

Board of Trustees
Village of Tarrytown
Regular Meeting No. 21
September 16, 2019
8:00 p.m.

PRESENT: Mayor Fixell presiding; Trustees: Brown, Butler*, Hoyt, McGovern, Rinaldi and Zollo; Village Administrator Slingerland; Assistant Village Administrator Ringel; Village Treasurer Hart; Village Attorney Kathy Zalantis and Village Clerk Booth

*Trustee Butler arrived at 8:25 p.m.

The meeting began with the Pledge to the Flag.

REPORTS

Mayor Fixell noted the following:

- There will be a Household Recycling Fall Drop-Off Day on Saturday, September 28th at FDR State Park, Route 202 in Yorktown, from 9 a.m. – 3 p.m. A flyer is on the website with information as to what items are acceptable and not acceptable to recycle.
- A reminder for residents to get their Recreation Parking Permits. The permit is free to park at Lot E and after 2 p.m. at the River front parking lots.
- We will soon have information on Early Voting for the 2019 General Election in November.

Trustee McGovern noted the following:

- Village-wide Tag Sale will be held this Saturday from 10 a.m. to 5 p.m.
- She encouraged everyone to get a copy of the Parks and Recreation Fall Brochure either on the Tarrytown website, tarrytowngov.com or at the Recreation Department. There are so many programs and events coming up for people of all ages. There is a Children's Work Shop on Wednesdays for children ages 7 to 11, a Youth Tennis Clinic on Tuesdays and Thursdays for all ages, Volleyball for children in grades 3 to 5 and Fall Tennis Clinic on Saturday and Sunday.

Trustee Brown noted the following:

- Deadline to register to Vote in the November General Election is October 11, 2019. It's easy to register, go to ny.gov.
- There is a Halloween Parade fundraiser gathering at the Set Back Inn next Thursday at 5:30 p.m. to make the Halloween Parade the best we ever had.

ADMINISTRATOR'S REPORT

Administrator Slingerland reported on the following:

- Today he met with the Recreation Department and the Village had a very successful pool season. They will be fixing the railing and buying new umbrella and chairs to replace any furniture that was broken or worn out. The staff is already beginning to prepare for next year. The pool membership for the 2019 season was 1,271 members; which is great. The current fitness center membership is 405 members. He welcomed residents to come down and join the fitness center.
- The Village continues to work on improvements at the Losee Park RiverWalk, which is proceeding nicely. A question came up as to where the railing should be placed on the section of the RiverWalk by Losee. Should the railing be placed on the new concrete curb on the path or move it over 3 or 4 feet and attach it to the top of the bulkhead. Administrator Slingerland's preference would be to put it on top of the bulkhead because people would be less inclined to climb over it.
- The Village Softball league had a good year, the end of the season will be on September 26th.
- To wrap up all of the improvements that have been done at Losee Park, an irrigation system is being installed at Losee Park. RiverWalk should be completed by this fall, hopefully before the Turkey Trot that is being held on the Sunday before Thanksgiving. There will be information soon on how to participate in the Trudy Dunbar Memorial Turkey Trot in November.

- Village staff is planning ahead to prepare for the Tree Lighting in December.
- The Village's big event is the Halloween Parade, which will be held on Saturday, October 26 at 5:30 p.m.
- The Village is cooperating and will be working with Phelps Hospital to hold a Mass Casualty Emergency Workshop this Thursday, September 19 from 4 – 8 p.m., down by the River near Lot E; traffic will be impacted on West Main Street. Residents will be made aware by reverse 911 calls, email blasts to key people at Hudson Harbor to get the word out. Police Department is putting up signs on streets to notify residents.
- On behalf of the applicant of the Artis Senior Living proposal through Silverman Realty at 153 White Plains Road, Administrator Slingerland read the following brief update: The FEIS or the Final Environmental Impact Statement documents have been submitted. It is presently under review by the Planning Board and if it is accepted by September 23, 2019, the Planning Board would have 30 days to prepare the findings. If the findings are accepted, on October 28, 2019, the Planning Board would then refer it back to the Mayor and Board of Trustees. The Board of Trustees would then schedule a public hearing sometime late November or December, 2019 to change the overlay zone at the Route 119 corridor to allow the use at this location. This application is for 60 long-term memory care facility beds for patients in need of regular care of Dementia and Alzheimer disease.

RESOLUTION OF THE VILLAGE OF TARRYTOWN ADOPTING A SEQRA NEGATIVE DECLARATION FOR THE PROPOSED REZONING OF LOT 37, SOUTH DEPOT PLAZA

Trustee Zollo moved, seconded by Trustee McGovern, and unanimously carried, that the following SEQRA Negative Declaration for the proposed rezoning of Lot 37, South Depot Plaza resolution be adopted: Approved: 6-0-1

1. Surrounding Zoning and Development – The WD District is mapped to the west along almost the entirety of the waterfront, allowing for parks and playgrounds, marinas, mass transit facilities, and municipal facilities. With the exception of Lot 37, the only WD zoned properties on the east side of the Metro North tracks are owned by MTA and used for Metro North's commuter and employee parking located to the north and south of Lot 37. The subject property is the only non-MTA owned property in the South Depot Plaza area that is zoned WD. The remaining two properties on South Depot Plaza (Lots 39 and 38) are zoned ID. Lot 38 is located directly opposite Lot 37 to the west and is owned by the applicant. Lot 38 has an approval for a self-storage facility. Lot 39 to the southwest of Lot 37 is a paper recycling facility. The east are properties owned by the Tarrytown Municipal Public Housing Authority in the M and M-3 districts. Lot 37 is completely separate from the waterfront. Additionally, the permitted uses in the WD district are not feasible for the subject property and are not appropriate for the TOD development being planned by the Tarrytown Connected Comprehensive Plan for the Station Area.
2. Consistency with Land Use Plan – The Planning Board is currently reviewing the Applicant's proposal for a mixed-use project on Lot 38 which includes a reduced self-storage facility, retail uses and amenities on the first floor with residential units above. The Applicant contends that the Lot 38 proposal is designed to be compatible with development envisioned by the Tarrytown Connected Comprehensive Plan. Applicant has proposed an overlay zone to include Lot 38 similar to that which is being studied by the Village for the Station Area. The Applicant is proposing the adaptive reuse of the existing building on Lot 37 to allow for a brewery type of restaurant or brew pub. The concept of adaptive reuse for a residential or commercial structure has recently been added to the NYS list of Type II actions. DEC in their GEIS review found that since these properties generally have existing infrastructure, any environmental issues are very limited, easy to predict and routinely handled under municipal land use review. DEC also found that adaptive reuse projects have positive benefits such as 1) returning a vacant structure to a productive use can reduce blight, 2) improve the vitality and livability of a neighborhood and 3) return structures to the municipal tax role. An adaptive reuse of the existing warehouse building would be appropriate in the South Depot Plaza area with minimal impacts. Lot 37's proposed rezoning would allow the potential for more active uses such as a brew pub or restaurant. Together with Lot 37's convenient access within 200 feet of the Metro North train platform, this could be a catalyst for increased walkability and pedestrian activity in the area. Such potential uses on Lot 37 would be complementary to the larger mixed-use proposal directly opposite the subject property. This use is also

- consistent with the Comprehensive Plan's goals in realizing the goals for the overlay district currently under consideration by the Board of Trustees.
3. Mitigation – The proposed use of the Lot 37 as a brew pub or restaurant would be the subject of site plan review by the Planning Board. The Board would review the site in the context of the existing uses and surrounding neighborhood, including the proposed mixed-use project underway. If the proposed adaptive reuse of the existing building is eliminated, a more extensive review of the site and its proposed use may necessarily need to be undertaken by the Planning Board. The size of the approximately 9,000 of subject property is too small to be used feasibly as a self-storage facility. The property owner at the Planning Board's work session indicated that he would be prepared to provide a deed restriction prohibiting the property's use as a self-storage facility. He added that it would not be in his interest to have a competing self-storage facility established on the site.
 4. Zoning History – Based on a review of the zoning history of the subject property, it appears that an error was made when Lot 37 was divided from the larger WD property owned by the NY Central RR in the South Depot area and was conveyed to a private party in 1967. Lot 37 was never rezoned from WD to ID despite the construction of a warehouse on the property which was not a permitted use in the WD zone. Lot 37 appears to have been mistakenly not included in the prior rezoning of Lots 37 and 38 to ID when they were conveyed to a different private party in 1964.
 5. Infrastructure – The subject property is currently served by a four-inch cast iron sanitary sewer and eight-inch cast iron water service. This should provide adequate capacity for the proposed use of the property indicated. If the larger mixed-use project on Lot 38 moves forward, the sanitary sewer would be replaced with a new eight-inch polyvinyl chloride sanitary sewer pipe. The existing eight-inch cast iron water service would be upgraded to an eight-inch ductile iron water service.
 6. Environmental Constraints – Lot 37 is not located in a floodplain nor is it within a wetland area. There are no identified environmental issues for the site. A review of SHPO's Cultural Resource Information System (CRIS) has not identified any historic or archeological sites contiguous to the subject property.
 7. SEQRA Determination of Significance – Based on the Board's review of Part 2 of the EAF, the Applicant's Narrative and review of the zoning history of the subject property, the analysis and recommendation of the Planning Board dated 6/14/19, the Applicant's intended adaptive reuse of the existing building as a brew pub or restaurant to potentially complement the adjacent proposed mixed use project under review by the Planning Board together with the property owner's representation to deed restrict the property to preclude self-storage, the Village Board has determined that the proposed action is not expected to result in any significant adverse environmental impacts that would rise to the level of significance required for a Positive Declaration.

PUBLIC HEARING – REZONING OF LOT 37, SOUTH DEPOT PLAZA (Adopted)

PLEASE TAKE NOTICE that the Board of Trustees of the Village of Tarrytown will hold a public hearing on August 19, 2019, at 8:00 p.m., in the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider a proposed amendment to the Zoning Code of the Village of Tarrytown, Chapter 305, to rezone Lot 37 South Depot Plaza from Waterfront District to Industrial District in order to allow the owner's craft brewery pub proposal; and

BE IT FURTHER RESOLVED that the Board of Trustees of the Village of Tarrytown determines that this is an Unlisted action pursuant to SEQRA and as there are no other involved agencies for the proposed rezoning, the Board of Trustees of the Village of Tarrytown hereby declares itself lead agency for the purposes of SEQRA.

The complete text of this legislation is available in the Clerk's Office at Village Hall. 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.

BY ORDER OF THE BOARD OF TRUSTEES
OF THE VILLAGE OF TARRYTOWN

Trustee McGovern moved, and Trustee Zollo seconded, and unanimously carried (6-0-1), that the hearing be opened.

Steven Wrabel, from McCullough, Goldberger & Staudt, representing the petitioner, Tarrytown Self Storage II, LLC, the owners at 27 South Depot Plaza, commonly referred to as Lot 37 are looking to rezone Lot 37 from Waterfront District (WD) to Industrial District (ID). Linda Whitehead, from his office previously appeared before the Board and outlined all of the reasons for this rezoning and the public hearing was continued. The property at Lot 37 is zoned as Waterfront District when in fact it is located across the tracks away from the water. There are two other WD lots on the east side of the tracks, but they are owned by the MTA and are used for parking. The WD zoning for Lot 37 doesn't suit this particular lot. None of the permitted uses would fit on this particular lot. We are looking to rezone to Industrial District, which is consistent with Lots 38 and 39, which are located right next door to Lot 37.

Trustee McGovern requested that when this project moves forward with the Planning Board, that the residents at Franklin Courts and Franklin Towers will be considered since the residential buildings are very close in proximity to Lot 37. Trustee McGovern encouraged Mr. Wrabel to work with the Municipal Housing Authority and to keep them informed so they can be involved in the process.

Trustee Brown moved, seconded by Trustee Rinaldi, and unanimously carried, that the hearing be closed.

Trustee Hoyt moved, seconded by Trustee Rinaldi, and unanimously carried, that the following resolution be approved as amended: Approved: 6-0-1

WHEREAS, the Applicant Tarrytown Self Storage II, LLC ("Applicant") submitted a petition to amend the Tarrytown Zoning Map to rezone 29 South Depot Plaza (SBL 1.70/29/37) (the "Property") from the Waterfront District (WD) to the Industrial District (ID).

WHEREAS, a public hearing was held for the proposed action on August 19, 2019, September 3, 2019, and September 16, 2019 and;

WHEREAS, a notice of public hearing was published in the Journal News on August 25, 2019; 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.

WHEREAS, the proposed petition was circulated to the Westchester County Planning Board in accordance with Section 239 L, M and N of the General Municipal Law and Section 277.61 of the County Administrative Code.

WHEREAS, the Westchester County Planning Board ("County Planning Board") determined the proposed rezoning to be a matter of local determination.

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 the attached Negative Declaration.

NOW, THEREFORE, BE IT FURTHER RESOLVED that to the extent that certain comments by the County Planning Board suggested that the Village take a more comprehensive review in the context of adopting regulations for industrial districts near train stations, the Village Board overrides said comments as the placement of the Property

in the WD zone appears to have been a mistake since no permitted uses would be allowed and the Applicant is proposing an adaptive re-use of the existing building on the Property.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby adopt Local Law No. 7 of 2019 to amend the Tarrytown Zoning Map to rezone the Property from the Waterfront District (WD) to the Industrial District (ID), which designation will so allow for the proposed adaptive reuse of the existing building on the Property as craft brewery pub or restaurant subject to obtaining site plan approval.

PUBLIC HEARING - CHAPTER 205. LANDSCAPING, ARTICLE 1. GREEN INDUSTRY CONTRACTORS (Adopted)

A local law to amend Chapter 205 of the Code of the Village of Tarrytown entitled Landscaping, Article 1. Green Industry Contractors, to delete the requirement for annual reports of pesticides and herbicides, which is regulated by the New York State DEC.

Section 1. Be it enacted by the **Board of Trustees of the Village of Tarrytown** as follows Language in ~~Strikethrough and bold and underlined~~ to be deleted):

Section 2. Chapter 205. Landscaping, Article 1. Green Industry Contractors, Section 2, "Registration required; application; fees; reports to be provided; casual day laborers" shall be amended to read as follows:

- A. No person who represents himself/herself under the definitions included in § **205-1** hereinabove shall perform or provide services associated with that type of business within the Village of Tarrytown, except when such performance or work is done in compliance with the regulations set forth in this chapter.
- B. No green industry contractor shall provide or perform such services within the Village of Tarrytown unless duly registered.
- C. All green industry contractors shall complete registration forms provided by the Village Clerk. The applicant shall provide the village with proof that the applicant has the qualifications and/or the background to perform this type of work.
- D. All applications shall be submitted to the village for verification and review.
- E. An annual registration and reviewing fee, as adopted by resolution of the Board of Trustees, shall accompany the application form. Only the amount required for the reviewing process shall be nonrefundable if the applicant is not deemed acceptable to be registered in the Village of Tarrytown.**[1]** [Amended 5-6-1991 by L.L. No. 5-1991 *Editor's Note: Such fees are on file and available for inspection in the office of the Village Clerk during regular office hours.*
- ~~F. **All green industry contractors shall provide the village with a report, due on January 31, listing the amount of pesticides and herbicides used by that contractor in the Village of Tarrytown during the previous calendar year.**~~
- G. F. Residents of the Village of Tarrytown who fall under the definition of "green industry contractors" under § **205-1** under the age of 18 years old or over the age of 60 years old or classified as handicapped or those persons who by law or custom, are considered to be casual day laborers whose work is limited to the cutting of grass, the trimming of shrubs or the raking and bagging of leaves or other light yard work of a similar nature shall be exempt from the requirements of Subsection **E** hereinabove, provided that they perform these types of services as individuals.

Section 3: Supersession of other laws.

All laws, ordinances, rules and regulations of the Village are modified and superseded by this article with respect to their application to parking and enforcement.

Section 4: Severability

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this local law shall be judged invalid by a court of competent jurisdiction, such

order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this local law.

Section 5: Effective Date

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

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

Mayor Fixell asked whether anyone wished to address the Board on this matter. No one appeared.

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

Trustee Zollo moved, seconded by Trustee McGovern, and unanimously carried, that the following resolution be approved: Approved: 6-0-1

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby amend the Code of the Village of Tarrytown, Chapter 205. Landscaping, Article 1. Green Industry Contractors, to delete the requirement for annual reports of pesticides and herbicides, which is regulated by the New York State DEC.

WHEREAS, a public hearing was held for the proposed action on September 16, 2019; and

WHEREAS, a notice of public hearing was published in the Journal News on September 6, 2019; 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 FURTHER RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby adopt Local Law No. 8 of 2019.

PUBLIC HEARING - TO AMEND VARIOUS PROVISIONS OF THE VILLAGE CODE TO REFLECT SUPERVISION IN THE DEPARTMENT OF PUBLIC WORKS BY THE SUPERINTENDENT OF PUBLIC WORKS, IN CHAPTER 183, GARBAGE, RUBBISH AND REFUSE; CHAPTER 281, TREES; CHAPTER 101, BUILDING; CHAPTER 259, STREETS AND SIDEWALKS (Adopted)

PLEASE TAKE NOTICE that the Board of Trustees of the Village of Tarrytown will hold a public hearing on the 16th day of September, 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 in the Code of the Village of Tarrytown, to reflect supervision in the Department of Public Works by the Superintendent of Public Works, and amending Chapter 183, Garbage, Rubbish and Refuse; Chapter 281, Trees; Chapter 101, Building; Chapter 259, Streets and Sidewalks to reflect the Superintendent of Public Works position to be responsible to enforce the Village's rules and regulations in these chapters. The complete text of this legislation is available in the Clerk's Office at Village Hall. 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.

**BY ORDER OF THE BOARD OF TRUSTEES
OF THE VILLAGE OF TARRYTOWN**

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

Deputy Mayor Butler asked whether anyone wished to address the Board on this matter. No one appeared.

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

Trustee Hoyt moved, seconded by Trustee Zollo, and unanimously carried, that the following resolution be approved: Approved: 6-0-1

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby amend the Code of the Village of Tarrytown to reflect supervision in the Department of Public Works by the Superintendent of Public Works, and amending Chapter 183, Garbage, Rubbish and Refuse; Chapter 281, Trees; Chapter 101, Building; Chapter 259, Streets and Sidewalks to reflect the Superintendent of Public Works position to be responsible to enforce the Village's rules and regulations of these chapters.

WHEREAS, a public hearing was held for the proposed action on September 16, 2019; and

WHEREAS, a notice of public hearing was published in the Journal News on September 6, 2019; 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 FURTHER RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby adopt Local Law No. 9 of 2019.

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.

APPOINTMENT OF PART TIME INTERMEDIATE CLERK – COURT

Trustee McGovern 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 authorize the appointment of Diane Verdi of Irvington, NY, as part time Intermediate Clerk for the Court in the Village of Tarrytown at an hourly salary of \$20.00, effective on

Tuesday, September 17, 2019, subject to the provisions of Civil Service rules and regulations.

SALARY CHANGE OF PART TIME INTERMEDIATE CLERK - COURT

Trustee McGovern moved, seconded by Trustee Butler, 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 amend Jeanne Mary Cancro's hourly salary as part time Intermediate Clerk in the Village Court to \$25.00.

APPOINTMENT OF TEMPORARY PART TIME LABORER IN DEPARTMENT OF PUBLIC WORKS

Trustee McGovern moved, seconded by Trustee Butler, 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 appointment of Carlos Leon as temporary part time Laborer for the Department of Public Works in the Village of Tarrytown at an hourly salary of \$18.00, effective October 1, 2019 through December 31, 2019, subject to all Civil Service rules and regulations.

AUTHORIZING THE ACCEPTANCE OF A DONATION OF 5-10 TREES

Administrator Slingerland thanked EF School for their donation of the trees. He met with EF School representatives and they are interested in keeping things greener and to contribute to global benefits for the Village.

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 authorize the acceptance of a donation of trees (five to ten) to the Village from EF School to be planted near the Tarrytown Lakes for students and the general public to enjoy.

ACCEPTANCE OF OPEN SPACE PARCELS – TOLL BROTHERS, WILSON PARK

Trustee Brown noted that there is a new lovely trail system now open to the public which starts at the corner of County House Road and goes down behind the houses on Wilson Park Drive, down toward Sleepy Hollow High School which also connects to the Lake Trail behind the homes on Wilson Park Drive.

Trustee McGovern moved, seconded by Trustee Brown, 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 accept the Offer of Dedication from Toll Land V Limited Partnership of three (3) Open Space Parcels, designated as Open Space Parcels in the subdivision known as Westchester Estates at Wilson Park Drive in form acceptable to the Village Attorney upon the condition that an agreed-upon gate and gate control system is purchased and installed as determined by the Village Administrator and Village Building Inspector; and

BE IT FURTHER RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby immediately authorize the Village Administrator to execute the Trail and Access Easement Agreement for Lot 10 in form acceptable to the Village Attorney and with Toll to pay all costs associated with recording and provide proof of the recording to the Village; and

BE IT FURTHER RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby accept the Offer of Dedication for Sewer and Water Infrastructure from Toll Land V Limited Partnership upon the condition that an agreed-upon gate and gate control

system is purchased and installed as determined by the Village Administrator and Village Building Inspector; and

BE IT FURTHER RESOLVED that upon the condition that an agreed-upon gate and gate control system is purchased and installed as determined by the Village Administrator and Village Building Inspector, and as agreed to by representatives from Toll Brothers, the Board of Trustees of the Village of Tarrytown does hereby authorize the Village Administrator to execute: (1) the Roadway and Utility Easement granting the Village an easement over Wilson Park Drive for snow and ice removal, and for access to water and sewer infrastructure for maintenance purpose in a form acceptable to the Village Attorney; and (2) the Access Easement Agreement (the supplemental Lot 2 access easement) pursuant to the Lot 2 Site Plan approval in a form acceptable to the Village Attorney and with Toll to pay all costs associated with recording and provide proof of the recording to the Village, and

BE IT FURTHER RESOLVED, that the Village Administrator is authorized to execute all documents necessary to effectuate the recording with the Westchester County Clerk of the above referenced documents with Toll to prepare any necessary documents (including the Westchester County PREP forms) subject to approval by the Village Attorney and with Toll responsible to pay all fees and costs.

AWARD OF UNIT PRICE ADDITIONAL WORK UNDER EXISTING CONTRACT FOR INSTALLATION OF SIDEWALK ON RIVERVIEW AVENUE

Trustee Butler 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 award a contract using the prices off the recent contract with Paladino Concrete Creations Corporation for installation of a sidewalk on the west side of Riverview Avenue from Glen Street to Franklin Street per their unit price bid, with an estimate based on estimated quantities of approximately \$75,000.

BE IT FURTHER RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby authorize and direct the Village Administrator to execute the necessary and appropriate paperwork to implement an addendum to the agreement with Paladino Concrete Creations Corporation (a WBE) of Mt. Vernon, New York for this unit-price work, for the installation of sidewalk on Riverview Avenue.

VEHICLE AND TRAFFIC AMENDMENT - (SECTION 291-73 SCHEDULE VIII: STOP INTERSECTIONS)

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

WHEREAS, it is noted that the purpose of this change is to increase pedestrian and motorist safety on West Sunnyside Lane at the intersection of the Old Croton Aqueduct. The eastbound portion of West Sunnyside Lane is within the boundaries of the Village of Irvington. Irvington has already installed a stop sign at this location for eastbound traffic; and

NOW THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby authorize the following code change:

Section 291-11 (Stop Intersections) of the Village Code states “The intersections described in Schedule VIII (§ 291-73), attached to and made a part of this chapter, are hereby designated as stop intersections. Stop signs shall be installed as provided therein.”

Section 291-73 of the Village Code (Schedule VIII: Stop Intersections) states “In accordance with the provisions of § 291-11, the following described intersections are hereby designated as stop intersections, and stop signs shall be installed as follows:”

The following amendment should be made to Section 291-73 (new language in **bold print**);

Stop Sign on	Direction of Travel	At Intersection of
Sunnyside Lane, West	West	Old Croton Aqueduct

VEHICLE AND TRAFFIC AMENDMENT – LEFT TURN SCHOOL BUS EXEMPTION (GROVE ONTO E. FRANKLIN, E. FRANKLIN ONTO BROADWAY)

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

BE IT RESOLVED that currently the Village Code does not permit left turns on weekdays between 7am-8am at the two intersections listed below. The Tarrytown School District has requested that a school bus exemption be put into place for these two intersections to accommodate the school bus route to the Washington Irving School. The Village has permitted school bus exemptions in the past and currently an exemption exists for left turns at Hamilton Place onto N. Broadway.

East Franklin Street **School Bus Exemption** (No Left Turn – Weekdays 7am-8am)
Grove Street **School Bus Exemption** (No Left Turn – Weekdays 7am-8am)

The following code amendment should be made to accommodate this request (new language in **bold print**);

§ 291-71. Schedule VI: Prohibited Turns at Intersections.

A. In accordance with the provisions of § 291-9, no person shall make a turn of the kind designated below at any of the following locations:

Name of Street	Direction of Travel	Prohibited Turn	Hours / Days	At Intersection of
Franklin Street, East	West	Left Turn (All vehicles except school buses).	7:00 a.m. to 8:00 a.m., weekdays only	Broadway, South
Grove Street	North	Left Turn (All vehicles except school buses).	7:00 a.m. to 8:00 a.m., weekdays only	Franklin Street, East

HALLOWEEN PARADE

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

WHEREAS, the Village of Tarrytown will hold its annual Halloween Parade on Saturday, October 26, 2019; and

WHEREAS, the Board of Trustees of the Village of Tarrytown has been requested by representatives of business and of the Village Recreation Department's Halloween Parade Committee in 2017 to allow the consumption of beer and wine in a controlled area on Main Street as part of the parade.

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby grant permission for the sale and consumption of beer and wine in a controlled, outdoor portion of Main Street between Kaldenberg Place/John Street and South Washington Street; and

BE IT FURTHER RESOLVED that each establishment must obtain a New York State Liquor Authority (SLA) offsite premise permit, provide insurance naming the Village of Tarrytown as additional insured for this event and adhere to the following limitations:

- a) The establishments must have a valid Village of Tarrytown Sidewalk Café Permit.
- b) Permitted hours for the sale of beer and wine outdoors will be 5:30 p.m. to 10 p.m.

- c) The establishments that sell and serve alcohol will be required to issue a bracelet to each person who possesses and has shown legal identification and proof as being of legal age to purchase alcohol.
- d) Only for Saturday, October 26, 2019 from 5:30 p.m. to 10 p.m.
- e) If rain date is necessary, all rules and conditions will apply for the rain date on Sunday, October 27, 2019 from 5:30 p.m. to 10 p.m.

TURKEY TROT STREET CLOSURES

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

WHEREAS, the Village of Tarrytown will hold its annual Turkey Trot on Sunday, November 24, 2019, at 9:30 a.m. with a start and finish at Pierson Park.

WHEREAS, the Turkey Trot race-course will include the Tarrytown RiverWalk, portion of the Sleepy Hollow RiverWalk, West Main Street and Green Street; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby authorize the closure of portions of West Main Street, Green Street and portions of the parking lots which are Lots F and G as the turnaround points of the race, on Sunday November 24, 2019, for the noted times of the race.

NOTICE OF DATE CHANGES FOR TWO FUTURE BOARD OF TRUSTEES WORK SESSIONS

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 change the date of the following Board of Trustees' Work Sessions:

- Wednesday, November 27, 2019 to Monday, November 25, 2019
- Wednesday, January 1, 2020 to Monday, December 30, 2019

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF THE BOARD OF TRUSTEES HELD ON SEPTEMBER 3, 2019

Trustee McGovern moved, seconded by Trustee Brown, 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 September 3, 2019 as submitted by the Village Clerk.

APPROVAL OF AUDITED VOUCHERS

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 approve Abstract No. 5 of Audited Vouchers in the total amount of \$417,250.69 as presented by the Village Treasurer, to be paid in the following amounts:

General	\$ 266,972.60
Water	\$ 128,320.50
Sewer Fund	\$ 0.00
Capital	\$ 4,120.81
Library	\$ 8,564.02
Trust & Agency	\$ <u>9,272.76</u>
Total	\$ 417,250.69

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD ON ITEMS NOT INCLUDED ON THE AGENDA. SPEAKERS HAVE FIVE (5) MINUTES BEFORE YIELDING TO THE NEXT SPEAKER; THEN THREE (3) MINUTES FOR ADDITIONAL COMMENTS

Peter Bartolacci, 67 Miller Avenue, asked if there were any updates on the speed humps in the Miller Park area. Administrator Slingerland noted that the Village Engineer and the Superintendent of Public Works are working with the manufacturer to get information. The original items that we specified were not available; they upgraded and changed the material. We can order them and have them installed, but they will require approximately 200 bolts per section. We will discuss this further with the Board. They are recommended as permanent installation, but we can also look into asphalt speed humps. Mr. Bartolacci asked about the hump on the lower section of Riverview, just north of Glen. Administrator Slingerland responded that they will be taking a second look at that. The Village Engineer is looking to see if we can install a smaller speed hump there. The problem is that the road there is very windy and putting a speed bump there could lead into accidents. Mr. Bartolacci noted that that answer was exactly what was said 3 months ago. Trustee Brown noted that the Village did move forward from 3 months ago, but has run into some glitches. Mr. Bartolacci noted that the neighborhood is anxious to get the speed humps installed and asked the Board for their help to make it happen sooner than later. Trustee Butler noted that the Village is exploring the speed hump project thoroughly because we want to get it right the first time. Mr. Bartolacci thanked the Department of Public Works for fixing the sidewalk in front of his house; they did a really nice job.

ADJOURNMENT

On the motion of Trustee Hoyt, seconded by Trustee Zollo, the meeting was adjourned at 8:56 p.m. by vote of seven in favor, none opposed.

Carol A. Booth
Village Clerk