

# Village of Tarrytown, NY

One Depot Plaza, Tarrytown, NY 10591-3199  
ph: (914) 631-1885

## Village Board of Trustees Minutes 03/03/2014

Board of Trustees  
Village of Tarrytown  
Regular Meeting No. 26  
March 3, 2014  
8:00 p.m.

PRESENT: Mayor Fixell presiding; Trustees Basher; Butler; Hoyt; McGee; McGovern and Zollo; Treasurer Hart; Village Attorney Shumejda and Village Clerk Booth

The meeting began with the Pledge to the Flag.

### REPORTS

Mayor Fixell stated that the entrance ramp to the Tappan Zee Bridge (I-87 northbound/I-287 westbound) from South Broadway (Route 9) in Tarrytown will close to traffic for the duration of the New NY Bridge project, beginning at approximately 10 a.m. on Monday, March 10.

The actions to inform the public about the closure include:~

- Incorporating various traffic systems improvements, including additional signing, traffic signal timing upgrades, and pavement re-striping
- Notifying motorists, local residents, office workers, hotel guests and businesses of the ramp closure
- Using multiple variable message signs (VMS) and other signage to direct motorists away from potentially congested areas and offering alternate routes to the bridge
- Coordinating with the Hudson Valley Transportation Management Center (HVTMC), the Thruway Statewide Operations Center (TSOC) and the Transportation Operations Coordinating Committee (TRANSCOM) to monitor, in real time, traffic conditions and make adjustments as needed
- Using real-time traffic alerts for motorists through 511ny.org and direct traffic camera feeds.

As a result of the closure, motorists who wish to travel northbound or westbound on the Thruway will be directed to bear right immediately after the closed ramp, onto what is referred to as the “jughandle” for Route 119. Motorists will proceed approximately 0.2 miles east on Route 119, turning right onto the I-87 northbound/I-287 westbound entrance ramp.

The ramp from Route 9 southbound to I-87/I-287 – known as “Ramp E” by the Thruway Authority – has been routinely closed for bridge-related maintenance projects in the past. Its complete closure is required to ensure safety for the traveling public and construction workers for the duration of the construction of the New NY Bridge.

Mayor Fixell stated that the Board will monitor this very closely. We will make any displeasure known and hopefully find other ways to mitigate the closing of the ramp. It is not going to re-open, so we have to find ways to deal with it. They have to have it closed to construct the bridge.

Trustee McGovern stated that the Tarrytown Seniors were treated to a catered Valentine Day’s luncheon donated by the Stiloski family in honor and memory of Ann Bellantoni, John Stiloski’s grandmother. Trustee McGovern thanked Mr. Stiloski for his generosity.

### CHANGES AND/OR ADDITIONS TO THE AGENDA

Mayor Fixell noted that a resolution to approve a Fire Department Membership Change will be added to tonight’s agenda.

CONTINUATION OF A PUBLIC HEARING – HISTORIC COMMONS DISTRICT (Continued to March 17, 2014)

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

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

Trustee Basher 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 the next regular Board meeting on March 17, 2014.

CONTINUATION OF A PUBLIC HEARING – ZONING MAP (Continued to March 17, 2014)

Trustee Basher moved, seconded by Trustee McGee and unanimously carried, that the hearing be opened.

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

Trustee McGovern moved, seconded by Trustee McGee, 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 the next regular Board meeting on March 17, 2014.

CONTINUATION OF A PUBLIC HEARING – COMPREHENSIVE PLAN (Continued to March 17, 2014)

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

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

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 the next regular Board meeting on March 17, 2014.

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

Mayor Fixell asked if anyone wanted to address the Board on agenda items. No one appeared.

APPOINTMENT OF LABORER

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 appointment of Edmond O’Gorman as Laborer, Step 1, at an annual salary of \$42,146 effective March 4, 2014. Said appointment is probationary and pursuant to the approval of the Westchester County Department Human Resources and is subject to all applicable civil service rules and regulations.

GREENBURGH DRUG AND ALCOHOL TASK FORCE LEASE AGREEMENT

Trustee Basher 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 a one-year lease agreement with the Greenburgh Drug and Alcohol Task Force for the rental of a portion of the former Police Headquarters building, subject to conditions included in the lease agreement.

#### FIRE DEPARTMENT MEMBERSHIP CHANGE

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 the following Fire Department driver change recommended at the February 18, 2014 Board of Fire Wardens meeting: ~Driver: John Pardo has been approved as a driver for Washington Engine.

#### POLICY STATEMENT – DISCRETION TO BUILDING DEPARTMENT TO ADDRESS DIFFERENCES

Trustee Butler moved, seconded by Trustee Zollo, that the following resolution be approved. Motion carried, all voting “aye” with the exception of Trustee Hoyt who abstained. Approved: 6-0-1

WHEREAS, the Building Inspector reviews and approves construction on properties; and

WHEREAS, the Building Inspector review includes conformance with the requirements of the Village’s Zoning Code relating to set backs; and

WHEREAS, on occasion what is constructed is not situated in the exact location as approved by the Building Inspector; and

WHEREAS, on occasion what is constructed is partially constructed beyond the owner's property boundary, on Village property or within the Village right of way; and

WHEREAS, the Board of Trustees believes that some discretion should be provided to the Building Inspector to address discrepancies between the location of approved construction and the actual location of the construction after completion; and

WHEREAS, prior to the dedication of public roads and/or the enactment of the Village Zoning Code historic structures were constructed wholly or partially in the current Village right of way; and

NOW THEREFORE BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby establish the following policy providing discretion to the Building Inspector.

#### POLICY

- The Building Inspector shall have discretion when there is a difference between the location of construction that was permitted pursuant to the issuance of a Building Permit and the location of construction when constructed as follows:

[a] Upon the submission of an as built survey, the Building Inspector is hereby authorized to issue a Certificate of Occupancy where the construction approved pursuant the Building Permit varies six (6) inches or less from the actual location of the construction. The authority herein granted is limited to one (1) six (6) inch or less change from the Building Permit.

[b] The Building Inspector is not authorized to issue a Certificate of Occupancy where the construction is located on abutting private property.

2. The Building Inspector is authorized to issue a Certificate of Occupancy when construction is located within the Village right of way or on Village property as follows:

[a] Upon submission of an as built survey;

[b] The structure was built before the right of way became a public highway; or

[c] The structure was built before the enactment of the Village of Tarrytown Zoning Code; or

[d] The structure was built less than six (6) inches in the Village right of way or less than six (6) inches on Village land; and

- [e] The construction does not create a hazard to pedestrians or vehicles; and
- [f] The property owner records a covenant, which has been approved by the Village Attorney, in the Westchester County Office of Land Records that (1) binds the current owner(s), successor(s) and/or assign(s) to defend and indemnify the Village of Tarrytown from any claim, including reasonable attorney's, as a result of a structure that is within the Village's right of way or on Village property and (2) requires that the current owner(s), successor(s) and/or assign(s) remove the structure at the owner's sole cost upon sixty (60) days written notice to the property owner(s).
- [g] In the event that a property owner does not file the aforementioned covenant, the property owner must remove the structure from the Village right of way and/or Village property.

#### TAX CERTIORARI – VERIZON – POLES AND CABLES

Trustee Basher 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 the tax certiorari settlement with Verizon regarding their poles and cables in the Village, as outlined in the Village Attorney's memorandum dated February 13, 2014.

#### APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF THE BOARD OF TRUSTEES HELD ON FEBRUARY 18, 2014

Trustee Basher 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 the minutes of the regular meeting of the Board of Trustees held on February 18, 2014 as submitted by the Clerk.

#### APPROVAL OF AUDITED VOUCHERS

Trustee Zollo moved, seconded by Trustee Basher, 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. 16 of Audited Vouchers to be paid in the following amounts:

General	\$ 399,721.74
Water	18,452.74
Sewer Fund	0.00
Capital	155,386.64
Library	7,707.95
Trust & Agency	<u>2,672.11</u>
Total	\$ 583,941.18

The Board was polled all voting "aye" with the exception of Trustee McGee who recused herself from Voucher Number 2012244414 and Trustee Hoyt who recused himself from Voucher Number 2012244408. Motion carried. 7-0

#### 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

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

#### ST. PATRICK'S DAY PARADE

The Mayor and the Board of Trustees noted that the St. Patrick's Day Parade is Sunday, March 16<sup>th</sup>. Parade begins on Main Street in Tarrytown at 1:30 p.m.

#### ADJOURNMENT

Trustee Hoyt moved, seconded by Trustee Butler, and unanimously carried, that the meeting be adjourned at 8:14 p.m.

Carol A. Booth  
Village Clerk