

Board of Trustees  
Village of Tarrytown  
Regular Meeting No. 4  
January 22, 2019  
8:00 p.m.

PRESENT: Mayor Fixell presiding; Trustees: Butler, Hoyt, Rinaldi and Zollo; Trustee McGovern arrived at approximately 8:15 p.m. Village Administrator Slingerland; Village Treasurer Hart and Village Attorney Kathy Zalantis

ABSENT: Trustee Brown and Village Clerk Carol Booth

The meeting began with the Pledge to the Flag.

REPORTS – there were no reports this evening from the Board.

CHANGES AND/OR ADDITIONS TO THE AGENDA

The Mayor announced that Item 7 on tonight’s agenda, Fees, would be tabled until the next meeting. He also advised that tonight the Board would go into executive session at the end of the meeting and would not re-convene before the cameras.

ADMINISTRATOR’S REPORT

Administrator Slingerland reported that the Village survived the most recent storm without injuries or vehicle damage. He noted we are preparing with the significant cold to plan for ice skating. We have more than 5-inches of ice, and would like to open the lakes for skating. Trustee Zollo – will all protocols be followed, same as last year? Administrator Slingerland stated that they would be followed.

PUBLIC HEARING – LOCAL LANDMARK DESIGNATION

BY ORDER OF THE BOARD OF TRUSTEES OF THE VILLAGE OF TARRYTOWN PLEASE TAKE NOTICE that the Board of Trustees of the Village of Tarrytown will hold a public hearing on the 22<sup>nd</sup> day of January, 2019, at 8:00 p.m. in the Municipal Building, One Depot Plaza, Tarrytown, New York 10591, to hear and consider enacting a local law to create a historic landmark under the Code of the Village of Tarrytown, Chapter 191, entitled “Historic Districts and Landmarks4” for the purpose of designating the property known as 740 South Broadway (S/B/L 1.220-128-28.5) located in the Village of Tarrytown whose record owner is Holy Spirit Association, a historic landmark with Historic Name: Tenant/Farmer House, and direct the Village Administrator and/or the Village Clerk to take the necessary and appropriate actions to circulate the Code-required notices with regard to this proposed designation.

PLEASE TAKE FURTHER NOTICE that the complete text of the legislation is as follows:

**A LOCAL LAW** to amend the Code of the Village of Tarrytown, Chapter 191 entitled “Historic Districts and Landmarks”.

**SECTION 1. PURPOSE.**

Based upon an investigation of properties within the Village of Tarrytown, the Village Board of Trustees has determined that the property known as 740 South Broadway appears to meet the criteria of Chapter 191 of the Code of the Village of Tarrytown for designation as a Historic Landmark.

**SECTION 2: AMENDMENT OF Chapter 191.**

A. Sections 191-7 and 191- 8 are hereby renumbered as 191-9 and 191-10 respectively.

B. A new Section 191-7 shall read:

The Board of Trustees designates 740 S Broadway, as a historic landmark. The Board of Trustees finds and declares that the construction type, materials and methods have distinctive characteristics and historical value to the Village and our region, namely the unique architectural and artistic qualities as well as period construction means, methods and materials of a tenant/farmer house dating back to the mid-1700s. Also, that this house may be the last existing structure of its era (estimated 1750) in the Village of Tarrytown.

C. A new Section 191-8 shall read:

Reserved.

**SECTION 3. EFFECTIVE DATE**

This local law shall take effect immediately, as provided by law.

All interested parties are invited to attend and be heard. Access to the meeting room is available to the elderly and the handicapped. Signing is available for the hearing-impaired; a request must be made to the Village Clerk at least five days in advance of the meeting.

Date: January 7, 2019

Richard Slingerland, Village Administrator

Trustee Zollo moved, and Trustee Rinaldi seconded, and unanimously carried (5-0), that the hearing be opened.

Mayor Fixell asked whether anyone wished to address the Board on this matter, and invited the Historical Society, which was present, to make their presentation on the proposal.

Ms. Sarah Mascia, Executive Director of the Historical Society of the Tarrytowns did a PowerPoint presentation for the Board. She noted there are a myriad of dates associated

with that house – 1735, 1750, 1785, 1805, 1826 – and each one of those dates signify something important to the history of Tarrytown. 1750 is actually written on the Greenburgh property card. 1735 is attributed as when one of the original owners of the property lived there, at 740 South Broadway. The Mayor asked for a little description. Ms. Mascia stated this house is directly across from the entrance to Belvedere on Broadway, and is perpendicular to Broadway, so you can't see this view when you drive by on Broadway. She noted that this home is one of the homes from the original Philipsburg Manor, and at that time the property belonged to Wolfort Ecker, dating back to the 1600's, and he was married here in 1692. The early maps all show the division of each one of the tenant farmer's lands that were on Philipsburg Manor, and for a time you can see it had Abraham Acker in the center, and right above him to the right, the home next to his belonged to Jacob van Tassel. Jacob van Tassel, the one next to him, was Wolfort Acker's, the original site that is now Sunnyside.

By the end of the American Revolution, when all of the lands were divided and sold by the Commissioners of Forfeiture, each tenant farmer purchased their property. Right above the word Town, you can see it was Jacob Jewel's property, and then up further it is Abraham Acker's property, and then you see Jacob Van Tassel's property extending all the way across Broadway. One of the very important things of these early maps is they showed the prominent people in the Village. Not everyone's house or property was shown on the map. One of the ways we know that is from the 1790 Census, which actually lists the Census taker's information walking up Broadway. It shows "this person's house, this person's house" and gave each head of household. So going down the list, you can see, 4 people down it says William Dutcher, then Abraham Acker, Mary Acker (w/o a house), Jacob Van Tassel who does have a house, Stephen Acker (w/o a house), Michael Mann (w/o a house) and Gload Requa with a house. So we know there are houses there, early on. We also know from written records. 1766, from the Town book, going up the road, again, it lists the homestead of Stephen Acker, a patriot partisan, and Gload Requa, a captain of the Westchester. It goes down and describes some of the houses on Broadway, and again, Stephen Acker's house.

Next, we found a newspaper article from about 1890, about Stephen Acker's daughter, who was going to be 105 years old, and it describes how she was born in that house in 1785, which is still standing. Additional descriptions, from articles, and records, show the house and the property moving through time. The house is literally on the border between two farms – the Stephen Acker, and the Jacob van Tassel farms. Because of that, it was hard to trace the actual passing of the farms and the property. We found that Oliver Ferris had purchased the land and probably the house, long after Stephen Acker left, from the Van Tassels. Oliver Ferris lived there and owned most of that property including Sunnyside, and when he dies in 1825 he left it to his children, who sold it to John Forkel, who was a best friend of Washington Irving. The Irvington Historical Society has a lot of interesting Forkel family objects, and even have a shirt made by Forkel's daughter for Washington Irving. In an article, Washington Irving noted he had grown tired of traveling and looked forward to coming home and talking politics with his neighbor Forkel. Forkel was actually a shoe maker, who made Washington Irving's shoes.

This is his house which we think was made in 3 parts. The oldest would have been on the left side, with the center door. The left door would have been the main door to the building. The section on the right was probably built later by Forkel in 1826, when Forkel

made space for his shoe making business. We're not completely sure, but we do know it was in the house, based on another letter, and then there was another little section on the right. We know that Forkel passed it along to his daughter, Rachel Mann, and Rachel married David Mann, and you can see "D. Mann", and right in the middle is the little house. They showed a picture of Rachel Mann sitting on the porch of the house, next to the second door, which would have been the kitchen door. They showed a number of pictures of the house, including a 20<sup>th</sup> century photo of the house. A number of architectural features were noted, photographs of the property and the back of the property. They noted there is another building on the property, but it is 20<sup>th</sup> century and there is no interest in that. This includes the oldest fireplace, probably a 19<sup>th</sup> century fireplace, built after the original fireplace had been removed, when the original fireplace had been replaced by a stove. She noted the wide floorboards indicative of the era when the house was built. She noted they had looked at many of the elements of the house, including the basement, and some key components included the wood beams, which showed the original bark on the wood. She noted she would like to see some of the older beams and timbers subjected to dendrochronology to determine the age of the wood. She showed more of the timbers in the basement, and described it as vernacular architecture, specific to Tarrytown. She noted the rafters, with the originals still there, and with some of the original lathe marks on them. Looking at the newer part of the house, she noted that the rafters in the later addition are closer together, and that the rafters did not have the lathe marks or bark on them. Back to the front of the house, she noted that it's probably Stephen Acker's house. It might have been moved slightly and made an addition on, but whether it is 1785 or 1826, it is still one of the oldest houses in Tarrytown, that has associations to the Revolutionary War and Washington Irving being there. Forkel is a very interesting character, because it is said he was the son of a Hessian soldier who deserted and stayed here. Here is the 1735 date that was written by one of the homeowners. You can see pictures of a different house, on Philipsburg Manor. There's very few of these Philipsburg Manor tenant farmer houses still standing. They showed a photograph of one that is no longer standing. Another photograph showed the Odell Tavern, in Irvington, and it shows the very same style of houses. Again, a plug for dendrochronology, because if it is an 18<sup>th</sup> century house, it is probably the last surviving 18<sup>th</sup> century house in Tarrytown.

Mayor Fixell asked what is the oldest other house in Tarrytown? Ms. Mascia said we have Sunnyside, and some of the bones (of the building) go back to the 18<sup>th</sup> century, and next Lyndhurst, but we don't have any other 18<sup>th</sup> century houses in Tarrytown. Sara mentioned that they were all right around this house, and were all torn down in the 1960's.

No one further appeared to address the Board on this matter.

Mayor Fixell asked for a motion to continue the hearing.

Trustee Zollo moved, seconded by Trustee Butler, and unanimously carried (6-0), to adopt the following resolution for the hearing to be continued:

**BE IT RESOLVED** that the Board of Trustees of the Village of Tarrytown does hereby continue the public hearing to Monday, February 4, 2019, the next regular meeting of the Board of Trustees so that the Notice of Hearing may be re-published.

CONTINUATION OF PUBLIC HEARING – ARCHITECTURAL REVIEW BOARD REQUIREMENTS

Trustee Hoyt moved, and Trustee Zollo seconded, and unanimously carried (6-0), that the hearing be opened.

No one appeared to address the Board

Trustee Hoyt moved, and Trustee Zollo seconded, and unanimously carried (6-0), that the following resolution be adopted to continue the hearing:

BE IT RESOLVED THAT THE Board of Trustees of the Village of Tarrytown does hereby continue the public hearing to Monday, February 4, 2019, the next regular meeting of the Board of Trustees so that the revised text may be published prior to discussion.

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, and one person in the audience did not wish to speak.

RESOLUTION – TAX CERTIORARIS

On the motion of Trustee McGovern, seconded by Trustee Zollo, the following resolution was adopted by vote of six in favor, none opposed.

BE IT HEREBY RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve settlement of the following tax certiorari cases as outlined in the Village Tax Certiorari Attorney's correspondences dated December 31, 2018:

Rubicon RA Tarrytown/LH Tarrytown/Tarrytown House  
49 East Sunnyside Lane  
Section 1.230, Block 132, Lot 47

New York Dealer Stations, LLC  
372 South Broadway  
Section 1.140, lock 89, Lot 6

APPOINTMENT MOTOR EQUIPMENT OPERATOR

On the motion of Trustee Hoyt, seconded by Trustee Zollo, the following resolution was adopted by vote of six in favor, none opposed:

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby appoint Raymond DeFiore to the position of Motor Equipment Operator (MEO) effective Wednesday, January 23, 2019, at an annual salary of \$68,730 subject to all Civil Service

rules and regulations, and subject to the provisions of the contract between the Village and the CSEA.

Opportunity for the Public to Address the Board. Speakers have five (5) minutes before yielding to the next speaker; then three (3) minutes for additional comments.

It was noted that now would be the time when attendees could speak on any matter not on the agenda, although it had not been originally included on the agenda. One person present was asked if he wished to speak, but had no comments.

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF THE BOARD OF TRUSTEES HELD ON JANUARY 7, 2019

On the motion of Trustee Zollo, seconded by Trustee Rinaldi, the following resolution was adopted by vote of four in favor, Trustees Butler and Hoyt abstaining:

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 January 7, 2019 as submitted by the Village Administrator.

APPROVAL OF AUDITED VOUCHERS

On the motion of Trustee Zollo, seconded by Trustee Butler, the following resolution was adopted by vote of five in favor, none opposed.

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve Abstract No. 13 of Audited Vouchers in the total amount of \$826,614.39 as presented by the Village Treasurer.

ADJOURNMENT TO EXECUTIVE SESSION

Trustee Hoyt moved, seconded by Trustee Butler, and unanimously carried (6-0) that the meeting be adjourned to Executive Session and advice of counsel at 8:24 p.m.

ADJOURNMENT OF EXECUTIVE SESSION

Trustee McGovern moved, seconded by Trustee Zollo, and carried by vote of 6-0 that the Executive Session and legal advice portion of the meeting be adjourned at 8:55 p.m.

Respectfully submitted,

Richard Slingerland  
Village Administrator