

Board of Trustees  
Village of Tarrytown  
Regular Meeting No. 6  
February 4, 2019  
8:00 p.m.

PRESENT: Mayor Fixell presiding; Trustees: Butler, Hoyt, McGovern, Rinaldi and Zollo; Village Administrator Slingerland; Village Treasurer Hart and Village Attorney Kathy Zalantis

ABSENT: Trustee Karen Brown and Village Clerk Carol Booth

The meeting began with the Pledge to the Flag.

PRESENTATION – ZONING PETITION – 39-69 NORTH BROADWAY (39-51 NORTH BROADWAY ASSOCIATES, KAUFMAN TARRYTOWN CO. LLC AND KAUFMAN BROADWAY CORP.)

The attorneys Richard O'Rourke and Jennifer Gray made the presentation on the application for the applicants Ed Coco and Ed Hart, for their respective properties. John Sullivan and Carl Ackerman were there as architects for the applicants, to present the conceptual proposal which in its initial form is a petition to amend the zoning for their properties, and create an overlay zone along Broadway in Tarrytown. They commented that the application is consistent with the Comprehensive Plan, which is the guiding plan for their proposal. They presented that the application includes two hundred (200) parking spots for municipal use, approximately 225 residential units of studio, 1 Bedroom (BR), and some 2 BR apartments. They are seeking approximately fifty thousand (50,000) square feet of retail and commercial space. The conceptual proposal requested the crafting of a new overlay zone to allow the site plan to include aspects of their proposal. Key aspects of the conceptual plan included

- 2.6 acre property between the two owners
- 225 residential units
- 50,000 s.f. of commercial space
- 436 parking spaces
- 200 of the 436 parking spaces are proposed for community use
- Approximately 230 of the parking spaces are proposed for residential use
- On the Dixon Lane side, there would be five (5) 2 ½ story town homes
- They stated the space would be "Fitwell", or healthy-space certified.
- Amenities might include a roof-deck pool and community room
- Residential units would be rentals
- At this point, the request on the table is a zoning petition to amend the code

Mr. O'Rourke noted that this is a process for the owners – Mr. Ed Coco and Mr. Ed Hart – and that the developers feel the project can't proceed unless the consideration is within the ballpark of what they're requesting.

Trustee Zollo commented that while the Village did envision redevelopment, this scale is way too big. He said that while it's only his opinion, while many agree the space should be redeveloped, the scale of the concept proposed is a non-starter because of its scale.

Trustee Rinaldi asked Mr. O'Rourke if they have data to support lower demand and need for parking spaces. Mr. O'Rourke said they could provide that to the Village. Mr. O'Rourke asked again to see if the Board could say whether this is something worth pursuing.

Trustee Butler commented that he thinks it's a great concept, but there are issues with the density and parking. He asked if they could make the space more suitable, perhaps as LEEDs certified? (LEEDs is Leadership in Energy and Environmental Design.)

The Board as a group asked where the number of 200 spaces of parking for use by the public came from. Ed Coco commented that it came from the needs related to the space they are proposing.

Commenters from the public were as follows:

- Christina Serafeen – please consider that parking is not everything
- Jenny Chou of Dixon Street, asked if the proposal went to the property line, and how many stories it was. She was advised it does go to the property lines, and in the back is 6 stories above grade and two stories below grade.
- Bruce Weinberg of 18 N. Broadway asked the Board to look at other alternatives, including asking why they had not done this before.
- Ed Coco, owner, noted that the closing of Mrs. Greens created an opportunity, because of the vacancy and lack of need for parking by the tenants, they can tear down and rebuild the space now. Mr. Coco explained that the number of 200 parking spaces came up through the project.
- Deborah Portnoy of 18 N. Broadway asked Mr. Coco to allow area residents to park there when it's not in use.
- Keith Cobb of 70 S. Broadway noted that he's lived here since 1962, that Tarrytown is a jewel in the crown of the Hudson, and he asked the Board to keep it that way.
- Roman Kozak of 239 Crest Drive spoke to express his concerns.
- David Kim of 16 Independence Street noted that he had recently moved to Tarrytown with his wife and children, they do not own a car, and he was concerned about the projects big buildings and mass having a huge impact on the Village.
- Richard Rose, Village Historian, noted that the Board should protect the historical nature and character of Tarrytown, to make sure that the density and look of the proposed development fits with Tarrytown.
- Patricia Pinckney noted that the Village could use extra parking but that an additional 200 parking spaces is unreal.
- Mayor Fixell commented that parking is a big issue, and from a matter of need, the issue needs to be examined to determine how many cars might result from the development and how many parking spaces are truly needed.

That concluded the public comments and discussion.

On the motion of Trustee Butler, seconded by Trustee Rinaldi, 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 hereby accepts, and refers the Zoning Petition – 39-69 North Broadway (39-51 North Broadway Associates, Kaufman Tarrytown Co., LLC and Kaufman Broadway Corp.) to the Planning Board for its review and preparation of a Report and Recommendation to the Board of Trustees of the proposed local law to amend the Village Zoning Code; and

BE IT FURTHER RESOLVED, that the Board of Trustees authorizes the establishment of an escrow, which shall be replenished from time to time, pursuant to the Tarrytown Village Code and the NYS Environmental Quality Review Act, for Planning and Environmental Consulting Services to review and assist the Planning Board with the preparation of a report with recommendations back to the Board of Trustees.

The Mayor announced a three-minute break so that people could depart the meeting and allow the rest of the business to proceed. Afterwards the meeting resumed.

Mayor Fixell noted that in the interests of the remaining members of the public who were present, the Board would next hear the discussions on the proposed Local Landmark designation for the structure at 740 South Broadway, identified as one of the original Tenant Farmer houses from the 18<sup>th</sup> century.

PUBLIC HEARING – PROPOSED LOCAL LANDMARK DESIGNATION 740 S. BROADWAY.

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 4th day of February, 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 McGovern moved, and Trustee Hoyt seconded, and unanimously carried (6-0), that the hearing be opened.

Mayor Fixell asked whether anyone wished to address the Board on this matter. The speakers on the matter were as follows:

- Sara Mascia, Executive Director of the Tarrytown Historical Society, noted that she had made a Powerpoint presentation at the prior Board Meeting, and again spoke in favor of landmarking the original house still standing near Broadway at 740 South Broadway.

- Lisa Petersen, a former resident of Tarrytown, now from Newtown, CT, spoke of her knowledge of the building, her memories about it that she compiled over the years, and was in favor of landmarking the property. She read her own testimony, and submitted letters at the meeting and asked that they be included in the record, which are attached to and made a part of this record.
- Dominic Barber, facilities manager for the Belvedere Estate, was present on behalf of the Holy Spirit Association (HSA), and came to communicate their request for a continuance of the hearing so that they could put together a formal statement.
- Richard Rose, Village Historian, commented that Tarrytown is a historic Village with many special places representing the lives of the wealthy who formerly lived in the Village (such as Lyndhurst, or Sunnyside), and this is a unique opportunity to preserve a representation of some of the aspects of the lives of the little people, and it would be terrible if the Village did not preserve this structure.
- Richard Brooks, a resident of East Belvedere Lane, noted he and his neighbor represented 50% of the owners of East Belvedere. Mayor Fixell asked if this was 2 of 4 residents, and he confirmed that. Mr. Brooks expressed that the residents would like more time, and would want the Village to slow down and investigate the aspects of what would happen.
- David Devanand, 18 East Belvedere Lane, asked why the house was only being declared a historic property now, and not in the past, and that the neighbors had frequently heard noise in the past from repairs and restoration work taking place on the property.

Mayor Fixell noted that the Village Board was going to act to continue the hearing until the next Village Board Meeting.

On the motion of Trustee Zollo, seconded by Trustee Hoyt, the Board voted unanimously by vote of 6 – 0 that the hearing be continued at the Board's next regular meeting on Tuesday, February 19, 2019

#### CONTINUATION OF PUBLIC HEARING – ARCHITECTURAL REVIEW BOARD REQUIREMENTS

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

No one appeared to address the Board.

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

BE IT RESOLVED THAT THE Board of Trustees of the Village of Tarrytown does hereby continue the public hearing to Tuesday, February 19, 2019, the next regular meeting of the Board of Trustees so that the revised text may be published prior to discussion.

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

CHANGES AND/OR ADDITIONS TO THE AGENDA – there were no additions to the agenda.

ADMINISTRATOR’S REPORT

Administrator Slingerland reported on the Con Edison natural gas connection moratorium, and noted that he had attended the meeting of the municipalities from across Westchester at Con Edison’s Headquarters in Rye. He noted that many communities were concerned about the chilling effects this moratorium would have on the regional economy. He noted a couple of key things, including that there was no end in sight for the moratorium, that Con Edison said there was no parallel to be concerned about with regard to the electrical system, and that Con Edison would be closely monitoring the situation, and properties where buildings were demolished and rebuilt would have to show equal or less natural gas demand in order to be connected to the system.

He and Trustee McGovern also noted that there were four days of skating on the Upper Tarrytown Lake from Thursday through Sunday, with a big turnout on Saturday.

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.

FEE INCREASES – LOSEE PARK FIELD, SOFTBALL LEAGUES, PICNICS AND CAMP FEES

Trustee Butler stated he would not be able to support the resolution to approve the increases in the fees, especially for picnics, because he did not feel the residents’ fees should be increased. He noted residents pay significant taxes and should be given a break on these recreational fees.

On the motion of Trustee Hoyt, seconded by Trustee Zollo, the following resolution was adopted as amended by vote of five in favor, Trustee Butler opposed:

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve the increase in the fee for the rental of a field at Losee Park as follows:

Losee Park Fields	Without Lights \$125/hour (3 hour/\$375 minimum)
	With Lights \$150/hour (3 hour/\$450 minimum)

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve the increase in the fee for Softball as follows:

	Season	Fee Per Team
Adult Softball	Summer – Men’s League	\$1,600
	Summer – Co-ed League	\$1,600
	Fall – Men’s League	\$900

BE IT HEREBY FURTHER RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve the increase in the rental fee for the Pierson Park Pavilion (picnics) as follows:

Pierson Park Pavilion Rentals:

Residents	\$275 (includes \$50 non-refundable deposit)
Non-Residents	\$550 (includes \$50 non-refundable deposit)

BE IT HEREBY FURTHER RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve the increase in the Summer Day Camp and Tot Camp Fees – per 2-week session as follows:

	Deadline		Fee
Summer Day Camp	Paid before April 30	Resident:	\$310
		Non-Resident:	\$350
		Scholarship:	\$230
	Paid before May 31	Resident:	\$330
		Non-Resident:	\$370
		Scholarship:	\$250
	Paid before June 30	Resident:	\$350
		Non-Resident:	\$390
		Scholarship:	\$270
Summer Tot Camp	Paid before April 30	Resident:	\$270
		Non-Resident:	\$320
		Scholarship:	\$190
	Paid before May 31	Resident:	\$290
		Non-Resident:	\$340
		Scholarship:	\$210
	Paid before June 30	Resident:	\$310
		Non-Resident:	\$360
		Scholarship:	\$230

BE IT FURTHER RESOLVED, that these fees shall be updated and published by the appropriate departments and Village staff, as part of the Village’s Master Fee Schedule.

SET PUBLIC HEARING – LOCAL LAW TO CREATE POSITION OF ASSISTANT VILLAGE ADMINISTRATOR

On the motion of Trustee Zollo, seconded by Trustee Butler, 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 schedule a Public Hearing for the regular meeting of Tuesday, February 19, 2019, at 8:00 p.m. in the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider a proposed local law amending the Code of the Village of Tarrytown, Chapter 5, entitled Administrator, to amend the code provisions and establish the position of Assistant Village Administrator in order to comply with the requirements of Civil Service, and directs 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 local law.

RESOLUTION – AGREEMENT WITH MICHAEL LAVOIE FOR “YOUR TOWN” PROGRAMMING

On the motion of Trustee Hoyt, seconded by Trustee Butler, 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 authorizes the Village Administrator to execute an agreement with Michael LaVoie for videographer, production and video editing services at a fee of \$250 per video, for specific topic videos to be conceptualized by Village staff and officials.

AMENDMENT TO RESOLUTION OF THE BOARD AUTHORIZING A NEW FINANCIAL INSTITUTION AS AN AUTHORIZED DEPOSITORY

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

WHEREAS, New York Municipal Law, Article 5-G, Section 119-o (Section 119-o) empowers municipal corporations to enter into, amend, cancel, and terminate agreements for the performance among themselves (or one for the other) of their respective functions, powers, and duties on a cooperative or contract basis; and

WHEREAS, the Village of Tarrytown wishes to invest portions of its available investments funds in cooperation with other corporations and/or districts pursuant to the NYCLASS Municipal Cooperation Agreement Amended and Restated as of March 14, 2014; and

WHEREAS, the Village of Tarrytown wishes to assure the safety and liquidity of its funds.

NOW, THEREFORE, IT IS HERBY RESOLVED AS FOLLOWS:

That Richard Slingerland, Village Administrator is hereby authorized to execute and deliver the NYCLASS Municipal Cooperation Agreement Amended and Restated as of March 14, 2014, in the name of and on behalf of the Village of Tarrytown, and James Hart, Village Treasurer, is authorized to carry out his financial and fiduciary duties as Treasurer, and sign such financial instruments as may be necessary, including processing wire transfers.

DEROCKER LAND SWAP – HOME RULE REQUEST

It was noted that this request had originally been considered with the development of the Wilson Park area, to square off the DeRocker property, and square off the Village parkland parcel that became Wilson Park. It was also noted that the Home Rule request had to be re-submitted to the State, since this year is a new Legislative Session.

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

WHEREAS, the Village purchased 11.38 acres of open space in 2011 in the Wilson Park area, which was part of a larger subdivision of property that created a number of developable parcels and a number of open space parcels; and

WHEREAS, during the Planning Board subdivision process, the DeRockers who reside at 3 Warner Lane, requested that the Planning Board consider the squaring off of their property, due to the odd shape and minimal size of their property. The DeRockers were willing to purchase the property necessary to square off their property.

WHEREAS, the Planning Board believed the request to be valid; however, due to the years of review prior to the final subdivision approval, the request of the property owner was overlooked in the final subdivision approval;

WHEREAS, the request has been submitted to the Board of Trustees, who is supportive of taking the necessary action requested by the DeRockers.

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown believe that the proposed property swap will enable the squaring off of the property, which will benefit the DeRockers as well as the residents of the Village of Tarrytown.

BE IT FURTHER RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve the swap of parkland between the Village and the DeRockers pursuant to the Village of Tarrytown's letter dated February 3, 2015, which includes the tax map showing the shape of the property and a map which shows the property swap; and

BE IT FURTHER RESOLVED that the Board of Trustees of the Village of Tarrytown hereby authorizes the Village Clerk and/or the Village Administrator to take the necessary and appropriate actions to transmit this request to the New York State Legislature, to Assemblyman Thomas Abinanti, and Senator Andrea Stewart Cousins, to request them to introduce and pass legislation to achieve this land swap on behalf of the DeRocker family and the Village of Tarrytown.

RENEWAL OF INTER-MUNICIPAL AGREEMENT WITH THE TOWN OF GREENURGH FOR TARRYTOWN TO CONTINUE TO PROVIDE FIRE PROTECTION SERVICES TO THE GLENVILLE FIRE PROTECTION DISTRICT, FOR YEARS 2017 and 2018

On the motion of Trustee McGovern, seconded by Trustee Butler, the following resolution was adopted by vote of five in favor, Trustee Hoyt recusing himself on this issue:

BE IT RESOLVED, that the Board of Trustees of the Village of Tarrytown authorizes the Village to enter into a renewal Inter-municipal agreement for year ending in 2017 with the Town of Greenburgh for Tarrytown to provide Fire Protection Services to the Glenville Fire Protection District, and authorizes Village Administrator Richard Slingerland to take the necessary and appropriate actions to execute and implement such agreement, to the satisfaction of the Village Attorney; and

BE IT RESOLVED, that the Board of Trustees of the Village of Tarrytown authorizes the Village to enter into a renewal Inter-municipal agreement for the year ending in 2018 with the Town of Greenburgh for Tarrytown to provide Fire Protection Services to the Glenville Fire Protection District, and authorizes Village Administrator Richard Slingerland to take the necessary and appropriate actions to execute and implement such agreement, to the satisfaction of the Village Attorney.

RESOLUTION ADOPTING A HOME RULE REQUEST TO EXTEND THE HOTEL TAX

On the motion of Trustee McGovern, seconded by Trustee Butler, the following resolution was adopted as amended by vote of six in favor, none opposed:

WHEREAS, the Village of Tarrytown joined with other municipalities in Westchester and in New York to request the New York State Legislature for property tax relief, which included an enacted provision for a hotel tax in various municipalities, including the Village of Tarrytown; and

WHEREAS, upon considering our request, the Legislature adopted and the legislation was passed to enact a hotel tax in the Village of Tarrytown; and

WHEREAS, upon enactment, the State of New York included in its provisions that it would have a sunset, or expiration date, for this legislation and that expiration date has

arrived, which requires the State of New York to adopt and authorize legislation to extend this law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby enacts a Home Rule Request to renew and extend this tax on hotel receipts, joining with other municipalities where such legislation was authorized by the State of New York, to provide property tax relief to property owners in the Village of Tarrytown, and supports the enactment of Assembly Bill A. 2218 as proposed by Assemblyman Abinanti and directs the Village Clerk and/or the Village Administrator to take the necessary and appropriate actions, including executing, processing and transmitting this Home Rule Legislation Request to the New York State Legislature, to support the enactment of this legislation.

Administrator Slingerland advised that the Board will have to adopt another resolution requesting the Senate to renew and extend this tax once the Senate has taken action and the Village receives the Senate Bill Number.

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD ON ITEMS THAT MAY OR MAY NOT BE ON THE AGENDA.

No one was present to speak.

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF THE BOARD OF TRUSTEES HELD ON JANUARY 22, 2019

On the motion of Trustee Zollo, seconded by Trustee McGovern, 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 approve the minutes of the regular meeting of the Board of Trustees held on January 22, 2019 as submitted by the Village Administrator.

APPROVAL OF THE MINUTES OF THE SPECIAL JOINT MEETING OF JANUARY 28, 2019, OF THE PLANNING BOARD AND BOARD OF TRUSTEES

It was noted that the minutes of the Special Joint Meeting of January 28, 2019, of the Planning Board and the Board of Trustees, would have to be tabled in order to accommodate additional edits that were necessary.

APPROVAL OF AUDITED VOUCHERS

On the motion of Trustee Hoyt, seconded by Trustee Butler, the following resolution was adopted by vote of six in favor, none opposed, with Trustee Hoyt abstaining on Voucher No. 2018007564.

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve Abstract No. 14 of Audited Vouchers to be paid in the following amounts:

General	\$ 301,636.29
Water	10,895.28
Sewer Fund	0.00
Capital	452,183.35
Library	26,437.57
Trust & Agency	<u>39,177.84</u>
Total	\$ 830,330.33

ADJOURNMENT

On the motion of Trustee Hoyt, seconded by Trustee Butler, the meeting was adjourned at approximately 10:15 p.m. by vote of six in favor, none opposed.

Respectfully submitted,

Richard Slingerland  
Village Administrator