanding that the Board will continue this hearing to Monday, January 4th and possibly beyond that.

PUBLIC HEARING ON A PROPOSED ZONING TEXT AMENDMENT TO ADD
PROVISIONS FOR TRANSIT ORIENTED DEVELOPMENT MIXED USES IN THE "ID"
ZONING DISTRICT (Continued)

Trustee Zollo moved, seconded by Trustee Kim and unanimously carried, that the hearing be opened.

Roll Call –Mayor Butler, Yes, Trustee Brown, Yes, Trustee Hoyt, Yes, Trustee McGovern, Yes, Trustee Rinaldi, Yes, Trustee Zollo, Yes

PRESENTATION BY LINDA WHITEHEAD, ATTORNEY FOR THE LEXINGTON 202 GROUP, LLC AND COLLINS ENTERPRISES, LLC REGARDING THE PROPOSED ZONING TEXT AMENDMENT TO ALLOW FOR TRANSIT ORIENTED DEVELOPMENT (Continued)
(Slides will be attached to the minutes)

Linda Whitehead, Attorney with McGullough, Goldberger & Staudt, LLP, noted that they are here tonight representing Lexington 202 Group and Collins Enterprises, the applicants with regard to the property at 29 S. Depot Plaza. The public hearing tonight is on the proposed zoning text amendment which would permit a mixed use transit oriented development project within the ID District, where it's adjacent to the Metro North tracks and meeting certain other criteria. Also presenting tonight will be Arthur Collins from Collins Enterprises, to provide information on his company and talk about some aspects of the project and also our Planner, Dave Smith, to review some of the specific studies and impact areas that we reviewed with the Planning Board as part of this process. The Planning Board is the Lead Agency under SEQRA and has adopted a negative declaration and made a recommendation with respect to the proposed zoning amendments, which incorporated a number of revisions which was requested by the Planning Board in which we discussed. She showed a slide identifying 4 locations on a map: 1) the actual site at 29 S. Depot Plaza, 2) the adjacent Metro North employee parking lot, 3) the additional vacant warehouse building on a small lot also owned by the applicant, and 4) just north of our clients property is the Village's Lot B, which is the meter parking and taxi parking. On historical maps, we found interesting that this land area seems to have not actually existed, at least through the 20's. She showed a map where this property was water. It appears that until at least the 1930's, this area was really part of the Hudson River. And it was filled sometime around then by New York Central Railroad, which owned all of this area, all of the property. In the 1960's, the Railroad sold these properties to the Goldberg Family. The warehouse building at 29 S. Depot Plaza was built in the mid to late 1960's and was used, we believe, for storage for many years. In 1976, or there about, the properties were purchased by American Independent Paper, both this building and the warehouse building and then also the small building. The rear building at 15 S. Depot Plaza still contains a paper recycling facility. The subject building, 29 S. Depot Plaza was used primarily for warehousing until On-Track Sports moved into it sometime in the mid 2000's and has now been vacant for the last few years. As you seen, these are industrial warehouse type buildings in disrepair. The area has not been well maintained by Metro North or anybody else. And the uses are not really complimentary to other local uses. As Sadie said, it is a blighted area. It's not attractive and hasn't been for a very long time. How did we get to where we are today into the current proposal? In 2018, Lexington 202 purchased 29 South Depot Plaza which is lot 38 and the adjacent Lot 37 to construct a self-storage facility after obtaining the approval from the Planning Board. The two-story storage building has all approvals. The approvals are still in effect including Architectural Review Board approval. It was utilizing the existing building and foundation so it is the same length and footprint as the existing building as is our proposed building now. To be clear, because there's been some misinformation out there, Lexington 202 or its related entity bought only these two lots, they did not buy the rear lot which still contains the paper recycling business. In fact, that lot was subsequently purchased by who was then the tenant in that building who continues to operate the paper recycling. It's a completely unrelated entity.

While they were going through the approval for the Self-Storage Facility, the Village had simultaneously been undertaking studies of the Station Area in the context of the 2016 Tarrytown Economic Development Study and the subsequent Tarrytown Connected, which led to the Comprehensive Plan that was adopted in November of 2018. The Comprehensive Plan, as Sadie said, is focused in part on sustainable growth, and identifies the Station Area as a location for sustainable growth in the form of transit oriented development. The Planning Board who had members involved in those studies, expressed interest in including residential uses in future development in this area and really did not want to see the self-storage building, but because it was a permitted use, they moved through the process and ultimately approved it. But throughout that process, they discussed the possibility of changes to allow residential uses in the ID District, which are not currently permitted. Therefore, after getting the approvals, Lexington agreed to present a plan for mixed use development at the property, incorporating the requested multi-family use. Also began discussions with Metro North to improve the employee parking lot and enter an agreement for exclusive use of some of those parking spaces. The original plan showed to the Planning Board had two-stories of self-storage as approved and above that two-stories of residential with 46 units. There has been throughout the process on the plans also about a 2,000 square foot retail space. That was an effort to address the Planning Board concern of wanting to have it be an active area and bring people to the site. There was also always a residential lobby on the first level. They encouraged us to make that an open glass enclosed welcoming space that again would activate the area where it certainly is not an activated area today. Upon reviewing that plan, the Planning Board asked if it was possible to do less storage and more residential. So the plan was revised to only one story of storage with the retail on the first floor and the residential lobby area. As we started reviewing that 69 unit plan, there was some concern that the Village had started to work on the Station Area Overlay Zoning and there was a question about whether we would fit within that and whether to wait and what the timeframe would be and whether we should work with the Village on that. Actually, back in June of 2019, we appeared at a Board of Trustees Work Session, where they were also discussing the Station Area Overlay. It became clear that the Station Area Overlay was going to be a work in progress for some time. As you know, it still seems to be a work in progress. We had a very open discussion with the Board of Trustees, who supported ultimately the idea of us moving ahead with the proposed zoning amendment that would address our particular site and the change to allow residential in the ID District so that we would not be held up while waiting for the Station Area Overlay because this was really a unique site and a different use than the overall things that were being looked at in the SAO. So we moved forward with a text amendment and continued the review with the Planning Board. In early 2020, Lexington brought in Collins to join the team as an experienced developer for the multi-family portion of the project. As you know, the Ferraro Family have been primarily self-storage developers, although they were interested in branching out and willing to work on adding the multi-family here. Collins has significant experience with mixed use and multi-family development, particularly in creating transit oriented communities. Based upon Collin's review of the project and Art will address this a little bit, the location, the area and a review of your Comprehensive Plan, the basic tenants of transit oriented development and the overall housing needs and need for diversity of housing types in the Village, Collins proposed to add an additional story of multi-family residential for the total of 88 units. The Planning Board asked that we return to the Board of Trustees with this increase in density and height and have the Board of Trustees confirm its referral to the Planning Board. We did that last winter and early spring. Based on that, you referred it back to the Planning Board with the restriction that the maximum height would be

60 feet with no exception for bulkheads or other rooftop amenities. The plans in the Zoning Amendment were revised to reflect this limitation. The Planning Board then continued its review over the last 7 or 8 months. The first thing that the Planning Board did at that point was retained the Chazen Company as a consultant on behalf of the Village and the Planning Board to review a number of the issues that had been discussed, including parking traffic circulation, conformance with the Comprehensive Plan density and the fiscal analysis. Chazen reviewed all these various studies and information submitted by the applicants, including parking studies, density analysis, and comparative information from other TOD projects, the fiscal analysis and the plans. Chazen provided comments which were responded to by the applicant and we made some changes in some of our analyses based on their input. Much of their input has been incorporated into the negative declaration and the recommendation adopted by the Planning Board. Traffic study was also provided and an evaluation of impacts to a static resources and Dave is going to summarize some of that information later. The Chazen report of June 11 includes a very helpful discussion of the Comprehensive Plan and how the project meets the goals and it was nice to hear Sadie highlight some of the same things that Chazen also highlighted which support this project meeting the goals of the Comprehensive Plan. Throughout the process, we worked with the Planning Board, who asked a lot of questions and we addressed the questions and some of the discussion focused on the actual zoning text. We were pleased to work with the Planning Board to incorporate a number of additional conditions into the text. Basically, what the text provides for is that within the ID Zoning District, multi-family residential facilities over first floor non-residential uses as transit oriented development are permitted provided that the parcel is a minimum of one acre in lot area and is located within 100 linear feet from direct access to a train platform. A minimum of 50% of the first floor footage shall be non-residential. Then we restricted it to certain of the non-residential uses that are currently permitted in the ID District and require that at least 5% be those listed in specific areas which includes the retail. Again, this was the Planning Board wanting to make sure there were active uses to bring people to the site. We talked about having exactly that, the first floor area facing the closest public road would contain uses that shall appear open and inviting to the public. Requiring a pedestrian circulation plan, showing walkways and adjacent related uses. We provided for the height and as said, the 60 feet is an absolute maximum, no parapets or stair bulkheads or anything. On the parking, Chazen had actually said that .95 spaces per unit was adequate. We actually increased it, based on discussion with the Board. The red lines on the document are some of the changes that were made in response to discussions and requests by the Board. So we went to a 1.05 spaces per unit. If the parking is off-site; there has to be a long-term agreement for parking satisfactory to the Village Attorney. Before we could get any approval, ultimately, our agreement with Metro North will have to be approved by the Village Attorney. Must be satisfied that it provides for the required parking spaces on a long-term basis. The Planning Board may approve shared parking for the other uses. We set a density and a maximum floor area ratio both after a fair amount of discussion with the Board. We changed some language regarding infrastructure and incorporating green infrastructure. Required a pedestrian circulation plan connecting to the community. Required compliance with FEMA regulations. Probably the one of the more significant changes was that the Planning Board asked that the building should be designed so that no façade shall exceed 150 feet in length without architectural features acceptable to the Planning Board to break up the visual effect of the building and avoid a box like appearance. That can be accomplished through the use of variations in height and offsets, projections, balconies, setback and other distinctive architectural elements. Assuming that this is approved, we anticipate spending a lot of time on that item with the Planning Board in the site plan

process. We then agreed and helped to write a section requiring environmentally sustainable elements to be incorporated into the site plan. A lot of this was a joint effort between the applicant and the Planning Board. We talked about Franklin Courts next door and as you'll see later, we have taken some pictures and looked at the view from Franklin Courts today. The Metro North parking lot has not been well maintained. That parking lot is going to be completely redone, repaved, striped and landscaped. We are going to have a walkway that's going to connect from Franklin Courts into our site and provide them with access to our new pedestrian plaza that will give them direct access onto the train platform and through that across the tracks to the park and other uses on the other side. During the process, even though we were not in the site plan review stage yet, we did make a number of changes to the plan, a lot of which related to active uses and walkways. There's been some questions about the Village's Lot B. So we're also proposing to upgrade the Villages Lot B. The number of spaces that the Village has will not change, but it will be repaved, re-striped, landscaped and fixed up. The Village will have the same number of meter and taxi spaces as it has today. The project will have 93 parking spaces exclusively on a full time basis. Additional spaces available on a part time basis at night and on weekends, when not in use by Metro North employees. We really look forward to the idea of the connection to Franklin Courts. We really believe that we could create a nice new mixed income neighborhood that would really bring a lot to the Village. We've worked hard with the Planning Board over the last 18 months or so. We think that has resulted in a better project and a better zoning text amendment and look forward to working with them on the site plan and design elements.

Arthur Collins, Collins Enterprises, Southwestern, Connecticut, noted that they have been business for about 40 years. His Dad started the company back in the 70's. We have been concentrating on transit oriented development and apartments and office buildings in towns like Tarrytown all over the Northeast as well as in Virginia. We have followed the planning principles of smart growth for maybe 20 years or more. Building TOD projects, like the site at Depot Plaza, we think it has strategic assets being next to train, being walking distance to services and retail and also being close to leisure activities and the river. Tarrytown and Depot Plaza made all the sense in the world for us to continue with this kind of development. He presented a slide showing two developments at Avalon in Bronxville. It was an old gas station and had some contamination there, we built 110 units there and it was right across a train station. The other picture is in Norfolk, Virginia, a for sale community. Both are four stories, although the heights have been broken up by articulation of the architecture. We have been doing TOD for a long time, in Bronxville, Greenwich, Stanford, and Princeton, New Jersey. We also had a sizeable role in helping to regenerate the downtown in Yonkers, New York. We realize that Tarrytown is not Yonkers, but in each of these communities and Bronxville too, we worked very closely with the citizen groups, the historic society, the IDA's and especially in Yonkers, we worked very closely with Scenic Hudson to preserve views, craft building heights, organized public open space and rebuilt the infrastructure and the riverfront amenities for the citizens. He has been active with the Urban Land Institute for his entire career since the early 80's. He is a member and the Council Chair on a subcommittee at the Westchester County Association, overseeing the housing task force for Westchester. We are members of the Business Council of Westchester and are longtime contributors of Pace University Land Use Law Center and John Nolan. So today, we hope to build the same kind of consensus in Tarrytown that we've derived in other towns and cities and become a friend and a neighbor and a long term holder of real estate at Depot Plaza. He will now speak about a couple of the aspects of the project, to get clarity, talk about some of the environmental issues and about affordability and touch on the

finance ability and the concerns about getting this project built. As you have seen, the sites and the adjacent sites are in disrepair and somewhat blighted and basically underused in a place like Tarrytown. We thought that this was a perfect opportunity to try and help regenerate that portion of the town. This site was never a manufacturing property, so the property is clean. We have done a fair amount of studies and borings, phase one and so forth. As stated, in the early 1900's, the New York railroad filled it in and it has never had a manufacturing use there. The only contamination has been some underground storage tanks, which have all been removed by our partner, the Ferraro's. Since there is no contamination, this project is not going to be eligible for Brownfield Credit Program. We have a significant amount of experience with that program because the entire area in Yonkers was actually a brownfield. Altogether, this project, including the parking lot that we are going to improve for the MTA is 1.8 acres. We are proposing to build on the first level almost 21,000 square feet of self-storage that is elevated on the existing foundation. We are going to create about 2,000 square feet of retail with the Ferraro's, maybe an area with a wine merchant or furniture store and then open up a glass door on weekends to try to get some activity down there once we get some people living upstairs. Eighty-eight units, we have studios, one-bedroom and (32) two-bedrooms and it'll be four stories above the self-storage floor. Our goal is to create a mixed income neighborhood with housing that is new and convenient to transit and affordable. The building will incorporate the self-storage facility as mentioned, and the reason that we're building with the self-storage is because even on the site today is in an actual flood zone, the area has been recommended by FEMA to become an AE zone meaning that similar to the flood zone to what's on the western side of the tracks. So, storage is an allowed use in an AE zone and residential is not. We would build above that and then be in full compliance with FEMA, which is part of your Comprehensive Plan. The building will reuse the existing foundation, but due to the unstable organic riverfront soils that are underneath, we have to build deep foundations to support for housing above and we'll be driving piles for 50 to 70 feet deep. Whether the building is 4 stories, 5 stories, or 10 stories, it doesn't matter, it's still a cost that we're going to have to bear and that work is well over \$2 million. The property is a redevelopment area which is always more expensive due to paying for changing the existing conditions, new utilities, new landscape, parking or roads, pedestrian walks, access to the train station, Plazas, and the Commuter Lot B improvements. And we intend to integrate with Franklin Courts and all of that redevelopment cost is about \$1 million. This project is an example of a transit oriented development, which is the planning term that refers to development that is within walking distance to public transportation and maximizes the amount of residential, business and leisure space to increase ridership. Reduce the use of private cars, promoting sustainable growth in an urban and suburbs setting. The building will be built with high quality materials utilizing products that have environmental and health protection, health product declarations and the architecture will fit into the fabric of Tarrytown and we intend to build consensus on all aspects of the building design. The articulation and the architectural textures will take place in the site plan process when we get to the Planning Board. The building height, per the Board of Trustees, would be a maximum height of 60 feet. Our building is 60 feet. To give you some context down there, Village Hall is 55 feet in height. The train overpasses are 45 feet. Building a 50 foot building, would not materially be different than having a 60 foot building, especially given the elevations and the viewsheds we have studied at neighboring properties, all of which are 65 elevations or higher. We also helped draft a sustainable energy section in the zoning amendment with the Planning Board. We are proposing an active building design that is meant to enhance tenant well-being in a building that has higher energy standard and energy efficiency standard. We will have

open and well lit common areas and stairways, large windows, tenant amenities, building equipment with energy star rating appliances, watersense plumbing fixtures, submetering for all utilities, which we do on our residential properties. Efficiency in heating and cooling systems utilizing electric driven units, not fossil fuel sources and increased air circulation and common areas to improve air quality. Looking into powering areas for the building with solar panels, if we can stay within the building height limits and obviously deal with recycling and waste separation. The Planning Board and the Board of Trustees have asked about the project finance ability and feasibility. The project is finance ability based on the return or yield on cost to finance this project. We need a yield of at least 6.5 percent. That's basically calculated by dividing the net rental income by the total construction costs. The total construction costs will include the land costs, the soft cost, the interest on the construction loans, etc. Including the fees that are imposed by the Village. The recreational fees alone that will go to Tarrytown will be close to \$1 million. Building 3 levels versus 4 levels would cut the development yield to below 6% and due to the fixed costs that he just mentioned, the infrastructure, the deep foundations, the public benefits, the MTA improvement costs and their rent etc., the building would still be 50 feet high, but not financeable. All together those fixed costs have to be spread over a maximum density, which we had to do in a number of different locations up and down the East Coast. It's a critical piece to getting this project financed. But, we also know how important some of these benefits are to the public that we are trying to fit in with. The project will help fill a gap with Tarrytown housing. Young people, empty nesters, divorced, singles, people in transition that want to rent by choice, sons and daughters who want to come back and live in their hometown. That is our target market. This building will appeal to what we call a workforce market by providing housing for entry level and middle income tenants. We will partner with the Housing Action Council to manage the required 10% housing units at 60% of area median income. Overall, the building rents are underwritten for people earning between \$50,000 and \$155,000. The County AMI is about \$125,000 as Sadie pointed out for a family of four. That is where we understand a lot of the demand for new construction and convenient housing, where demand outpaces supply. We are told there's a substantial waiting list looking to come and live in Tarrytown. The most demand is in that 80 to 120% of AMI in Tarrytown, which this project targets for new renters. We have been working with Metro North and their transit oriented development department to negotiate the terms of a long term lease which will be 79 years to provide the parking for MTA employees for both short and long term as well as people living in the apartments. Reconfigurations of the actual roadway with speed bumps to control the traffic that's going down to the recycling plant and sidewalks that connect Franklin Court onto and across the Plaza up to the platform. He showed an elevation slide showing the preliminary building design of the self-storage with 4 stories of housing above, trying to create large windows, balconies and to create some architectural variations with different materials. He showed the building view from the north or Village Hall, looking at the commuter lot. We have not named the building yet. This Plaza is connecting between the platform and the sidewalks and access points over to Franklin Court. We didn't show vegetation that we have planned there, this is just to show how the building will relate to the ground. He showed another shot showing along the western side of the building, a close-up to the entrance of the residential building, the self-storage would be accessed from the opposite end of the building at the southern end.

David Smith, Principle of Planning and Development Advisors, noted that he has been working with both the Ferraro's and Collin's Enterprises on preparing the planning information that was

used to assist the Planning Board in the Environmental Review. He reviewed some of the main impact areas. He started with traffic. Because of the location of TOD's, their design, their orientation, typically generates much lower peak hour vehicle traffic because they are at the station and that's the most convenient way to get back and forth from work. It's important to know that the project traffic flows run counter to the peak hour. During the A.M. peak, traffic flow comes down to the train station to the H-Bridge and in the P.M. hour, they leave. For their development, since they're already at the train station, the projected traffic flow is going against the traffic. The projected traffic from peak A.M. hour is approximately 25 total trips, that's one trip every 2.5 minutes. During the peak P.M. hour, is approximately 30 total trips, that's 1 trip every 2 minutes. Based on the traffic analysis, the traffic volume represents 2 or 3% of the total volumes along Depot Plaza. As mentioned, there is a shared parking agreement with MTA in place with a total lease period of 79 years. That's part of the finance ability of the project is having that in place, the Planning Board was very adamant about having that type of arrangement in place for the project. The parking ratios is 1.05 spaces per unit or 93 spaces and that is an excess of what Chazen had recommended as part of their report back to the Planning Board. In addition, there are 30 additional empty spaces which will be available to the public after 4 p.m. and that helps balance out some of the proposed retail uses that need more of that type of parking after 4 p.m. in the early evening hours. With respect to the fiscal and socio economic, the Village staff provided them with some examples of projects to use as part of a survey. They surveyed slightly more than 700 residential units. As part of the fiscal analysis, they came up with projected taxes per unit and also same thing with storage in the retail component, using existing comparable. This provides a kind of an order of magnitude for the project. Those numbers were evaluated by Chazen and as part of their review, there were several review memos and responses that went back and forth over the course of the review. The bottom line is that the projected increase in tax revenue based on what taxes are already being generated, approximately \$430,000 annually. That's broken up into the three main categories, Village taxes, almost \$98,000, projected school taxes \$278,000 and projected Town/County taxes \$58,000. When you look at the total projected taxes, it's almost \$500,000, split into those three main categories. He noted that Trustee Kim had asked how much taxes the 2-story self-storage project that was approved would generate. The approximate would be \$125,000 annually, split into the three categories, Village taxes approximately \$25,000, projected school taxes \$85,000 and projected Town/County taxes \$16,000. As part of the evaluation, this gets back to some of the issues in the Comprehensive Plan. When we talk about TOD and having new households move within an area that can help support the community. Each household brings with it discretionary income, some portion of which they're going to spend within the greater Tarrytown community, whether that's at restaurants, dry cleaners, all the types of services that may be available within the Tarrytown community. Based on the household incomes that are necessary to support the types of rents that are being proposed, it's approximately \$3.5 million of discretionary income annually that would be provided as part of this project. Also from the surveys, it helped them estimate public school aged children. There are a couple of industry standards, Rutgers, these are all part of their prior submissions, starting with their first submission back in March of 2020, but the various surveys provided a range that's referenced in the newer version suggested by Bob Galvin that they provide a range for the number of school aged children. They believe that these types of developments generate very few public school aged children. A question came up as to how do you evaluate the cost of the school district. What they have done as part of this analysis, which was reviewed by Chazen and they agreed with the methodology that we took the tax levy that the school district needs to raise as part of their

budget and then divided that by the enrollment. That's how we came up with the cost per student. Essentially, there is a surplus that would be generated to the school district. It varies based on the number of school kids, but we are projecting a surplus to the school district. The next impact area is visual and aesthetic impact. He showed a graphic that was requested by the Planning Board. It's illustrated on the plan is elevation 65, that was a critical number because we have the existing site elevation of 5 feet, and then we're proposing no more than a 60 foot building. So the magic number is 65. There was a question, anything that's on the east side of the yellow line is above elevation 65, but as you can see from the photographs on Riverview, it dips down a little bit below that 65 magic number, the buildings are elevated in their construction. He showed the photo from Franklin Court, it's looking back up that hillside. Looking back up this hillside, it is a very extensive grade and it's heavily vegetated. This is an example of one of those buildings that kind of dips down below that 65 level. The street frontage essentially has a very filtered view due to all the heavy vegetation. The last couple of photographs are taken from Franklin Court. One of the important issues is as you're looking west from the interior of Franklin Court, you really don't have a view of the Hudson River, you have views of the existing building. There's really a screen view looking across from Franklin Court.

Art Collins, Collins Enterprises, Southwestern, Connecticut, noted that they are excited to have the opportunity to add to the fabric of Tarrytown and look forward to try building a consensus and answering questions. They are also excited about partnering with the Ferraro family and trying to bring this project to a conclusion, they have been at it for over two years. We talked about Chazen, a third party endorsement for their proposals for the building. They want to reclaim the run-down part of the Village. It's going to be the first new construction project in over 20 years. We plan to create a mixed income neighborhood where we'll have a housing that's affordable. There are health benefits, reducing pollution, regional congestion and increased population with discretionary income, pedestrian amenities for Franklin Court and other nearby neighborhoods. Hopefully, this will jumpstart some of the private investment that maybe needed to come down and build on some of the properties in the station area. He will try to become a model for sustainability and energy efficiency in this building. The benefits of TOD in terms of preserving and supporting public transit, reducing pollution and congestion, traffic reduction, parking reduction, all of those goes along with this project. We look forward to answering any questions and will have them addressed by the January 4, 2020 Board meeting.

Administrator Slingerland asked if any members of the Board of Trustees have any questions for the applicant's team.

Trustee Brown asked how much room you have to be creative with your building at the current density. Arthur Collins noted that there can be a limitation if you don't know how to handle it, but what we have done is move the exterior wall inside and out. We can also modify where the eave lines are for the roof. If you notice from one of our projects that was up on the screen earlier, we bring the roof down to let's say the top of the third floor and create the eave there, so it almost looks like a rooftop. Then what we did in Bronxville, we had gables. We have do some more work on that. We are not pleased with what we are showing you tonight. But that was a preliminary plan. We have been more active trying to relate to the zoning language and the neg dec. We have some work to do with color, texture, materials, roof lines and that kind of thing. I think we have a lot of flexibility and a lot of imagination on how to do that. We have never had

any problems with the architecture review process and always try to design these buildings to be contextual as much as possible. For example in Yonkers, they have a lot of bay windows, so we added bay windows and that actually helped articulate the facades. We have work to do, but it's a challenge that we have no problem taking on.

Trustee Zollo asked if all of the slides presented tonight will be made available to the Board of Trustees so we can review them. Arthur Collins responded, yes.

Mayor Butler noted on the original plan for the self-storage, for clarification on the dimensions, it his understanding that the building is 300 linear feet, a contiguous building, and the width is 80 feet and the height is 34 feet, four inches, is that correct? Arthur Collins responded, yes.

Mayor Butler noted going back to your total unit count, in terms of your zero bedrooms, one bedrooms and two bedrooms, how did you come up with that mixture? And, if you were to do some architectural façade changes, is that 88 units absolute? Arthur Collins responded that the 88 units are pretty much absolute. It's a density they think works, but not by a lot. We are trying to preserve that density, but the building above the first floor storage won't be as wide as what's already existing, it will be somewhat less. We think we have flexibility. If we have to move around the unit mix slightly, he thinks they can do that. Generally speaking, it is 50/50 between 1 and 2 bedroom units and sometimes 60/40. We have done a considerable amount of market research on this end and we'd like to stay with the mix that we have, but we have some flexibility. Mayor Butler noted that the original question was how you came up with that mix of zero, 1 and 2 bedroom units. Based on what he is looking at, the zero bedrooms right now would be 12 units and then the 1 and 2 bedroom mix would bring you up to 88 units. Is that right? Arthur Collins noted that generally speaking, it's normally about a 50/50 between one and two-bedrooms and then the studios are no more than maybe 10% of the building. Sometimes that 50/50 needs to go 60/40, one way or another. At this type of location, in a transit oriented development, where there are more one bedrooms and more one bedroom options, like one bedroom dens. That's what we saw that the market is looking for. There's no magic to the absolute numbers, but that's been our experience and we found it be successful.

Mayor Butler asked if there's some flexibility in terms of providing some architectural features, where you have peekaboo spaces, where you can look through the building and it is not a contiguous building. That can lend itself to more of the character of Tarrytown. Is there flexibility to provide those kind of characteristics? Even if you have to lose one or two apartments? Arthur Collins noted that yes, perhaps, he doesn't want to rule out anything. He would like to have an active discussion about this with the Mayor and Board of Trustees and the Planning Board. He looks forward to doing that and getting your thoughts and input on qualitative and aesthetic things. We need to get a little more information and work to build a consensus. Mayor Butler noted that he would like to see the architecture to include the character of the Village. He thinks that maybe the Architectural Review Board should be in the process a little bit earlier than in the latter part because what you are showing may not be suitable to where we want it to go. Arthur Collins noted that he would be happy to do that, it's a great idea.

Trustee Rinaldi asked regarding the nine affordable units, is there any flexibility to have more affordable units than the nine that are mandatory and would the nine affordable units be studios, 1

or 2 bedrooms units? Arthur Collins noted that they are required to be proportional across the unit mix. For example, if you have five studios, you have to build 10% affordable, that would be .5, which is really one unit, same if you have 28 two bedrooms, you have to build 10% affordable, that's how you get those numbers.

Deputy Mayor McGovern noted that she is the liaison with the residents at Franklin Towers and she is concerned that the residents there are not getting a clear message about what's going to happen in your development. She asked if they would be willing to meet with them. Arthur Collins responded, absolutely. Deputy Mayor McGovern noted that they will be visually impacted by this. Arthur Collins noted that it is a good idea and he would normally have had that done by now. They are one of the groups that we would get consensus from because we are going to improve their whole property line area and they will be actually looking at a much nicer area, but they should know what's going on.

Trustee Brown asked if he mentioned that there was going to be a new cut through from Franklin Courts that will be open so they can walk through your property or did she misunderstand? What other benefits might it bring besides them looking at something nice? Does it give them a new amenity that they don't currently have? Arthur Collins noted that the Planning Board was outspoken about making pedestrian connections through the area. What we've shown is a connection across our Plaza and onto the platform then a sidewalk that would have a little bit of a crosswalk which is going to have a speedbump to go over to Franklin Courts. He proposes that they will take down the chain linked fence there and remove the ugly telephone poles and change the lighting and the lighting for nighttime use. Clean the whole place up so that it's safer and more open.

Deputy Mayor McGovern asked if American Paper, next door, will still be in business. Arthur Collins responded yes. Deputy Mayor McGovern noted that she is trying to figure out the truck traffic there. She asked if they have studies as to when they come in and start their trucks and leave and how you are going to deal with that. Arthur Collins noted that they have more truck traffic on Mondays and Tuesdays, I guess to deal with the weekend deposits that they have to pick up. Whenever he is there, he is always amazed to where these trucks are coming from, New Jersey and seemingly all over the place. It kind of goes in waves but we are proposing to have some traffic calming devices that are going to go out there to slow the trucks down and also keep them in their lane. MTA is not really happy about them trespassing onto their property. That is something that needs to be managed as well.

Assistant Village Administrator noted that speakers will have three minutes to address the Board. All comments should be address to the Mayor and Board of Trustees. The Board is unlikely to get into a question and answer period with the public. They will be listening to what the public has to say, take note of it and then as Administrator Slingerland noted, questions will be answered in time for the next Board meeting on January 4, 2021. People can also submit their comments or questions by emailing administrator@tarrytowngov.com. Speakers shall observe the commonly accepted rules of courtesy, decorum, dignity and good taste and shall not use foul language or display unacceptable behavior or be disruptive of the proceedings. This is a live meeting, it's recorded and it's on the air (TV).

Howard Smith, 87 Main Street, noted that it seemed like there was an assumption that the concerns that have been expressed this evening about development had to do with housing. A good 90% of public comment had nothing to do with expressing a concern about meeting a need for housing. In fact, there's a lot of interest in finding ways to create more affordable housing. The issues have been about scale, mass and density. You can't really use the Franklin Towers or Asbury Terrace as a fair basis of comparison. It's an unprecedented level of density and height for buildings in Tarrytown, particularly in the inner Village. We received assurances that legally doing one building like this, it doesn't create a precedent. That may be true, but he thinks it's a little disingenuous that developers make reference to other properties and other developments to justify their approach and to provide a rationale for the scale. So it will become the new standard. We heard tonight that apparently, it's financially unfeasible to do anything less than six stories. We can by implication, take from that, that we're now talking about any new development that's going to involve housing in Tarrytown is going to have to be 60 feet tall, which is not the nature of the Village or compatible with the character of the Village. The issues really revolve around that. Another concern of his is that from the beginning we jumped from a Comprehensive Plan, which lays out a vision, the concept, opens up areas for exploration, but does not define the parameters of issues like growth, and we somehow got from there to talking about 60 ft. tall buildings and 75 unit per acre density. It seems like a major step was skipped, in terms of the hard work of having conversations around the issues that were raised, but not defined in the Comprehensive Plan. For example, if we're talking about growth is good, well how much? How much population growth is too much? How high is too high? Or how out of character is too out of character for new buildings? How can traffic associated with new development be mitigated in a fully built out area with no capacity to widen roads? What would an appropriately proportional approach in Tarrytown to addressing the county-wide need for affordable housing look like? How can pressures on school resources be mitigated? What's the cumulative environmental impact if underdeveloped parcels throughout the Village are developed on this kind of scale? He thinks there had been an expectation that would have been a conversation about this and an opportunity for the public to be engaged. That hasn't happened. Instead, the developers are dictating the terms, and insisting that it can only be this high. He thinks it is legitimate to be raising questions that are broader than that.

Dolf Beil, White Plains Resident, owner of 108 Main Street, (shared slides), questioned, what has happened, why is everybody coming out now? In December of last year, everybody assumed that the Board and the various Public Officials were doing their job and everything was fine. Then we found out that there was a 120 ft. proposal for building 20 acres rezoned with no dimensional or budget requirements. That was a watershed moment. The next watershed moment was in September, when everybody assumed that there were going to be significant environmental impacts, and we find out that the determination has been made that there will not be a significant impact. This is not a 40 ft., three story zone. That's why everybody is all of a sudden coming out of the woodwork. He noticed that no attention was paid to the balloon test that was done about a week ago. He showed a picture of the balloon at about 60 ft. over the Tappan Zee Bridge and the Palisades. He encouraged people to go down and look at Beekman Avenue. He showed a picture of what is being built on the waterfront. That is 45 ft. tall 122 ft. wide. You'll notice that the proposed building is 33% higher and 250% wider. Take a look at what will happen to Tarrytown's view. He showed a slide with a yellow line showing the height of the Edge on Hudson building and the red line shows what is being proposed at S. Depot Plaza looking toward the Hudson River

over the Tappan Zee Bridge. This is the impact that this construction will have. He noticed that nobody viewed anything from this perspective. 300 ft. wide and 60 ft. high. But it doesn't end there. If approved, the TOD will allow Metro North to extend their platform by 60 ft. And surprise, Lot 39 becomes available for exactly the same zoning. He showed a slide from Collins' website showing Yonkers waterfront. He suggests that it is easier to turn Tarrytown into Yonkers than it is to turn Yonkers into Tarrytown. He showed another slide from Collins' website that says they achieve outstanding return for partners and investors and in the minority opinion, it says that it's not necessarily in the Village's interest. He asked why did 46 units work in 2019 and now why do we have nothing less than 88. That's not good negotiation. Let's take it or leave it.

Peter Feroe, Independence Street and a member of the Village's Affordable Housing Task Force, noted that these are his personal comments. He understands that this is an important debate. He's an Urban Planner, so he does believe this is important. He loves his neighborhood and neighbors. Our kids play together, we get together and talk about things like the speedbumps and about these developments. We don't always agree on everything. And that's okay. That's what makes this neighborhood great. He thinks that's what makes the Village great. He has a ton of respect for the volunteers on the Village Boards, Planning Board and Board of Trustees. He thinks they are all in it for the right reasons, because they care about their community. He supports this project for a number of reasons. One, this project is going to be about a 2% increase in the number of housing units in the Village. That's in the right direction. It also means that if this project is approved and constructed, the housing that exists today within the Village, from Pennybridge to Wilson Park, to the Crest to the Quay to Main Street, all of that will still account for more than 98% of the Village's housing stock. He doesn't believe that this project will fundamentally change the character of the community. Nor does he think it will fundamentally change the existing neighborhoods that we live in. He believes that Tarrytown needs the housing in this location. He believes these types of housing developments have less impact. They have fewer people per unit, fewer cars per unit, and fewer school children per unit. The building would be of a size that's very similar to the condo buildings at Hudson Harbor, the condo building at the Hudson Farmer and the Fish building, all are 5 story buildings and 270 to 285 feet long. The issue about density, he understands the issue. I think it's a false comparison when you look at Edge on Hudson and Hudson Harbor, they had to build public infrastructure, roads and parks. This building doesn't. So the denominator and the density equation is lower. So the density looks higher. In his opinion, this building fits really well here. He's glad that we are having this debate and he hopes that we continue to have this debate respectfully.

Colin Vanderhorn, LeGrande Avenue, noted that this is something like meeting number 10 trying to advocate for responsible development in Tarrytown. He is concerned about the precedent that this building will set. Some of the Village leaders insist that there will be no legal consideration for other developments when referencing buildings that had been approved. But Planning Board members and developers are both on the record referencing Franklin Towers as a precedent for this building. That building was constructed a half a century ago and is it still is being referenced. Those who say that this building will not be referenced as precedent for adjacent developments are either being deliberately naïve or dishonest. He thinks it's a little difficult to understand the finance ability argument when this project was proposed with fewer units three times. There were undoubtedly economic projections made for those submissions and viability in the area has increased, not decreased. 75 units per acre seems to be an unreasonable density to him and many

members who are on this meeting and the 60 ft. height is a particular problem. The Village does have the amazing resource of view of the Hudson and we don't want to wall off the Village from the Hudson. This seems like a step in the wrong direction. The building by its nature does not belong in Tarrytown. It seems like they have forgotten to accommodate parking on their own property and need to rely on adjacent leases to take care of that issue. We already struggle with parking in Tarrytown. He asked why the caddy corner lot that's owned by the developer wouldn't be considered for parking. Is that site for future development? The Village leadership knows how unpopular this project is with valid reasons why it's unpopular. The Village leadership's names will be attached to this project. It's hard for Villagers to miss a 60 ft. tall, 300 ft. wide box going up next to their house.

Michael Lupo, Grove Street, asked what the rent would be for a studio, one bedroom or two bedroom unit. And will there be 2% increases each year.

Dillon Basescu, noted that he grew up in Sleepy Hollow and now lives in Croton, first and foremost, affordable, dignified housing is a human right for every person in our community. As homelessness and financial insecurity plague the working class in lower Hudson Valley, Tarrytown has to reform its rules for affordable housing to specifically protect lower income workers by mandating low income housing allotments designed for people making well under 60% of the area median income. It has to raise the percentage minimum requirement for affordable housing and new developments to at least 20% like other municipalities in the Metro area have. The development at 29 South Depot Plaza is going to provide 88 new dwellings. Nine provide as affordable housing, only 10% of the units being affordable and affordability being out of reach for so many workers making less than 60% of the AMI is woefully inadequate and that has to change. Still, pushing for housing justice and affordability within this project is preferable to abandoning it or building less or nothing at all. Therefore, the zoning change to allow for this development should be approved. He can tell you about the revenues this housing will bring in for local governments will be over half a million every year. He can tell you about the effect on property taxes and more taxpayers shouldering the tax burden. He can even tell you about how building new socially responsible developments near mass transit hub will be good for the local and global environment, but others are likely going to cover those issues in more detail. He wants to address the elephant in the room because in every place in time when people have these debates, there is some refusal to address the true nature of the "not in my backyard" opposition to new housing. Particular nebulous objections are always given, the amount, the services, the view, the character, the traffic, the density, as if these things outweigh the need for basic services of shelter. What it all boils down to is an attitude of "I've got mine, now you stay out." Specifically, in many cases, it's white property, wealthy homeowners insisting that the privilege is afforded to them by living here must be kept from our perspective neighbors for that historically has been the character of things and they'll be darned if that's going to change now. That's not what Tarrytown ought to be. With strong community organizing, it's not Tarrytown will be. People who value progress and universal economic dignity ought to support more truly affordable housing and more socially responsible housing as much as we can sustainably provide. That is why he favors the zoning for this development at 29 S. Depot Plaza. At the same time, he still insists that the local affordability standards improve to truly serve working class populations in Tarrytown.

Carole Griffiths, Martling Avenue, noted that she agrees that we need more affordable housing and she wishes that this development will be truly affordable. She does not think that it should be approved because it gives a little bit of affordable housing. The YMCA will be great, that's going to be really affordable and the development on Broadway will not be affordable. I think the Village does need to work on truly affordable housing. She agrees with the comments that this plan is consistent with the Comprehensive Plan and the Station Area Overlay calls for transit oriented development. However, it doesn't mean that the development has to be as dense as possible, because the Comprehensive Plan also calls for promoting sustainable growth in a way that protects the historical sources and enhances the experience of people. During the community meetings held prior to the development of the Comprehensive Plan, participants expressed a clear wish to maintain and protect the Village's unique character and also cited the historic character and lively downtown and its pedestrian scale blocks and intimate feeling of the Village. If we start building 60 ft. tall buildings that is not contributing to the intimate feel of Tarrytown. If we have 60 ft. tall buildings that are 300 ft. long that is not in keeping with the historic character. It does also impact the view shed, which she thinks is really important. The view shed from the Village down to the river and from the river up. That is one of the major points of the Comprehensive Plan is to enhance and increase the accessibility of that river.

Mark Fry, 36 S. Highland Avenue, Ossining, New York, noted that first of all, the Comprehensive Plan, there were 400 participants, that's about 21 participants per meeting for the 19 meetings. It's important to note that Sadie said that about 60.7% of Tarrytowners own their own homes about 39% rent. But when talk is made of text base, as David Smith noted, it's about \$4,400 that each of these units will contribute toward in taxes, which is about a third of what the single family homeowner's pay. So every one of the apartments shifts the burden of all taxes to the single family homeowner. He resents the implication that this area is blighted, he has known people in Franklin Courts since 1984, since incidentally, John Nolan assisted him in becoming a property owner. As Linda Whitehead had said, that area was indeed filled after 1934, we have a railway map. But as he had asserted before, that fill went into that area was the same contaminated fill that the New York Central used on all of their tracks. So, he'd like to see the actual tests, the soil tests in that entire area to confirm whether or not it is clean. As it comes to the impacts on views from Franklin Court, he has seen that entire presentation, it's on the website, but it doesn't accurately portray the view shed from Franklin Courts. He has been down there many times, that building is 19 ft. 8 in. tall to the peak and anything built in front of Franklin Courts will dramatically destroy their views of the river and of the bridge itself, which was showed on Dolf's slides.

Jaime Valencia, 17 Kaldenberg Place, noted that this is a great Village to live in, that's why so many people are trying to move here. When he moved to Tarrytown, he was taken back by the cultural shock and by the warmth of the residents who were very welcoming to him and his family. He had to learn how to live in Tarrytown, he had to leave behind living in a big city to live in a small Village. I learned how to be a Tarrytowner. The residents of this Village is what makes Tarrytown so great, they always lend you a helping hand. He has lived through some changes in the Village, construction of the new bridge and more specifically, the riverfront. When that project started, the Trustees gained the approval of the residents under the promise of more affordable housing in the Village Hall location. A promise that the emergency workers, the firefighters, the EMS, the police and the DPW workers would have a safe place to live and continue to protect our residents. As you know, that didn't happen. There is no affordable housing for us. Regarding the

proposed projects, the Broadway project and the train station project at Depot Plaza, it seems to him that the Trustees are trying to do this project without the input of the residents. It seems to him that the Trustees are trying to hide some critical information on this project. It's not about the river views, it's about the taxpayers, what are we allowed to say and need to remind the Trustees that they work for us and we elected the Trustees to the positions that you are holding. Please have the best interest of the residents. This project doesn't fit our community. These projects don't fit into our little Village. Why are you trying to turn our little Village into a small city, catering to the newcomers and the million dollar homes and not to the longtime residents that have made Tarrytown what it is today? Don't approve this project, it doesn't benefit our Village at all. Keep Tarrytown small, keep it a Village.

Steven Novelli, 24 Riverview Avenue, noted that his neighborhood is going to be mostly affected by this project with the traffic going through the streets. With the self-storage that is going to be there, there is going to be vans, moving trucks and other traffic that's associated with this project. He heard earlier that traffic is not going to be that bad because people are going to take the train. But he is sure there's going to be plenty of people who are not going on the train, they will be using their cars to go to work or other places. And they are going to go through Riverview Avenue, Miller Avenue and all through this neighborhood. He is mostly concerned about the implications of the traffic and that there was no real environmental impact study done on how it's going to affect the neighborhoods. It is going to affect all of the views on Riverview Avenue, even though they have shrubbery, they do have seasonal views that will be blocked by the building. He hasn't seen any tests, but he believes that the site is probably contaminated and to think about putting residential housing above landfill that was filled in by a railroad over 100 years ago. Everybody needs to understand that this neighborhood has been thrown under the bus for the construction of General Motors and for the Joe Cotter project down there because most of the traffic from these projects goes through our neighborhood and over the H-Bridge and he doesn't think they need any more traffic. He thinks 4 stories would be fine instead of 6 stories. He really hopes that the Board takes into consideration about this neighborhood and think about the people who have lived here for a long time. He doesn't understand why this decision can't wait until COVID is over and we can have regular public Board meetings about this. He doesn't think the Zoom meetings are benefiting the public.

Mike Love, Main Street, noted that the TOD was based on a 2013 survey. We are now moving into 2021. With that consideration, you have roughly 1,160 units and 10,000 retail going in the Edge on Hudson project to contribute to this project. 4 p.m. to 5 a.m., doesn't really help anything within the Village, except for the handful of people that may go down there. Those lots from 4 p.m. to 5 a.m. on the other side of the tracks are very underutilized. Regarding Yonkers waterfront, there has been multiple flips of retail locations within that waterfront location on multiple occasions. He doesn't believe those units have ever been at 100% capacity. All he sees is giving to the MTA, we're going to do this access to the MTA, and we're going to redo the MTA rundown parking lot. What are you giving to the Village? People already dread walking up the hill. People aren't going to want to go down from the Village from the Main Street area, to walk down there and come back. Most people from down there, drive up to Main Street. So your traffic study is kind of skewed. Unless it's affordable housing, which is nine units, he's all about affordable housing and he's all about supporting people who are lower income. But even so, how many square feet are your studios at \$2,000 a month without affordable housing. We are only

talking about nine units, why are we not talking about 25% of those units being affordable housing. Really what benefit do you bring to the Village outside of MTA access?

Cathy Ruhland, 17 Walden Road and Member of TEAC, read what the definition of environment in the context of an environmental impact statement says environment means the physical conditions that will be affected by a proposed action, including land, air, water, minerals, flora, fauna, noise, resources of agricultural archaeological, historic or aesthetic significance, existing patterns of population concentration, distribution or growth, existing community or neighborhood character and human health. To the borings, could it be possible for a third party to review what was discovered in the borings because the land under General Motors, that fill was probably also originally filled in by the same entity. Transit oriented development means these people don't need a car. That means these people use the train and if they want to drive, they can use a Zipcar. That's the idea of transit oriented development. There shouldn't be any parking lot dedicated to these homeowners. If you think about that entire area, there are no deli's there, there are no small food stores, there are no little pubs, there are no amenities for that so called community. If you have a storage facility and selling furniture, that is not conducive to creating community.

Sandy Kostaras, Miller Avenue, noted that she has been a resident for over 45 years and she is disappointed of what the Village is turning into. We do need affordable housing, but nine units and an 88 unit building, that's ridiculous. She can't believe that the Village is agreeing with the nine units. How did it go from a storage facility to six stories high? When we did an addition to her home, the Village made me put a piece of wood to see how high up it would go up and they called her house a McMansion. Now what do you call those apartments going down there to be? It's going to ruin the whole look of the Village. It's not a Village anymore, it's a mini city. Are you taking into consideration the Villagers here? She grew up down by Franklin Courts, she knows what it was like and this will ruin every chance of anything happening that's going to be beneficial to the children and to the Villagers. She would like the Board to reconsider and go back to the drawing board because this is not acceptable.

Assistant Administrator Ringel noted for the record that the proposed building is five stories, not six stories.

Justin Diamond, noted that his sister is moving into the Village next year and he supports the proposed zoning text amendments. He's a student of economics, he is versed in housing issues. He thinks it is clear why this project would benefit not only residents through the tax base, but hundreds of future residents and school children of Tarrytown through increased tax revenue. Increased tax revenue, greater accessibility to housing and improvements to public spaces are just a few of the clear incentives for supporting this zoning amendment. He thinks the common criticisms of this project are largely superficial or based on a hypothetical domino theory of development. He thinks the experts and Planning Board have a pretty good idea of what the effects would look like. He hopes that the loudest voices have a chance to give this report a fair shake and have confidence in the Planning Board. It's a consensus among economists that the only way you can really bring about affordable housing is by improving the supply side and making sure that there's greater access to housing. Barring a project like this from taking place on the basis of there not being enough affordable units could actually still in the long term cause a lack of affordability. It's probably better to go along with the development and stay with the

project as it stands. Whether or not this is a priority falls largely on your goals for Tarrytown. But he thinks it's important that we don't let zoning laws restrict development, which lets people like my sister move into Tarrytown. We shouldn't preclude independent access from freely maximizing the benefit to the people of Tarrytown by developing these sorts of properties. He thinks it's nonsensical that the Board could be presented with a project of the exact type that's desired in the 2014 TOD plan and the 2018 Comprehensive Plan and reject it on the basis of what he believes to be a loud minority with mostly superficial concerns as opposed to practical material ones. He doesn't think that the town should concede its alleged goals by using its regulatory power in a way that contradicts aforementioned goals of development in Tarrytown.

Katy Krider, 42 N. Washington Street, noted that everything she wants to say was said in the minority report by Chairman Friedlander and Paul Birgy. She thanked them for listening. She asked the Board to read it carefully and to read the whole Chazen report. The minority report concisely captures the concerns she has heard from voices these past few months and other issues if you read all the materials available on the document Village website. This zoning is precedent setting even if it's not legally binding. It could change the very character of this Village despite what others say. Here we are discussing such a monumental precedence without all the necessary information needed to make a truly informed decision that the Village as a whole could support. It is surprising is how much you seem to support it without the information. After the last Board of Trustees meeting, she lost trust in the Board of Trustees. Many citizens here have spent countless hours researching this and other projects and asking questions that the minority report also asked, that speaks volumes to this process and we've witnessed insinuations by the Board to the contrary, we are not ignorant. We don't lack an understanding of the facts. On the contrary, we have a good understanding of the facts. We understand the whole Comprehensive Plan and where we want the Village to go. Why were they not invited to the balloon test? Yes, we are paying attention. Even in the times of COVID, we can still safely yell to each other over the garden fence. Mayor Butler recently asked the public to respect the Board for all of the work they do. We do respect you, but in return, she asked that the Board respect us and the countless hours that they have been putting into providing you the guidance necessary for you to do your job. There is a reason that you haven't heard from any of us until now. You didn't need our guidance until now. Sleepy Hollow is just now waking up to the fact that Beekman Avenue lost its view of the lighthouse. What do you think is going to be like when Tarrytown realizes it's lost its view of the bridge? Don't make that mistake. We want truly affordable housing and safe housing. We don't want anyone hurt or killed due to increased traffic or walking around industrial sites, we actually want what's best for the Village. Therefore, we want answers to all the questions before you move forward on this project. Please send this back to the Planning Board or get the answers yourself. Please gain back our trust.

Fergus O'Sullivan, Grove Street, noted that he refrained from an opinion, but has a couple of questions that he believes the Board should have answers before making a decision. 1) Regarding the estimated number of 14 children in 88 units, which include 30 two-bedroom units seems low to him. He recommends that the Board get an independent party to review this. Let's say the independent study says they'll be 40 children, then the financials are very different. 2) It is stated that the building is 60 ft., his question is it 60 ft. above ground level or is it 60 ft. above the existing slab, which he believes is five feet above ground. 3) The Board should get a legal opinion from an external counsel on the risk if a new developer wants the same density for say, the

Walgreen's site. He thinks, at worst, it would say it's a negligible risk and the Board can put on file and say they did their due diligence. 4) For clarity, it would be good to know what's going to happen to the second warehouse building that's owned by the developers that's northeast of the proposed building. It looks like it's staying the same, but he thinks the Board should consider what the best use for the Village for that portion of the property. His guess is that it is not a warehouse.

Gregory Gull, Heritage Hill Road, noted that he would have to reiterate and agree with most of the comments against this project. He has major concerns about the massing of the building and its relationship to the historical architecture and quality of the buildings within Tarrytown that the developer said they have gone to. I don't see any architecture relationship to anything pre-existing in Tarrytown in terms of its 19th or 20th century architectural heritage besides the buildings that have already been constructed on the waterfront. He has a concern that this project may set a precedent for future development along the waterfront, even though people say that might not happen. He is concerned about this project setting a precedent for the adjacent storage facility as well as the proposed hotel at the existing marina on the waterfront. All these developments will take away the use of the waterfront from the Villagers and the population who don't have access to the waterfront, who have to walk or drive their cars to the waterfront. He's concerned about the additional traffic that this will bring that the developer says that it will decrease, he doesn't understand that comment. He doesn't understand the amenities that they are providing. Franklin Courts has access to the train station, he knows, he takes the train there. He can take the sidewalk from Franklin Courts directly onto Metro North train station. He is not sure how the use or the promise that they will provide potential future sustainable power to this building in terms of solar power without increasing its height. He asks the Board of Trustees, how they intend to limit the height of potential additional non-residential structures on top of this building. He's concerned about the access to the roof. Are there any bulkheads or any additional structures on top of the roof that are proposed? He has concerns about other types of pollution, lighting, there is no soft surfaces, sound as well as the question of the existing easement along the property and how would that be resolved for the safety of everyone involved in this project.

Joseph Nevins, Hanford Place, noted when he first heard about this project, he had concerns about it. While he still has some concerns, he generally supports the project. This particular site is poorly utilized, it's an eyesore. Increased density is a good thing for all sorts of reasons. Traffic is a concern, this is a Village problem, and it shouldn't be a reason to deny others the right to move into the Village. The way we address traffic has to be on a systematic level. We want to create a Village that's more walkable, ability to bike and where there's good public transit. We are not going to remedy that problem by denying this particular project. If possible, it would be very desirable to consider more affordable units. Regarding Linda Whitehead's presentation, there was a document with language that said (he might of misread it) that this project is obligated not to worsen the potential for flooding. As we discussed, this is a landfill. This is a part of a floodplain. He wonders in terms of the green infrastructure, if there is an intent to putting green infrastructure that will actually lessen the potential for flooding. Regarding parking, less parking is desirable, to the extent there needs to be. Is there a way to make hard surfaces permeable, in terms of parking, making a green parking lot rather than the typical asphalt ones?

Peter Bartolacci, 67 Miller Avenue, noted that what he is hearing is that the benefit of this project is that we're going to build sidewalks. He looks at the riverfront development and he sees a park, a fitness center, subsidized housing, a lot more open space. And this project, he is hearing that we're going to build sidewalks. We talked about the opportunity for housing and affordable rents and all of that, but that doesn't really benefit homeowners, taxpayers or the people who live here. He doesn't mean to sound selfish, but that is the reality. It's nice to talk in fluffy terms and how we are doing good for the community, and he does recognize that affordable housing is important. But ultimately, the Board of Trustees are accountable to us, the residents and taxpayers. He's not seeing a lot of benefit to residents and taxpayers coming from this project. He is seeing more headaches for the residents, particularly in Miller Park, regarding increased development down by the train station and what that will mean for our neighborhood in terms of traffic. It would be naïve and irresponsible to ignore that. To justify by saying this is going to be transit oriented development and nobody's going to have a car, there was a reference to Zipcars being used, we all need to get back to reality. We just got 10 inches of snow on the ground, not a lot of people are going to biking or walking, but let's be real, most people use cars to get around. There was a height diagram shown tonight, it had a yellow line saying that was at 65 feet and it was said that nobody's views would be impacted or very few views would be impacted. It's very different looking out of your house and seeing a building and then water versus seeing the train tracks and then a transition to a field of green grass and then the actual border where it meets the water. That's a very different view than staring at the roof of a building and then seeing water. He thinks it's just disingenuous to suggest that views won't be impacted.

Heather Haggerty, 18 Kaldenberg Place, noted that she has been going to these meetings for about two years now. She has actually seen the affordable housing presentation three times. She got the information the first time. Though she has seen public comment time period reduced dramatically. She finds it interesting after two years of following this project, some of the plans that they showed were actually the most developed that she has seen. She listened to the last Board of Trustees work session meeting where the Trustees asked why so many of the public comments were made without being shown the drawings that the developer has now shown more of what they're going to do. But after two years, why has it taken so much pressure to even show a more developed plan. That should have been something provided to the public so they can understand what they are planning to do. She pointed out that color and texture cannot change the height of a building. It's great that they are going to be working on those things. The fact of the matter is that it's very large and it will be a precedent setting down there. She is a downtown resident and she is affected by traffic on Central Avenue. She and her husband have one car and we are in the minority of people who live downtown. Most people drive everywhere. Even people living in one-bedroom or studios for about \$2,000 a month have two cars, they're driving to the grocery store. And people drive to the train station who live up here. She drives to the train station sometimes when the weather is not good. This idea that people won't be driving, who are these people? She asked why the residents at Franklin Courts have not been asked what they want or what they need. Why does the Trustee have to ask if it's okay to reach out to the residents at Franklin Courts? Shouldn't that have been the first thing?

Monica Shepard, 71 Miller Avenue, noted that she agrees with Howard and others who have concerns about the project in general. There was a lot of work done with the Tarrytown Connected project, which was a full Comprehensive Plan and some zoning for the Station Area and the ideas

within that were pretty community driven and community minded. She believes that most residents would love to see the area down by the train station improved, but something has happened with this project over the past year and it has ballooned to the point where it's not in keeping with the nature of this town that we love to live in. It's huge compared to everything else in the Village. There is a lot about the proposed building that doesn't create a community. It's missing the basic resources like groceries, drugstore, dry cleaner and restaurants. Where are those people going to go for all of that? Are they going to get on the train and get off the train somewhere else to go to the dry cleaners? There's nothing down there. She believes that it will set a precedent. The Planning Board approved rezoning for 29 S. Depot, as well as several other lots of land that are down there, with the idea that all of that's going to get developed. Whether you want to say it's legally binding or not, it does set a precedent. She is not against development, not against progress. It will be great to have more neighbors and more people in our town. But this is too big, it's too much. There are other developments that are happening also and more to come. It's just too much.

Barbara Goodman Barnett, 104 Main Street and a member of TEAC, noted that she moved to Tarrytown over 10 years ago because of the open space, the river views and the small town diversity and charm. Stanley Friedlander, Chairman of the Planning Board, states in his minority report that the 29 S. Depot Plaza zone change has been the most difficult and contentious decision in his 48 years. She believes in the minority report, there are too many unanswered questions. She believes it is a critical decision. Tarrytown is at a tipping point and the height and density of the proposed structure sets a tone for the future of Tarrytown. She believes that the developers are running the show and that the current proposal does not provide any significant public benefit that will improve the quality of life for Village residents. How in good conscience can you go along with this proposal? She has spoken at many meetings over the last year about the pandemic. We have adjusted our daily lives dealing with the virus wearing masks, social distancing, washing hands more often, some of these practices may stay with us even after the pandemic is over. Work patterns have been transformed. Most people are working remotely and may continue to do so. Ridership on Metro North may be down indefinitely. Why would we need 88 units just a few feet away from the train if people are working at home? Schools have been experimenting with hybrid schedules and that might end up being a model for education in the future. We just don't know. There is going to be a new normal and that may affect future development in our Village. It seems irresponsible that we would move forward on this proposal until we have definite answers to important questions and a realistic vision of the future of Tarrytown.

David Barnett, 104 Main Street, noted that somehow this debate has turned into those against and for affordable housing. He is in favor of affordable housing, as long as it's done intelligently. He doesn't know why this is even part of the debate because he is not convinced that 29 S. Depot Plaza qualifies as affordable housing. He's also for new development in Tarrytown, but not like projects like 29 S. Depot Plaza because of the height, scale and the density proposed. It seems to benefit the builder way out of proportion to the Village. He can't recall anyone asking why Tarrytown isn't erecting more tall towers in order to finally cover those pesky Hudson River views. It's obvious why the developer wants to pursue this project - profit. The larger the project, the larger the profit. He doesn't understand why the majority of the Planning Board is in favor of this project. To quote from the minority report, the zone changes was prepared by the applicant for his goals and purposes and not necessarily in the Village's interest. After reading the minority

report, and hearing 90% of Tarrytown residents who voiced their disapproval, he is puzzled why none of our concerns are being addressed. Why is the Board accepting this as "take it or leave it" attitude by the developer? Except for Mr. Friedlander and Mr. Birgy, the Planning Board is not hearing a word we were saying. Why are the taxpayers being ignored? It's bad enough for that you only allow us three minutes to speak, barely sufficient time to voice our opinions on a project that will set serious precedents for major developments in the future. But even those few minutes fall on deaf ears. He feels the only place these concerns seem to be addressed are in the Planning Board's minority report. He feels as though there's a hidden agenda taking place. And the residents of Tarrytown will only see the results of that agenda once this project is approved and watch the development of other projects following years to come. He was under the impression that the Board is supposed to represent the people of this Village, not developers who build their projects, take their profits and go on to the next town and their next development. While we have to live here with these decisions forever.

David Janes, 83 Main Street, noted that while he is supportive of riverfront development, a 60 ft. building is not in keeping with the character of our Village and will transform our Village into something more akin to Yonkers. He wants to voice his strong opposition to a building of the height being proposed on this particular site at the riverfront.

Howard Jaffe, Tarrytown resident, noted that he can see the points from the minority report from the Planning Board, but at the same time, the developer has to make a living. But in this case, the developer won't make a living, they will make a windfall. Subsidized housing, which is called Affordable housing in New York City goes for the land value of \$65 a buildable foot, market level housing goes for about \$175 to \$200 a foot. That's just the acquisition of land and building costs in New York City are a lot higher than in Tarrytown. When you factor in all of the cost factors, and you then go the market rents that are presenting themselves in Tarrytown, you're talking about rentals that are equivalent to many areas of Manhattan and Brooklyn. People want to get out of the city and they're building up those rents. You only have nine units of affordable housing here. So there's going to be windfall of money coming to the developers. If they are going to make that much money, they can certainly reduce the size of their project.

Lizzette Mendes-Boyer, Grove Street, thanked Sadie McKeown and Professor John Nolan for their informative presentations tonight. It's important to understand that zoning must be consistent with a comprehensive plan. It's necessary to have the voices of the community be heard and the voices of the community from 2018 where 400 people met over 19 meetings, we cannot forget their voices. She is in support for this transit oriented development, because it does provide mixed income housing and there is going to be a demand for much needed workforce housing. It is sustainable because it's going to be built near the train station, it will encourage walkability. She loves the idea of the Zipcar. We are living in the 21st century, there are many solutions with apps that we can come up with to reduce traffic issues in Tarrytown. In regards to flood mitigation, the developers are going to have to respond to that and meet the requirements of FEMA. The project is going to create a mixed income neighborhood. People are asking, what are the benefits for us, the tax payers here, the residents of Franklin Courts and the Franklin Tower are also taxpayers, and they are also a part of our community. We do have to consider their needs and she loves the idea of involving them in this development because they are going to be the ones most affected. Traffic is a real issue and this is something that we do have to look into some more. But that should not

stop this project. Neither of the views that people are worried about when we see a diagram that shows that most of us are above the 65 ft. level in elevation. Based on the Comprehensive Plan, this is one of the best spots to put a building. I do question the height and the massing. She hopes that the architecture develops into something that's more appropriate, but also contemporary, because this is the 21st century. She did read the minority report and what she got out of it was that as long as we get amenities for the town, then everything will be okay.

Doug Fox, 42 N. Washington Street, noted that the Board of Trustees would be well advised to go to Yonkers to see how the developments and the buildings down the waterfront are doing as far as rentals and what kind of impact they have actually had for their community in that area. Mike Love was speaking about retail issues that were running into difficulties that retailers were having working in that area. He doesn't see this development, this building, specifically, does anything to help the retail community being able to sustain people living in the area in any way going forward the way it is. He does see this the beginning of an attempt to build a whole series of buildings starting from the south all the way across up until you get to Sleepy Hollow. And the buildings would be basically the same, that's what this is all about. Precedents will be set, no matter what you say about legally binding or anything. The Board set the height at 60 ft. But now that we're looking at the actual balloons flying, which seemed like that was kind of a pop up thing that nobody really knew about. And then to see the actual effect on the iconic view of Tarrytown, which is the bridge that does have effect on everybody. He agrees with the minority report and this issue is not about low incoming housing or anything like that. Everybody who has spoken about that issue has basically said that they don't mind the idea of low income housing. He thinks it is important. He feels that people who are in the lower part of the income stream are not going to have a place to stay when this place starts getting built up for more and more of this kind of housing for these kinds of incomes. That's really what it comes down to.

Olivia Gerth, LeGrande Avenue, noted that she supports a fully researched, responsibly scaled development that's density sustainable within the community, which is not the current proposal. As it was stated earlier, decisions should be based on facts substantiated on the record. She thinks a large problem at least one before the Planning Board was the lack of facts, or at the very least, not addressing concerns from the public. Now we are before the Board of Trustees and we have a traffic study submitted earlier this year that's incomplete in scope. The slideshow from tonight sites to a study that in part relies on 2013 traffic data. The effects from 88 units cannot be viewed in a vacuum, there are effects from other developments in the area. There are pandemic effects on commuting, housing work. The fact that living across from a train station doesn't alleviate the need for vehicles for grocery runs and other errands. These are all parts of the big picture. At the December 7th Board of Trustees meeting, a member of the Tarrytown Environmental Advisory Council read a statement stating that no adequate environmental testing results were publically available relating to this project and that more information is needed before approvals. This is also noted in the Planning Board's minority report that more environmental impact studies need to be done. That is concerning as well. She noted that the balloon tests that was done post negative declaration from the Planning Board, it doesn't seem insightful to recommend a height variance prior to seeing the actual impact on the public view shed, which appears to be more consequential than was represented. Another concern is from the minority report, point 11, specifically, goes through a comprehensive list of all the deficiencies and questions left unanswered post negative declaration. She urged the Board to read through if they have not done so already. She hopes that

those questions become answered prior to moving forward with this development. As much as the discussion on this development has been going on for some time, it seems like some important issues are still unresolved. She urged this Board not to support the text amendment, especially in the pandemic and even more so without the complete picture.

Amy Wessan, 85 Main Street, asked what this building is adding to the Village, storage, we already have storage on the north side of the tracks. 88 apartments, these rents are not low. We only have the nine low income units. She fully supports low income housing, but this is not low income housing. Is it adding to the Village? Architecturally, no, it's not adding anything in that department. Because architecturally it should fit in and be a warmer gateway to the Village. This is where everybody comes off the train. Now there's going to be a large blocky wall running as you pull into Tarrytown and then you get off the train and you see this thing. What else is it adding to the Village? It's going to add more cars because the 88 units have to go get groceries. Are they going to ride on the train holding their groceries? No, they're going to have to ride around in cars, they're going to have to go to the supermarket and to the dry cleaners and their errands, pick the kids up at school. She feels that this just doesn't make sense. They will have cars. What else is it adding to the Village? We saw it happen at the end of Beekman Avenue with the parking garage that's just gone up at the Edge on Hudson. Now there's all this negative feelings and vibes that are saying, how did that happen? We didn't realize it was going to be that tall. Wow, it's blocking the view of the lighthouse. This is our opportunity at this point to really create a vision for this area, architecturally it should be seamless with Main Street. She's all for development. We could have a lovely two to three story historic looking Village or even contemporary buildings. She's all for that, keeping it a seamless integrated Village. We are allowing the developers to create the vision. The Planning Board and this Village should put forth what we want and then let the developers come. We are doing it backwards. That's how it seems to her. She strongly urges everybody to read the minority report that Paul Birgy and Stanley Friedlander wrote, it is a must read. She hopes and prays that the Board of Trustees looks at what the questions that were put forth and answers them. It will be very disappointing if you don't.

Suzanne Bartolacci, 67 Miller Avenue, noted that her primary concerns are about the density, the traffic and the height of the building that is being proposed. She believes that it will set a precedent in the Village for other development that will take place down by the waterfront. She doesn't blame the developers for trying to make money, that's what they do. But, it is the role of our Village Trustees to protect the interests of the Village residents. There is more work to do, traffic study and addressing other impacts. She thinks it's premature to come to any kind of decision on this development. It doesn't sit well with her that the proposed number of units has ballooned from 44 units to 88 units, with no real explanation of why the economics now suddenly won't work for anything smaller than 88 units. One of her big concerns living in the Miller Park neighborhood is the traffic and the extra cars that will be on the roads. The people who will live in the 88 units will need to go to the supermarket and run errands. The traffic study has been based on the 2013 study, which is too dated. She had a traffic study done in her neighborhood several years ago, when we were concerned about the speeding, and we were trying to get the speed limit in our neighborhood reduced from 30 to 25 miles per hour. We had more than 2,000 cars drive past our house each day, according to the traffic study, which blew her away. She feels it has gotten worse, especially on the weekends. She thinks the residents of the transit oriented developments will be driving around on the weekends. It's a real problem, causing more traffic in

our neighborhoods. Her other concern is about the financials. When they talk about the school taxes. They mentioned in their report that there's going to be \$278,000 of incremental school taxes for the 88 units and that compares to \$85,000 for the self-storage, it's roughly a difference of \$200,000. If you look at the school budget, total expenditures were \$79 million, which is about \$2,888 school population, that's \$27,000 per student. So that's seven school aged children, by her estimation, they would need to not increase the tax burden on the residents. She thanked Deputy Mayor McGovern for suggesting to set up a dialogue between the residents of Franklin Courts, because they will probably be the most impacted out of anyone.

Jeannie Michael, 37 Hamilton Place, noted that she doesn't think she would be comfortable living above storage, where people who don't live nearby necessarily are coming. And there may be a higher risk for fire. She has not found anything on the internet with mixed use with storage and residential. She thinks the developer should show where this has already been done to get a feeling on how that worked out. She supports mixed income and particularly low income housing. She thinks we need it. If we are going to give up a large space and something going up that high, she would like to see at least 40 units of low income housing for people, because then it would be worth whatever we might be giving up for it.

Harley Dembert, 85 Main Street, noted that he does align himself with those who are dissenting about this. He is not against growth being done down by the river in Tarrytown, he thinks it's a great idea. We need to address the questions. Tarrytown was voted by Forbes Magazine one of the ten prettiest Villages in America. We obviously want to keep that and he believes that we should develop in terms of how we are going to maintain that status. Is a big boxy building like this going to contribute to that or take away from that? When the developer noted that Village Hall is 55 ft. and his is only going to be 5 ft. higher. It is his understanding that if you are going to be building down towards the river, shouldn't the buildings be smaller there and gradually get larger, not the reverse of that. The developer spoke about Yonkers, do we really want to become Yonkers? We sued Sleepy Hollow because we were concerned about their development and the impact on traffic and yet, here we are, we're now contributing to traffic. So why is this being rushed, before we work this out? The traffic report was utterly ridiculous. It is his understanding that it was originally going to be a three-story combination of 46 residents, then it increased to a four story with 69 units and self-storage. And now it is a five story, 60 ft. high, 300 ft. long combination of 88 residential units and self-storage. If he was the developer, he would want to go for the max, he wants to make a killing, not just a tiny profit. That's the incentive. He thinks it's okay if the developer goes with the original plans. Even if it's four stories and 69 residential units, as long as it maintains the quality.

Dr. Claudia Luis, 32 Park Avenue, noted that her street is going to get impacted on the extra vehicles and traffic coming from this development. It's difficult now to get onto Broadway with the traffic. She thinks that this is going to be terrible for the tourist attraction, which Tarrytown enjoys especially around Halloween and now the new bridge which has this wonderful three-mile access and there's going to be no place for the cars. The cars that the low income housing are going to bring in are going to be junky cars, which means that they're going to be breaking down. She knows this because she drives one. She is really concerned about what's going to happen with the traffic and the cars.

Jonathan Linderbaum, Upper Westside in New York City, noted that he believes that this development would add about 100 cars and probably less since the development is within spitting distance of the train, which would virtually have no impact on real traffic patterns outside of rush hour. In adopting the Comp Plan, the Village of Tarrytown has chosen to recognize that the Village is fundamentally connected to the needs of the broader region of Westchester and the Greater New York area. It shows in particular that the Village has chosen to recognize that there are people who don't get to speak here today. We hear from people who live in Tarrytown. We don't get to hear from people who want to, but can't live in Tarrytown. It shows that the Village is interested in working to accommodate these people through affordable housing. Something that's pretty rare in Westchester. Ideally he'd like to see more, but I understand there are constraints when private developers are involved. It's important to remember that there's another side along with the nine affordable units, there are 79 market rate units. And believe me, people are interested in those units. Tarrytown is a great community, he has biked through Tarrytown a bunch of times. It is completely understandable that people would want to share it by moving there permanently. It's a credit to the Village that concerns about flooding is not enough to dissuade them. No dry cleaning. That's okay. They'll build one. But that gets to the other choice that Tarrytown has to face. People want to move in. There are two options, accommodate them or refuse to. Building new housing accommodates them and allows them to live in a walkable dense community that remains fundamentally a small town. Refuse to accommodate them, don't build new housing and they will outbid longtime renters in Tarrytown and displace them from the Village. That's a terrible situation and should be avoided. It can be avoided by building housing. He can't sympathize with people who worry that Tarrytown is getting too big because too big for whom? Tarrytown is on Metro North and people want to get out of the city, you can either build for them or you can let them displace longtime residents. That's your choice.

Brenda Fracaroli, 24 Independence Street, noted that she has concerns about the negative impact on her health. The exhaust from the cars and more commercial vehicles in the area. The density is too much. She's concerned about the noise, especially after hours and the lighting. She is concerned about what is being recommended or proposed to go into the retail that they talked about. She's concerned about any aromas that may be emitted from restaurants. If you have ever gone to Bed Bath and Beyond on 119, you can smell that Burger King from far away and she doesn't want to smell anything like that at her home. She already has issues with outdoor burning and it's just too much, it's a negative impact on her health. The noise is a problem with commercial vehicles. Where are the commercial vehicles in that area going to park, where are they going to drop off? If there is retail establishments there, you are going to have a lot more commercial deliveries and trucks going in and out. They haven't said anything about visitor parking for the 88 units of housing. People who live there will want to have guests and not everybody is going to ride the train. She asked the Board of Trustees to consider those things in making a decision. It's just too dense.

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby continue the public hearing to Monday, January 4, 2021, at 7:00 p.m., at the Regular Tarrytown Village Board Meeting to be held either via in-person meeting, or Zoom Video Conference, depending on

the State's directives about gatherings under NY on Pause to hear and consider a proposed amendment to the Code of the Village of Tarrytown, Chapter 305 Zoning, to add provisions for Transit Oriented Development in the "ID" Zoning District.

Roll Call –Mayor Butler, Yes, Trustee Brown, Yes, Trustee Hoyt, Yes, Trustee McGovern, Yes, Trustee Rinaldi, Yes, Trustee Zollo, Yes

Administrator Slingerland noted for the record, we want to let everybody know that they do have the opportunity to send in their written comments, we will pass them along to the Village Clerk and we'll also share them with the applicants and the Board so that if anybody has any concerns and you would like to put in writing. We certainly had a lot of people speak, it is now 3.5 hours into the Board meeting and we actually do have other business to get through. He appreciated everybody being here. We appreciate everybody's comments, which he is sure everybody on the Board is taking seriously. He thanked everyone who spoke this evening.

PUBLIC HEARING ON A PROPOSED LOCAL LAW TO AMEND CHAPTER 243 ENTITLED "SEWERS" REGARDING VILLAGE STAFF AUTHORIZED TO ISSUE VIOLATIONS PURSUANT TO THIS SECTION OF THE CODE (Adopted)

A local law to amend Chapter 243 of the Code of the Village of Tarrytown entitled "Sewers"

Section 1. Be it enacted by the Board of Trustees 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 2. Amending sections of Chapter 243: the following sections of Chapter 243 shall be amended as follows:

I. Article I. Sanitary Sewers

A. § 243-1. Definitions.

As used in this article, the following terms shall have the meanings indicated:

BUILDING INSPECTOR – The Village of Tarrytown Building Inspector or his or her authorized designee.

HOUSE DRAIN — That part of the lowest horizontal piping of a drainage system in any building which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to a point five feet outside the inner face of the building wall, where the house sewer begins.

HOUSE SEWER — The pipeline extending from the house drain of any building to the public sewer or other approved place of disposal.

HOUSE SEWER CONNECTION — A connection between the house sewer and either the public sewer or a septic tank or other private sewage disposal facility.

OWNER — Includes the tenant, lessee, occupant or user of any premises and the person having the control or management of the premises.

PERSON — Any individual, firm, company, association, society, corporation or group.

~~PLUMBING INSPECTOR — The duly appointed Plumbing Inspector of the Village of Tarrytown or his authorized deputy or representative.~~

PLUMBING SYSTEM — Comprises the house water supply system, the drainage system,

the vent system and the gas supply system, including their respective fixtures, traps, connections and appurtenances within the property lines of the premises.

PRIVATE SEWAGE DISPOSAL FACILITIES — Any facilities for disposing of sewage which are not connected, directly or indirectly, to a public sanitary sewer.

PUBLIC SEWER — A pipeline for the disposal of sewage owned by the village, with respect to which all owners of abutting properties have equal rights and to which storm-, surface and ground waters are not intentionally admitted.

PUBLIC STORM DRAIN — A pipeline which carries storm- and surface waters and drainage to the exclusion of sewage and industrial wastes other than unpolluted cooling water and which is owned by public authority.

SEWAGE — A combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground-, surface and storm waters as may be present.

SUPERINTENDENT – The Village of Tarrytown Superintendent of Public Works or his or her authorized designee.

B. § 243-3. Duties of ~~Plumbing Inspector~~ **Building Inspector**.

It shall be the duty of the ~~Plumbing Inspector~~ **Building Inspector** to receive and pass upon all plans submitted; to endorse applications for sewer permits; to collect all fees provided in this article and to pay the same over to the Village Treasurer monthly; to inspect all buildings in the course of erection, alteration and repair; and to see that all plumbing, drainage, ventilation and sewer connections are installed in accordance with the provisions hereof; and for that purpose, he shall have the power to inspect all plumbing, drainage and ventilation whenever he deems it necessary.

C. § 243-4. Right of entry.

The ~~Plumbing Inspector~~ **Building Inspector** or the ~~Water/Sewer Foreman Superintendent~~, or their duly authorized representatives, shall have the right at all reasonable times to enter in and upon any premises in the village for any purpose deemed necessary for inspection, observation, measurement, sampling, testing and enforcement under the provisions of this article.

D. § 243-5. House sewer connections; private sewage disposal facilities; connections to public storm drain.

All house sewer connections, all private sewage disposal facilities and all connections to a public storm drain shall be constructed, installed, repaired and maintained under the supervision and control of the ~~Plumbing Inspector~~ **Building Inspector**.

E. § 243-6. Permit required; application; inspections; fees; certificates of approval.

A. No person shall make any new plumbing installation or repair any old work or make any house sewer connection or any connection to a public storm drain or uncover, use, alter, disturb or repair the same or construct any private sewage disposal facilities unless a permit therefor has been issued by the ~~Plumbing Inspector~~ **Building Inspector**. No

- such permit shall be issued if there are existing violations of this article on the premises or if the sanitary drainage or vent system is defective in any way.
- B. Application for a permit must be made by the plumber engaged to do the work, on such forms as may be prescribed by the village. The application shall be accompanied by floor plans and sections showing all sewers, drains, soil lines, waste lines, vent pipelines, septic tanks, cesspools or other private sewage disposal facilities; the location of fixtures, their traps and connections; and any other plans, surveys, maps and information which the ~~Plumbing Inspector~~ Building Inspector may require to show clearly the work to be done. All data in the files of the Water and Sewer Department of the village respecting the location of public sewers, house sewer connections and public storm drains will be made available by the ~~Water/Sewer Foreman~~ Superintendent, but neither he nor the village shall be responsible for the correctness thereof.
- C. If the proposed work conforms in all respects to applicable laws, ordinances and regulations, a permit shall be issued to the licensed plumber engaged to perform the work and shall be limited to the work for which the application was made. Such permit shall be kept at all times at the site or place where the work is being performed and shall be displayed upon request to a police officer or any other authorized person.
- D. No modification of approved plans or of the work described therein shall be permitted unless the same as been previously allowed by the ~~Plumbing Inspector~~ Building Inspector on the written application of the licensed plumber.
- E. The connection of a house sewer to a public sewer shall be made only in the presence of and under the inspection of the ~~Plumbing Inspector~~ Building Inspector or a representative. The permit must at all times be kept on the site of the work available for inspection by the ~~Plumbing Inspector~~ Building Inspector.
- F. At least 24 hours' notice shall be given to the ~~Plumbing Inspector~~ Building Inspector by the licensed plumber, from time to time, when any part of the work, including house sewer, drains, pipelines, septic tanks, cesspools, connections, etc., is ready for inspection, and no part of the work shall be covered until it has been examined, tested and approved by the ~~Plumbing Inspector~~ Building Inspector.
- G. On all work where the fixtures do not exceed 10, a minimum fee as adopted by resolution of the Board of Trustees shall be charged for the permit and a charge as adopted by resolution of the Board of Trustees shall be charged for each additional fixture. Automatic clothes washers and automatic dishwashers shall be considered each as a fixture. An additional charge as adopted by resolution of the Board of Trustees, payable before a certificate of approval is issued, shall be made for each additional inspection, including inspection of any house sewer, house sewer connection or septic tank connection and any inspection which may be required because of improper installation, violation of ordinance or inability to pass tests or because inspection is called for and work is not ready or because of any other cause beyond the control of the ~~Plumbing Inspector~~ Building Inspector.
- H. Upon the completion of the work covered by the permit in compliance with this article the ~~Plumbing Inspector~~ Building Inspector, after inspection, shall issue a certificate of approval of the work. No such work shall be used until a certificate of approval is issued.
- F. § 243-7. Private sewage disposal.
- A. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of

sewage.

- B. The ~~Plumbing Inspector~~ **Building Inspector** shall not issue any permit for the construction of any private sewage disposal facilities unless the applicant has first applied, in writing, to the Board of Trustees, and said Board has found that the building in question cannot be connected to any public sewer.
- C. The type, capacities, location and layout of private sewage disposal facilities shall comply with all the recommendations of the Department of Public Health of the State of New York. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Department of Health of the State of New York or the Westchester County Department of Health.
- D. Whenever a public sewer becomes available to a property served by private sewage disposal facilities, the house sewer shall be connected to the public sewer, in compliance with this article, within 90 days thereafter, and the private sewage disposal facilities shall be abandoned, cleaned of sludge and filled with clean bank-run gravel or dirt.

G. § 243-8. Installation of house sewers.

- A. No house or other building shall be erected on land abutting that portion of any street serviced by a public sewer unless suitable toilet facilities are provided and provision is made for connecting the effluent to the public sewer.
- B. All costs and expense incident to the installation, connection and maintenance of a house sewer shall be borne by the owner.
- C. A separate and independent house sewer shall be provided for every building.
- D. Old house sewers may be used in connection with new buildings or new plumbing only when they are found, on examination and test by the ~~Plumbing Inspector~~ **Building Inspector**, to conform in all respects to the requirements hereof.
- E. House sewers and house sewer connections must be constructed of extra-heavy cast-iron pipe and shall be a minimum of four inches in inside diameter and properly connected by a 1-45 bend with a four-inch minimum diameter branch on the public sewer or an alternate connection approved by the village.
- F. All house sewers, drains and horizontal soil and waste pipes must be laid as straight as possible, with any changes in direction made with proper approved fittings and all such pipes given a fall of at least 1/4 inch per foot and as much more as may be practicable in each case. No house sewer shall be covered until it has been examined and approved by the ~~Plumbing Inspector~~ **Building Inspector**.
- G. Whenever possible, the house sewer shall be brought to the building at an elevation below the basement floor. Where any house drain is too low to permit gravity flow to the public sewer, sewage carried by such house drain shall be lifted by an approved means and discharged to the house sewer in such manner as the ~~Plumbing Inspector~~ **Building Inspector** shall approve.
- H. No person shall connect any roof downspout, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to any house sewer or house drain which in turn is connected directly or indirectly to a public sewer.
- I. House drain; drainpipes; running traps.
 - (1) The house drain shall be of extra-heavy cast iron with a four-inch minimum diameter when underground and of extra-heavy cast iron, galvanized wrought iron or steel, brass or copper water tube, Type K, L, M or DWV, when above ground.

- (2) The minimum diameter of horizontal drainpipes receiving the discharge of at least one water closet shall be four inches.
 - (3) The minimum diameter of vertical drainpipes receiving the discharge of not more than five fixtures may be three inches. When two of these fixtures are water closets, the minimum shall be four inches.
 - (4) An iron running trap must be placed in the house drain near the front wall of the house. The house trap must have two cleanouts with brass-cap ferrules caulked in. Improved iron traps shall not be permitted. A cleanout Y shall be installed ahead of the house trap.
 - (5) Brass screw caps for cleanouts must be extra heavy, with a solid hexagonal nut not less than one inch high, with at least a diameter of 1 1/2 inches.
 - (6) When the plumbing system of any building is altered by the addition of new soil, waste or vent lines and no house trap and fresh-air inlet exist on the house drain, the same shall be provided. Such fresh-air inlet shall be four inches in diameter.
 - (7) No curb box or similar device with grating placed in sidewalk will be permitted for fresh-air inlet.
- J. In alteration work where it is not practicable to ventilate a water closet, urinal compartment or bathroom by windows or a skylight directly to the outer air, there may be provided an approved vent duct extended to the outer air which must be equal in area to at least 144 inches, or an approved exhaust fan.
- K. Piping of the water distributing system inside a building shall only be copper tube, Type K or L, or threaded red brass or copper pipe, iron pipe gauge.
- L. All house sewers and house sewer connections must be maintained in good working condition at the expense of the owner. All necessary repairs shall be promptly made in compliance with the provisions of this article.

H. § 243-9. Penalties for offenses; enforcement.

- A. Any person who violates any provision of this article or who owns or occupies property upon which such violation takes place shall be served by the ~~Plumbing Inspector~~ **Building Inspector** with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. In the event that said violation is not corrected within the period of time stated in such notice, such person shall be punishable as provided in Chapter, I, General Provisions, Article II. Each day in which such violation shall continue after the expiration of the time limit specified in the notice of violation shall constitute a separate and additional offense. If the violation is committed by a licensed plumber, said license may be revoked in accordance with the provisions of Chapter 209, Licensing, § 209-9.
- B. If the sewage from any building cannot be rendered harmless to the public sewers or in the event that any order of the ~~Plumbing Inspector~~ **Building Inspector** to comply with any requirements of this article is not complied with within the period specified therein, the ~~Water/Sewer Foreman~~ **Superintendent** shall have the right to disconnect the premises affected from the public sewer system until the violation has been removed.
- C. The ~~Plumbing Inspector~~ **Building Inspector** shall have the right to revoke any permit issued by him in the event that any law or ordinance is violated in the course of the performance of work done under such permit. Notice of such revocation shall be served

upon the person to whom the permit was issued personally or by registered or certified mail, return receipt requested, addressed to such person at his address set forth in the application for such permit, and shall state the reason for such revocation.

- D. All the above penalties are cumulative, and any one or more may be imposed in addition to the imposition of any other penalties. Any penalties shall be in addition to the right of the village to seek enforcement by civil action for an injunction or other remedy and also in addition to any civil liability to the village for damages.

II. Article II. Disposal of Sewage and Wastes

A. § 243-10. Definitions

As used in this article, the following terms shall have the meanings indicated:

BOD (denoting "biochemical oxygen demand") – The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C., expressed in milligrams per liter.

BUILDING INSPECTOR – The Village of Tarrytown Building Inspector or his or her authorized designee.

~~**FOREMAN – The Water/Sewer Foreman of the Village of Tarrytown or his authorized deputy or representative.**~~

GARBAGE – Solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

INDUSTRIAL WASTES – The liquid wastes from industrial manufacturing processes, trade or business, as distinct from sanitary sewage.

NATURAL OUTLET – Any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

PERSON – Any individual, firm, company, association, society, corporation or group.

pH – The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

PROPERLY SHREDDED GARBAGE – The waste from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch in any dimension.

PUBLIC SEWER – A pipeline for the disposal of sewage owned by the village, with respect to which all owners of abutting properties have equal rights and to which storm- , surface and ground waters are not intentionally admitted.

SEWAGE – A combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground- , surface and storm waters as may be present.

SEWAGE TREATMENT PLANT – Any arrangement of devices and structures used for treating sewage.

SEWAGE WORKS – All facilities for collecting, pumping, treating and disposal of sewage.

SLUG – Any discharge of water, sewage or industrial waste which, in concentration of any given constituent or in quantity of flow exceeds, for any period of duration longer than 15 minutes, five times the average twenty-four-hour concentration or flows during normal operation.

SUPERINTENDENT – The Village of Tarrytown Superintendent of Public Works or

his or her authorized designee.

SUSPENDED SOLIDS – Solids that either float on the surface of or are in suspension in water, sewage or other liquids and which are removable by laboratory filtering.

WATERCOURSE – A channel in which a flow of water occurs either continuously or intermittently.

B. § 243-12. Use of public sewers

- A. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any public sewer.
- B. Stormwater and all other unpolluted drainage shall be discharged to public storm drains or to a natural outlet approved by the **Foreman Superintendent**. Industrial cooling water or unpolluted process water may be discharged, on approval of the **Foreman Superintendent**, to a public storm drain or natural outlet.
- C. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:
 - (1) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
 - (2) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, to constitute a hazard to humans or animals, to create a public nuisance or to create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two milligrams per liter as CN in the wastes as discharged to the public sewer.
 - (3) Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.
 - (4) Solid and viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works, such as but not limited to ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, paint, plastics, woods, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers and so forth, either whole or ground by garbage grinders.
- D. Unacceptable wastes. No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely, in the opinion of the **Foreman Superintendent**, that such wastes can harm either the sewers, sewage treatment process or equipment, can have an adverse effect on the receiving stream or can otherwise endanger life, limb or public property or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the **Foreman Superintendent** will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, the materials of construction of the sewers, the nature of the sewage treatment process, the capacity of the sewage treatment plant, the degree of treatability of wastes in the sewage treatment plant and other pertinent factors. The substances prohibited are:
 - (1) Any liquid or vapor having a temperature higher than 150° F. (65° C.) at the point of entrance into a public sewer.

- (2) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 milligrams per liter or containing substances which may solidify or become viscous at temperatures between 32° and 150° F. (0° and 65° C.).
 - (3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower (0.76 horsepower metric) or greater shall be subject to the review and approval of the Foreman Superintendent.
 - (4) Any waters or wastes containing strong acid, iron-pickling wastes or concentrated plating solutions, whether neutralized or not.
 - (5) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances or wastes exerting an excessive chlorine requirement to such a degree that any such materials received in the composite sewage at the treatment works exceed the limits established by the Foreman Superintendent such materials.
 - (6) Any waters or wastes containing phenols or other taste- or odor-producing substances in concentrations exceeding limits which may be established by the Foreman Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies of jurisdiction for such discharge to the receiving waters.
 - (7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Foreman Superintendent in compliance with applicable state and/or federal regulations.
 - (8) Any waters or wastes having a pH in excess of 9.5.
 - (9) Materials which exert or cause:
 - (a) Unusual concentrations of inert suspended solids (such as but not limited to fuller's earth, lime slurries and lime residues) or of dissolved solids (such as but not limited to sodium chloride and sodium sulfate).
 - (b) Excessive discoloration, such as but not limited to dye wastes and vegetable tanning solutions.
 - (c) Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
 - (d) Unusual volume of flow or concentration of wastes constituting slugs as defined herein.
 - (10) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed or are amenable to treatment only to such degree that the sewage treatment plan effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- E. Deleterious wastes.
- (1) If any waters or wastes are discharged or are proposed to be discharged to a public sewer, which waters contain the substances or possess the characteristics enumerated in Subsection D and which, in the judgment of the Foreman Superintendent, may have a deleterious effect upon the sewage works, processes, equipment or receiving waters or which otherwise create a hazard to life or constitute a public nuisance, the Foreman Superintendent may:
 - (a) Reject the wastes.

- (b) Require pretreatment to an acceptable condition for discharge to the public sewers.
- (c) Require control over the quantities and rates of discharge.
- (2) If the Foreman Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Foreman Superintendent and subject to the requirements of all applicable codes, ordinances and laws.
- F. Grease, oil and sand interceptors shall be provided when, in the opinion of the Foreman Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Foreman Superintendent and shall be located as to be readily and easily accessible for cleaning and inspection.
- G. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.
- H. When required by the Foreman Superintendent, the owner of any property serviced by a house sewer carrying industrial wastes shall install a suitable control manhole, together with such necessary meters and other appurtenances in the house sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the Plumbing Inspector Building Inspector. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.
- I. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this article shall be determined in accordance with standards established by State and County Health Departments and shall be determined at the control manhole provided or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the house sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon sewage works and to determine the existence of hazards to life, limb and property. The particular analyses involved will determine whether a twenty-four-hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four-hour composites of all outfalls, whereas pH's are determined from periodic grab samples.
- J. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the village and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the village for treatment, subject to payment therefor by the industrial concern.
- C. § 243-14. Penalties for offenses; enforcement.
- A. Any person who violates any provision of this article other than this section or who owns or occupies property upon which such violation takes place shall be served by the Foreman Superintendent with written notice personally or by registered or certified

mail, return receipt requested, stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. If such person is a licensed plumber, such notice shall be sent to his address set forth in his license application. If such person is the owner of the property, such notice shall be sent to his address set forth on the most recent village assessment roll. If such person is an occupant, then such notice shall be sent to the premises where the violation exists. In the event that said violation is not corrected within the period of time stated in such notice or in the event of a violation of § 243-13, such person shall be punishable as provided in Chapter 1, General Provisions, Article II. Each day in which any such violation shall continue after the expiration of the time limit specified in the notice of violation shall constitute a separate and additional offense. If the violation is committed by a licensed plumber, said license may be revoked in accordance with the provisions of Chapter 209, Licensing, § 209-9.

- B. If the sewage from any building cannot be rendered harmless to the public sewers or in the event that any order of the Foreman Superintendent or the Plumbing Inspector Building Inspector to comply with any requirements of this article is not complied with within the period specified therein, the Foreman Superintendent shall have the right to disconnect the premises affected from the public sewer system until the violation has been removed.
- C. All the above penalties are cumulative, and any one or more may be imposed in addition to the imposition of any other penalties. Any penalties shall be in addition to the right of the village to seek enforcement by civil action for an injunction or other remedy and also in addition to any civil liability to the village for damages.

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.

Trustee Hoyt moved, seconded by Trustee Zollo and unanimously carried, that the hearing be opened.

There were no speakers.

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

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve the amendment to the Code of the Village of Tarrytown, Chapter 243, entitled "Sewers" for the

purpose of updating the language in this section to reflect that the Superintendent of Public Works, the General Foreman or Highway Foreman may issue violations pursuant to this section of the Code; and

WHEREAS, a notice of public hearing was published in the Journal News on December 10, 2020

WHEREAS, a public hearing was held on the proposed action on December 21, 2020; and

WHEREAS, the Board of Trustees of the Village of Tarrytown is the only agency which has approval authority over the Proposed Action and is therefore the Lead Agency for the Proposed Action.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

In accordance with Article 8 of the State Environmental Conservation Law and 6NYCRR Part 617, including without limitations the criteria set forth in 6 NYCRR Part 617.7(c) and based upon review of the Proposed Action, the Village Board of Trustees hereby determines that the Proposed Action will not have a significant adverse impact on the environment, and hereby adopts a Negative Declaration.

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby adopt these changes as Local Law No. 9 of 2020.

Roll Call –Mayor Butler, Yes, Trustee Brown, Yes, Trustee Hoyt, Yes, Trustee McGovern, Yes, Trustee Rinaldi, Yes, Trustee Zollo, Yes

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD ONLY ON AGENDA ITEMS. SPEAKERS SHALL HAVE THREE (3) MINUTES EACH TO ADDRESS THE BOARD OF TRUSTEES

There were no speakers.

AUTHORIZATION TO ACCEPT A DONATION FROM HUDSON HARBOR RESIDENTS

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby authorize the acceptance of a donation by the Hudson Harbor residents to improve the landscaping in the small area of land between the bottom of the H-Bridge and the beginning of the commuter parking along Green Street. The value of the landscaping improvements is approximately \$2,000.00.

RENEWAL OF THE INTERMUNICIPAL AGREEMENT WITH THE TOWN OF GREENBURGH – TARRYTOWN POLICE DEPARTMENT PARTICIPATION IN THE JOINT SWAT TEAM

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby authorize and direct the Village Administrator to execute an agreement pursuant to general municipal law article 5-G among the Town of Greenburgh and the Villages of Ardsley, Dobbs Ferry, Elmsford, Hastings-on-Hudson, Irvington and Tarrytown for continued participation in the town-wide Special Weapons and Tactics Team (SWAT Team).

NEW YORK STATE SNOW AND ICE SUPPLEMENTAL AGREEMENT – 2020 – 2021

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby authorize and direct the Village Administrator to authorize the New York Snow and Ice Supplemental Agreement for 2020 - 2021 for reimbursement for the Village's snow plowing of Route 9/Broadway.

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF THE BOARD OF TRUSTEES HELD ON DECEMBER 7, 2020

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve the minutes of the regular meeting of the Board of Trustees held on Monday, December 7, 2020 as submitted by the Village Clerk.

APPROVAL OF THE MINUTES OF THE SPECIAL MEETING OF THE BOARD OF TRUSTEES HELD ON NOVEMBER 10, 2020

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve the minutes of the special meeting of the Board of Trustees held on Tuesday, November 10, 2020 as submitted by the Village Clerk.

APPROVAL OF AUDITED VOUCHERS

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve Abstract No. 11 of Audited Vouchers in the total amount of \$519,611.37 to be paid in the following amounts:

General	\$ 144,226.63
Water	\$ 99,562.32
Sewer Fund	\$ 4,031.44
Capital	\$ 264,417.94
Library	\$ 6,241.79
Trust & Agency	\$ 1,131.25
Total	\$ 519,611.37

Roll Call –Mayor Butler, Yes, Trustee Brown, Yes, Trustee Hoyt, Yes, Trustee McGovern, Yes, Trustee Rinaldi, Yes, Trustee Zollo, Yes

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

There were no speakers.

HAPPY HOLIDAYS

The Mayor and the Board of Trustees wished everyone a very Happy Holidays and a Happy and Healthy New Year.

ADJOURNMENT

On the motion of Trustee Hoyt, seconded by Trustee Zollo, the meeting was adjourned at approximately 11:38 p.m. by vote of seven in favor, none opposed.

Carol A. Booth
Village Clerk

**Village of Tarrytown Board of Trustees
Public Hearing December 21, 2020
on the Matter of:**

Proposed Zoning Amendments

29 South Depot Plaza

Applicant:

202 Lexington Group, LLC

Collins Enterprises

[www.westchestercounty.com/taxmap](#) | [Home](#) | [About Us](#) | [Contact Us](#) | [Privacy Policy](#) | [Terms of Service](#)

Westchester County Municipal Tax Parcel Viewer

Township Tax Parcel Viewer (Data: 2019)

☐ Search by owner's name

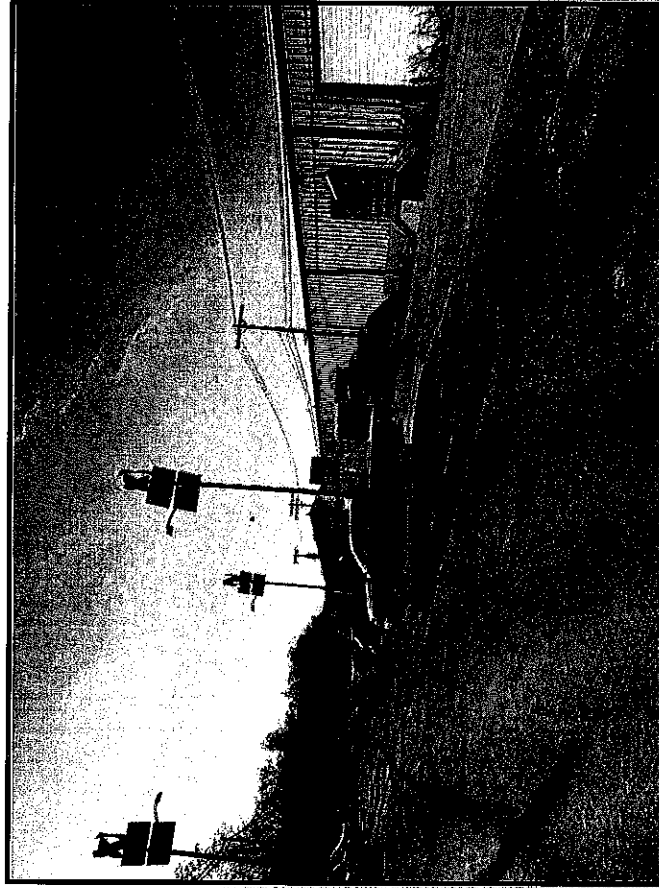
Enter Address or Plot Key or ZIP:

1. 29 Depot Plaza
2. Portion of MTA lot to be used for shared parking
3. Out parcel owned by the Applicant
4. Village Parking Lot B
- 5.
- 6.

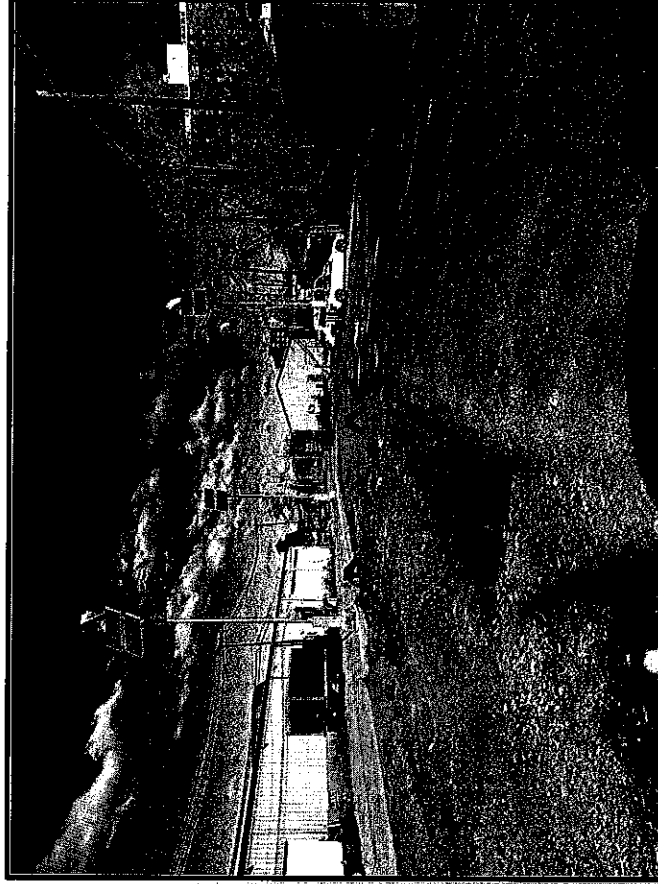
Map controls: Home, Previous View, Next View, Full Screen, Print, Share, Info, Legend, Scale, Units, Date, Style, Layer, Filter, Zoom In, Zoom Out, Reset View, Close.

1. 29 Depot Plaza
2. Portion of MTA lot to be used for shared parking
3. Out parcel owned by the Applicant
4. Village Parking Lot B

Existing Conditions

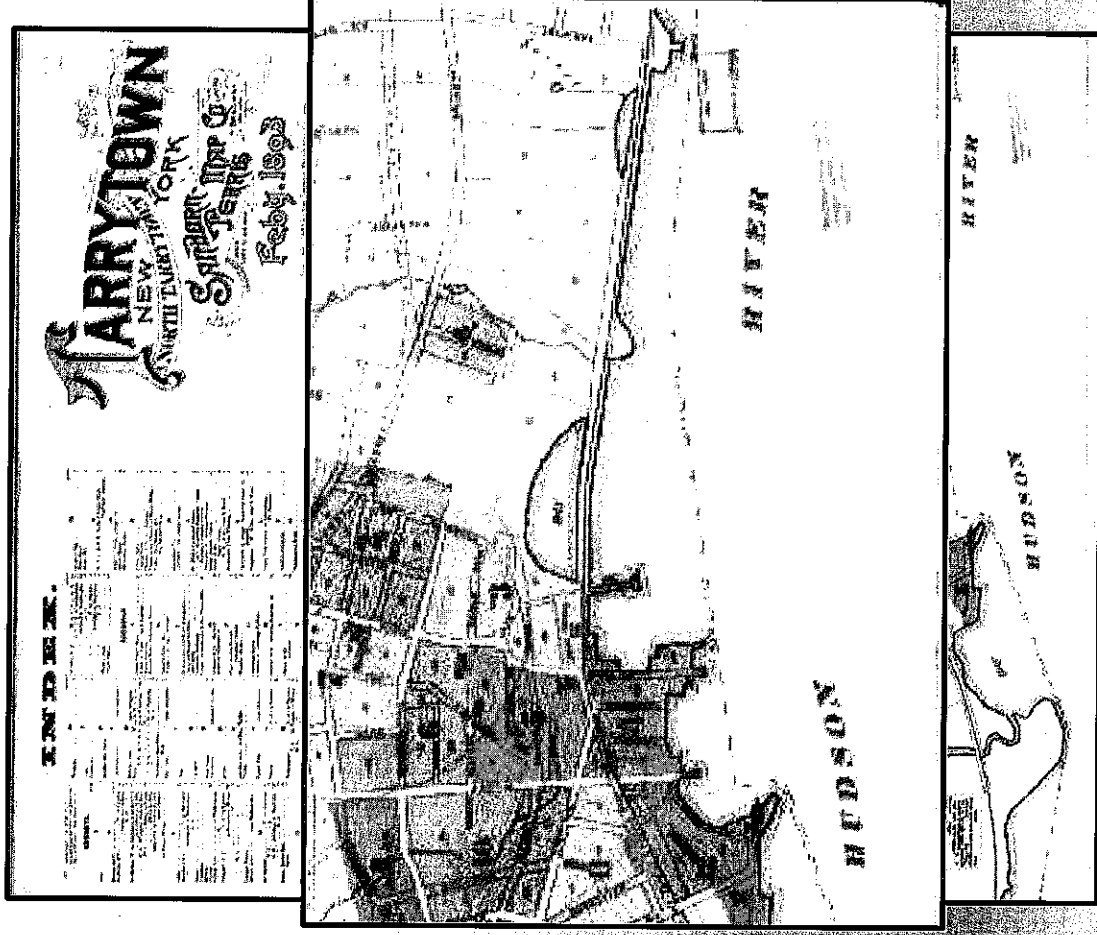


View south across unimproved MTA Lot



View north towards Depot Plaza

Historical Context

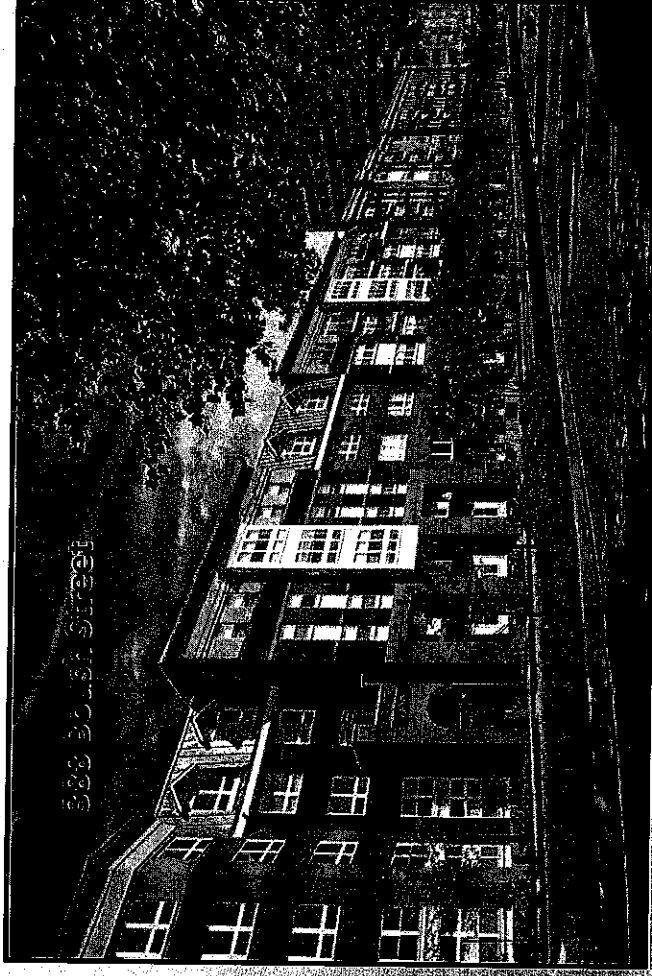
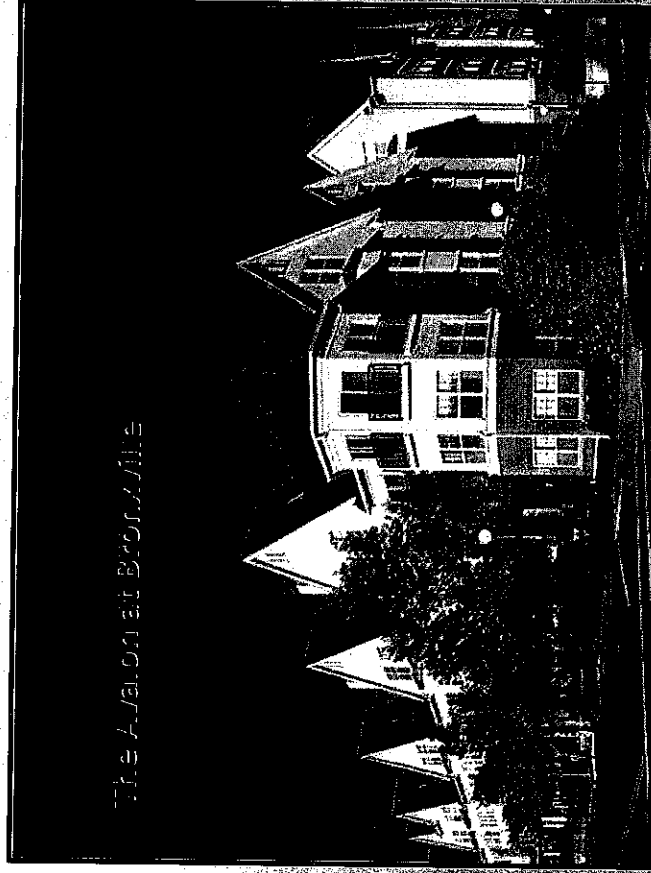




Aerial circa 1926



Collins Enterprises – Representative Projects



Proposed Local Law

LOCAL LAW OF 2020

A LOCAL LAW Amending Chapter 305 Zoning to add provisions for transit oriented development mixed use in the ID Zoning District

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

Section 1. Section 305-41.A. is amended to add new subsection (10) as follows:

(10) Multi-family residential facilities over first floor non-residential uses as transit oriented development, provided the following criteria are met:

(a) Applicability. Multi-family residential over first floor non-residential uses shall only be permitted on parcels that are:

- [1] a minimum of one-acre lot area;
- [2] located within 100 linear feet from direct access to a platform for the Metro-North Train Station;

(b) Uses and standards. Where not modified herein, the requirements of the ID District shall apply.

[1] a minimum of 50% of the total first floor square footage shall be dedicated to non-residential uses permitted in the ID District which shall be limited to those identified in 305-41.A(1), (8), and (9) above, with at least 5% of the floor area being those uses listed in 305-41.A(8) or (9);

[2] Any portion of the first floor facing towards the closest public road or walkways extending from the train station shall contain uses listed in 305-41.A(8) or (9) or an entry lobby are for the residential use, so that some shall appear open and inviting to the public.

[3] The applicant shall provide a pedestrian circulation plan showing connections to the existing walkways and any adjacent related uses and access to and from adjacent streets and the train station platform.

[4] For any property directly abutting the railroad tracks, the rear yard setback may be reduced to 0.

[5] To allow for multi-family residential development, the maximum height may be increased to 60 feet and 5 stories, provided that the maximum height of 60 feet shall be absolute and the provisions of Section 305-48.A. allowing for parapets, mechanical equipment, stair and elevator bulkheads and cooling towers to exceed the maximum height shall not be applicable.

d. Utilize energy star appliances, low VOC products, high efficiency filters, UV treatment for air handling units

e. Utilize materials that have environmental product declaration as well as Recycle product declaration and sound construction waste management

f. The project will achieve an energy-efficient rating better than 15% of ASHRAE 90.1 standards

Section 2. The Schedule of Regulations referred to in Section 305-11.A and listed as Attachment 305b Zoning Schedule Column 2 is amended to add new item C(6) under Industrial District (ID) as follows:

(6) Multi-family residential over first floor non-residential uses as transit oriented development, subject to the criteria set forth in Section 305-41.A(10)

Section 3. Severability

If any section, subsection, clause, phrase or other portion of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

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.

Proposed Project

- 60-foot max. building height
- 102 Surface parking spaces (shared parking agreement with MTA)
- Public plaza and pedestrian enhancements
- Project fills a gap in the current housing stock looking to appeal to the workforce market

Chazen Public Policy Review

With regard to the Station Area, the Plan states that the area:

“represents a significant opportunity to leverage sustainable land use policies and expand transit-oriented development east of the railroad tracks. New spaces for working and living must be integrated with improved strategies for commuter parking that alleviate congestion around Depot Plaza.”

Proposed Project

- 60-foot max. building height
- 102 Surface parking spaces (shared parking agreement with MTA)
- Public plaza and pedestrian enhancements
- Project fills a gap in the current housing stock looking to appeal to the workforce market

What is Transit Oriented Development (TOD)

TOD includes four foundational elements:

- Development around transit that is dense and compact, at least relative to its surroundings;
- A rich mix of land uses—housing, work, and other destinations, creating a lively place and balancing peak transit flows;
- A great public realm—sidewalks, plazas, bike paths, a street grid that fits, and buildings that address the street at ground level; and
- A new deal on parking—less of it; shared wherever possible; energy efficient and designed properly

Source: TOD Line – Land Use Law Center Pace Law School



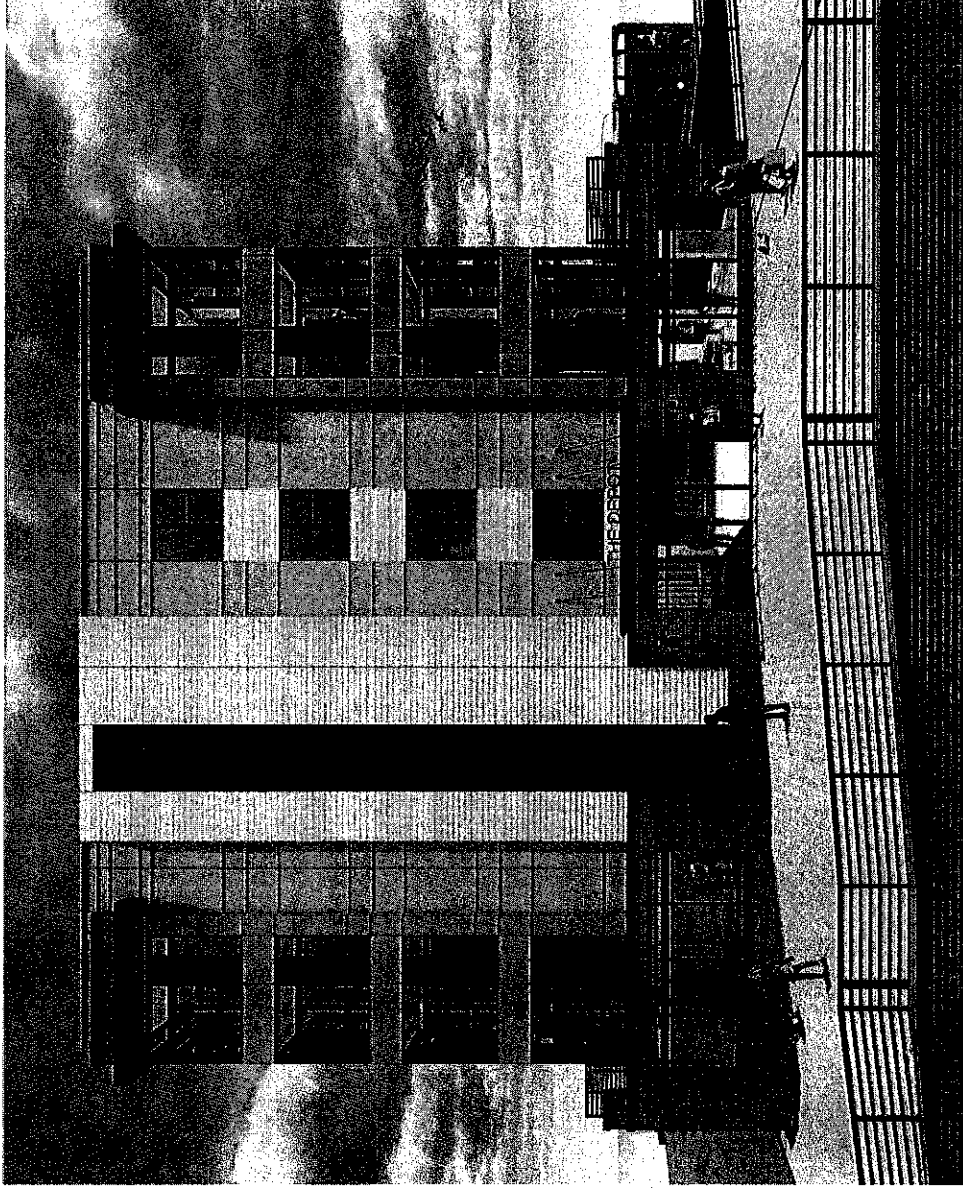
COLLINS

MATERIAL RENDERINGS

12.02.2016 1:00 PM

EAST PERSPECTIVE A2

Tamara, NY



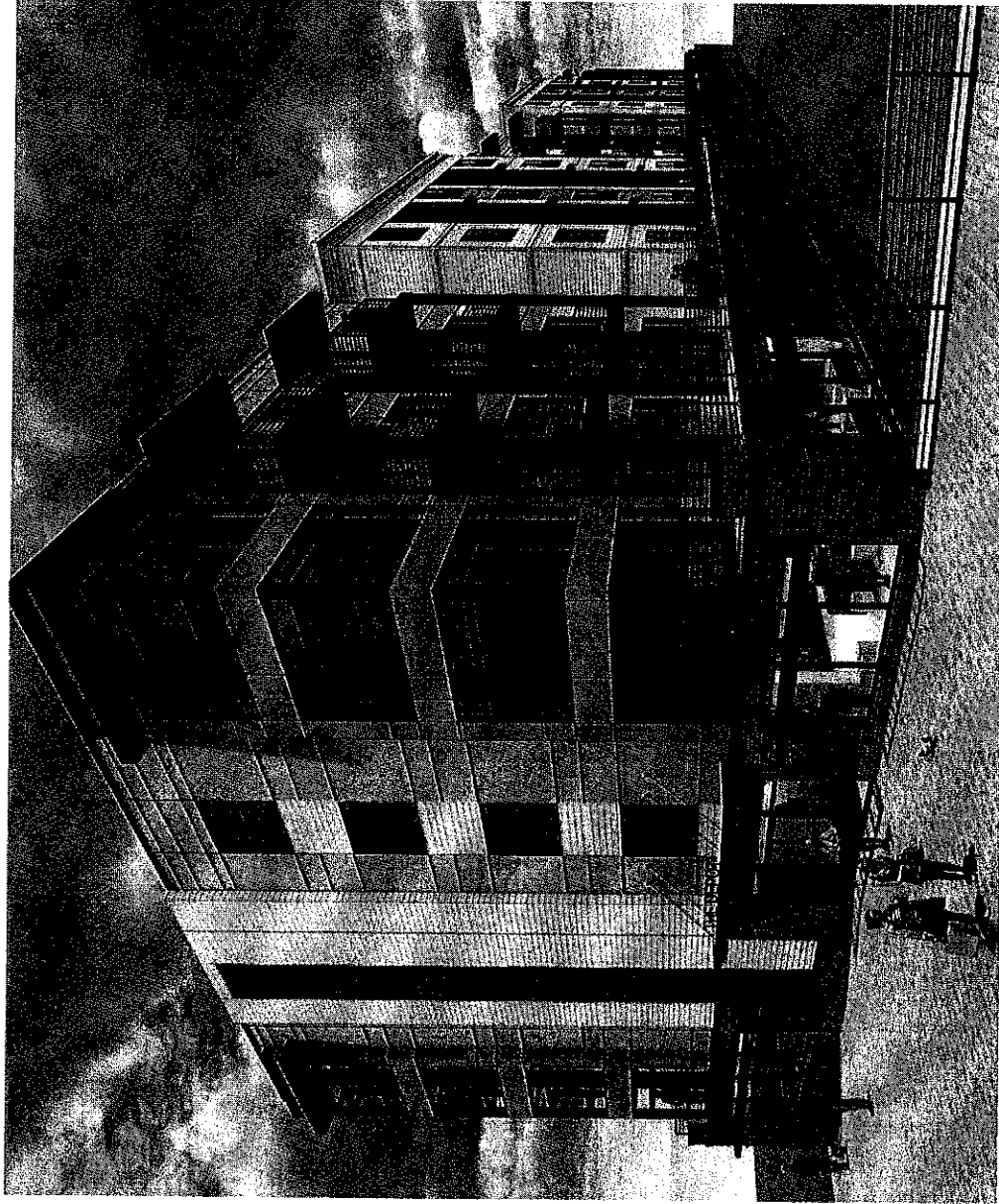
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MATERIAL RENDERINGS

NORTH ELEVATION A3

Tarrytown, NY

1/11/2016 10:00 AM



COLLINS

MATERIAL RENDERINGS

NORTH PERSPECTIVE A4

Tarrytown, NY

111 Virginia Street, Suite 401 Richmond, VA 23219 T. 804.287.8200 F. 804.287.8279 www.odell.com OD ELL



COLLINS

MATERIAL RENDERINGS

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MAIN ENTRY AS

Taniguchi, NY

Sustainability

Zoning requires the Project shall comply with sound environmental and sustainability standards including for example, but not limited to:

- Utilize WaterSense plumbing fixtures, drip irrigation and water submeters to reduce water usage
- Utilize energy star appliances, low VOC products, high efficiency filters, UV treatment for air handling units
- Utilize materials that have environmental product declaration as well as health product declaration and sound construction waste management
- The project will achieve an energy-efficient rating better than 15% of ASHRAE 90.1 standards

Making Housing Affordable

This project will help fill a gap in Tarrytown housing; young people, empty nesters, divorced and singles and people in transition that want to rent by choice

- a. The building will appeal to the workforce market by providing housing for entry level and middle-income tenants.
- b. We will partner with the Housing Action Council to manage the required 10% affordable housing units at 60% of AMI
- c. Overall, the building rents are underwritten for people earning \$50,000 to \$155,000 household incomes
- d. AMI is about \$120,000
- e. Demand for new construction and convenient housing outpaces supply – we are told there is a substantial waiting list to come live in Tarrytown
- f. Most demand is 80% - 120% AMI in Tarrytown-this project targets these renters

Depot Plaza – Traffic & Parking

- TODs generally generate low peak hour vehicular traffic due to high utilization of transit
- Project Traffic flow runs counter to peak hour
- Projected Development volumes
 - Peak weekday AM hour
 - 25 total trips (6 entering and 19 exiting)
 - 1 trip every 2.4 minutes during the peak weekday AM hour
 - Peak weekday PM hour
 - 30 total trips (19 entering and 11 exiting)
 - 1 trip every 2.0 minutes during the peak weekday PM hour

Depot Plaza – Fiscal and Socio-economic Impacts

Table 1
Projected Tax Revenue
By Use and Jurisdiction
Submitted to the Village July 14, 2020

Program	Units/s.f.	taxes per unit/s.f.	Projected total tax revenue	Projected Village taxes (24% of total)	Projected School taxes (63% of total)	Projected Town/County taxes (13% of total)
Residential	88	\$4,399	\$387,139			
Storage	20,757	\$4.61	\$95,687			
Retail	2,000	\$6.95	\$13,896			
Total Projected Existing Taxes			\$496,722	\$119,213	\$312,935	\$69,541
Projected Increase per Jurisdiction			\$65,704	\$20,446	\$34,650	\$10,608
			\$431,018	\$98,767	\$278,285	\$58,933

Table 2
Projected Taxes
Two-story Self-storage

Program	Units/s.f.	taxes per unit/s.f.	Projected total tax revenue	Projected Village taxes (24% of total)	Projected School taxes (63% of total)	Projected Town/County taxes (13% of total)
Storage	41,514	\$4.61	\$191,374	\$45,930	\$120,565	\$26,792
Existing Taxes			\$65,704	\$20,446	\$34,650	\$10,608
Projected Increase per Jurisdiction			\$125,670	\$25,484	\$85,915	\$16,184

Tables compiled by Planning & Development Advisors

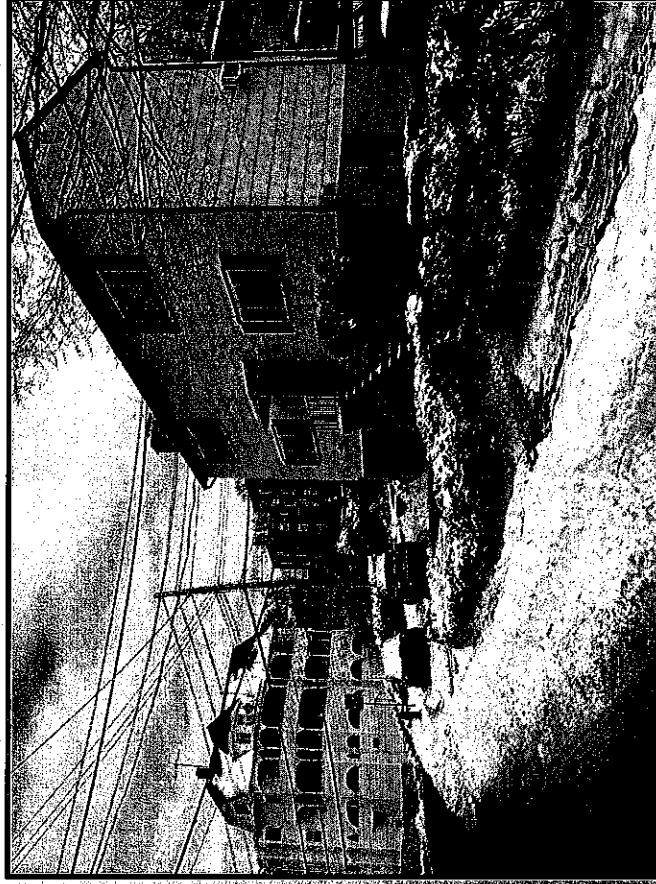
Visual & Aesthetic Impact



Existing Conditions

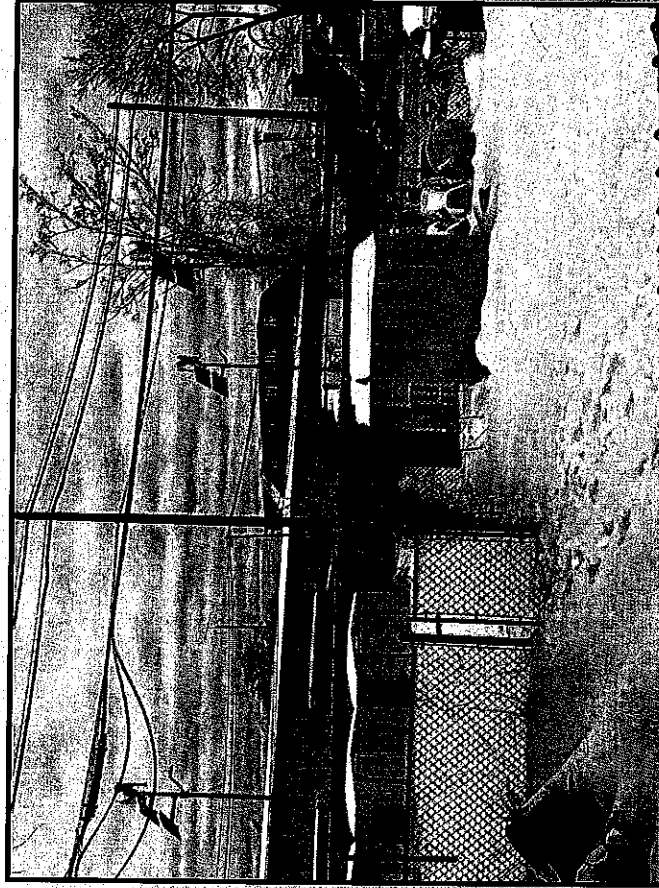


View east towards Riverview Avenue with steep grade change in between. Elevation 65 at top of grade.

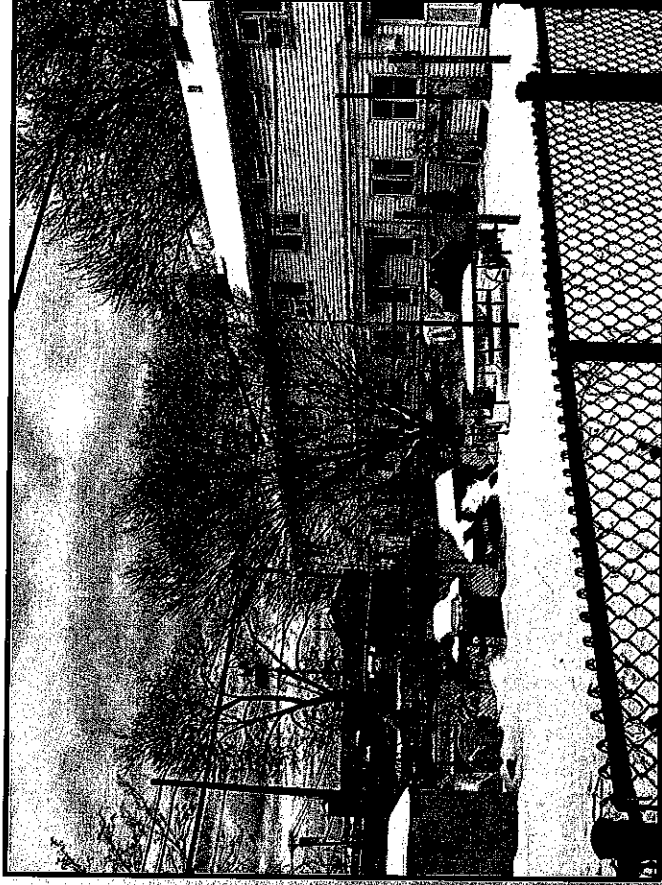


View along Riverview Avenue view obstructed by existing vegetation

Existing Conditions



View west across Franklin Court community
towards existing building



View northwest towards Lot B building

Public Benefits Summary -TOD

- Reduced traffic generation
- Reduced regional congestion
- Reduced requirement for parking
- Reduced pollution
- Health benefits of TOD extended to middle income tenants

End of presentation
Thank you.
Q & A

Public Hearing
29 South Depot Plaza
Proposed Zoning Amendment



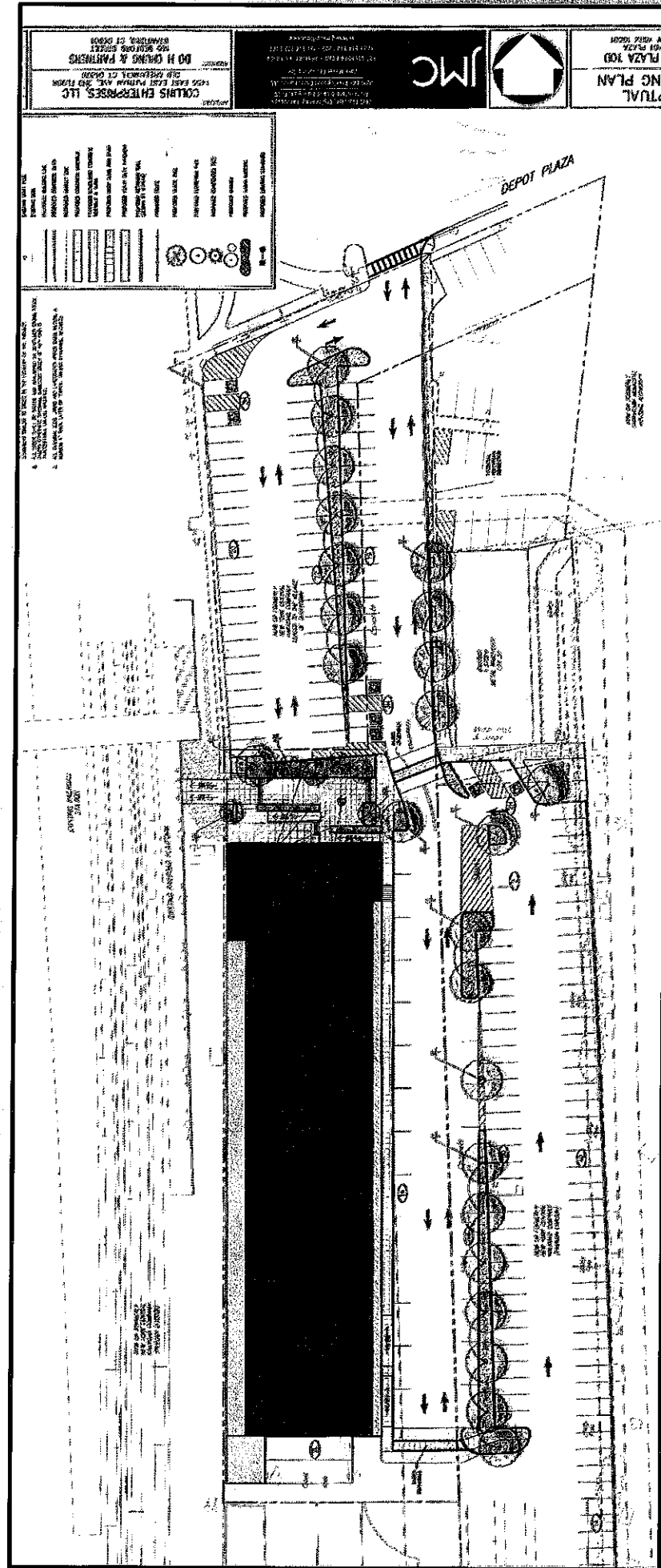
COLLINS

MATERIAL RENDERINGS

EAST PERSPECTIVE A2

Tarrytown, NY

Conceptual Landscape and Site Layout Plan



Review Process for **Uses Permitted in the Zone:**

As Applied to 29 South Depot **Storage Facility:**

<ul style="list-style-type: none"> Applicant submits complete building permit application with appropriate fee 	<p>On June 6, 2017, Applicant submitted an application to convert an existing indoor sports facility building located in the Industrial (ID) Zone into a self-storage facility with a small retail component; with interior floor area to increase from 25,758 sq. ft. to 47,875 square feet and building height to increase from 21 ft. to 32.1 ft.</p>
<ul style="list-style-type: none"> Building Inspector reviews application 	<p>-Permitted uses in the ID zone include “warehousing, wholesaling, storage” uses as well as other industrial uses (including, “assembling, converting, finishing, solid waste recycling” facilities, mass transit facilities and certain manufacturing facilities). -40-foot building height permitted in the ID zone</p>
<ul style="list-style-type: none"> If project is zoning compliant <u>and</u> does not require any land use approvals, a <u>Building Permit</u> can be issued. 	
<ul style="list-style-type: none"> If project is <u>not</u> zoning compliant and/or requires land use approvals, a <u>Denial Letter</u> is issued directing the Applicant seek applicable land use board approval (Planning Board, Zoning Board, ARB). 	<p>While the proposed self-storage facility is a permitted use in the ID Zone, the proposed use required land use approvals as indicated in the Building Inspector’s <u>Denial Letter</u> dated June 26, 2017.</p>
<ul style="list-style-type: none"> Land Use Review process 	<p>-ZBA grants a parking and loading space variances (for 19 spaces and 2 loading spaces) on December 11, 2017 -Planning Board approves subdivision plat on January 22, 2018 (to legally subdivide Lot 38 from adjacent Lot 39) -Planning Board grants site plan approval on March 28, 2018 -Planning Board grants 2-year extension of site plan approval on January 27, 2020 -ARB grants approval on April 18, 2018</p> <p><u>Note:</u> The Applicant has all requisite land use approvals to pull a building permit for a 47,875 square foot 32.1 foot high storage facility</p>

-Viewing the self-storage use as a “dead” use, the Planning Board members throughout the above review suggested the Applicant consider developing a more active mixed-use development with a residential component that could be permitted under the not yet enacted SAO zone.

-Residential uses are not permitted in the ID zone – as such, such a use would require a rezoning from BOT or a use variance from the ZBA

Review Process for Rezoning/Zone Text Amendment Request

As Applied to 29 South Depot Mixed Use Project:

<ul style="list-style-type: none">Applicant submits request to the Board of Trustees with a narrative, a plan, the proposed zoning text, and appropriate escrow fee.	<ul style="list-style-type: none">- Applicant submitted a petition dated July 3, 2019 to the BOT seeking to establish a new principle permitted use in the ID Zone to allow transit oriented development providing for multi-family residences over 1st floor non-residential uses.-Applicant proposed a 4-story 90,000 square foot building with 69 dwelling units
<ul style="list-style-type: none">The BOT reviews the submission and can either: (1) not entertain the proposal any further; or (2) allow the process to continue by referring the matter to the Planning Board for review and recommendation <p>Note – the referral to the Planning Board is <u>not</u> an approval of any kind but the referral simply allows the process to proceed</p>	<p>On July 8, 2019, the BOT referred the matter to the Planning Board for recommendation</p>
<ul style="list-style-type: none">If the BOT refers an application to the Planning Board, the Planning Board begins the SEQRA review and once concluded, issues a recommendation to the BOT	<ul style="list-style-type: none">-Planning Board determined the proposed action was an Unlisted Action under SEQRA and declared its intent to be Lead Agency under SEQRA for purposes of a coordinated review on July 22, 2019;-Notice of intent circulated to all interested and involved agencies under SEQRA on July 23, 2019--Referral to County Planning on July 23, 2019-Planning Board assumed Lead Agency status on August 26, 2019- During the Planning Board's review, the Applicant amended its proposed plan (increasing height and units) and proposed zoning-Applicant re-presented to the BOT on April 1, 2020-The BOT re-referred matter to Planning Board based upon plan for 5-stories and 88 units with height <u>not to exceed</u> 60-feet on April 3, 2020-Negative declaration issued under SEQRA on November 23, 2020-Planning Board issues recommendation to the BOT on November 23, 2020 – recommended granting proposed zone text amendment <u>as such text has been modified by the Planning Board</u>
<ul style="list-style-type: none">Upon receiving the Planning Board's recommendation, the BOT may set and hold a public hearing (s) on the matter to consider the adoption of the zoning.	<ul style="list-style-type: none">-Public hearing on proposed zone text amendment set for December 21, 2020 (it is anticipated that the public hearing will be continued into January)
<ul style="list-style-type: none">The BOT can grant, deny or modify the proposed rezoning/zone text amendment	
<ul style="list-style-type: none">If the proposed rezoning is granted (either as recommended by the Planning Board or as modified), the land use review process continues (site plan approval from Planning Board and ARB Approval)	