

**VILLAGE OF TARRYTOWN
BOARD OF TRUSTEES
WORK SESSION 6:00 P.M.
WEDNESDAY, JANUARY 15, 2014
Tarrytown Village Hall
One Depot Plaza, Tarrytown, New York**

Board of Trustees Concerns

Open Session

1. Bids – Maintenance of RiverWalk Park
2. Revaluation – per Trustee Zollo
3. Parking Fund
4. Parking Maps on Web Site
5. South Depot Parking Lot
6. Westchester County – Proposed Tarrytown Force Main
7. Chapter 259 Streets and Sidewalks
8. Historic Commons Legislation
9. Extension of Moratorium in HC District
10. Tappan Zee Constructors
11. Bond Resolution

Executive Session

- 1A. Tax Certiorari
- 2A. Farmers Market

MAINTENANCE OF RIVERWALK PARK BID DATE - DECEMBER 5, 2013					
BIDDER	INITIAL WEEDING AND PLANT GROWTH REMOVAL	MAINTENANCE	% INCREASE YEAR 2	TOTAL BID AMOUNT YEAR 1	TOTAL BID AMOUNT YEAR 2
Girls Gone Green	\$18,500.00	\$32,800.00	2%	\$51,300.00	\$52,326.00
Brickman	\$21,175.00	\$20,243.71	3%	\$41,418.71	\$42,661.27
Visione Landscaping, Inc.	\$35,000.00	\$8,500.00	No Response	\$43,500.00	
Pat Scanlon Landscaping, Inc.	\$52,500.00	\$39,875.00	3%	\$92,375.00	\$95,146.25
Somers Hills Landscaping Corp.	\$250,000.00	\$110,000.00	1%	\$360,000.00	\$363,600.00

**VILLAGE OF TARRYTOWN
VILLAGE ADMINISTRATOR'S OFFICE
MEMORANDUM**

TO: Mayor Fixell and the Board of Trustees
FROM: Michael Blau, Village Administrator
RE: Parking Fund
DATE: December 18, 2013

On May 6, 2013, the Board of trustees adopted Local Law #3 of 2013 eliminating the "Jitney Fund" and creating a parking fund. The Jitney Fund allowed for businesses in the Restricted Retail (RR) Zoning District that were obligated to create parking in the RR zone to pay \$1,000 per parking space for up to five parking spaces into the fund. The problem with the Jitney fund was it did not address parking for new restaurants being established as well as the fact that the Village did not operate a jitney that would be funded through the fund. The new program enabled funds to be deposited and the Board to appropriate the funds for parking purposes. The specific language in the amendment states, "The parking fund, when established, shall be used exclusively for the creation of new parking in the downtown commercial area or for the maintenance of the existing parking in the downtown commercial area."

I had completed a survey which was submitted to the Board during the review process for the Zoning Code amendment. That survey is included herewith. The rates per parking space for the parking fund are noted below:

From one to five parking spaces: \$2,500 per parking space
From six to 10 parking spaces: \$5,000 per parking space
From 11 to 15 parking spaces: \$10,000 per parking space

Yesterday, I met with the wife of the owner of Mint and her attorney to discuss a number of issues relating to the fact that Mint is now considered a restaurant and as such, they have certain obligations per the Building Code and the Zoning Code. Per the parking requirements in the Zoning Code, they are obligated to create, find in another location or pay into the parking fund for 15 parking spaces. 15 parking spaces, if paid into the parking fund, will cost the owner of Mint \$87,500. It was noted that the costs to meet the Building Code sprinkler requirements are costing Mint approximately \$40,000 and that a small business cannot afford to pay another \$87,500 into a parking fund. Mint is willing to pay into the fund, but they believe that the cost is excessive.

Based upon an actual application, I wanted to bring this matter to your attention to determine whether the Board has any desire to modify the fees associated with the parking fund.

PARKING - DOWNTOWN COMMERCIAL DISTRICT

Municipality	Parking Provision in Code
Ardsley	No
Briarcliff Manor	No
Bronxville	No
Elmsford	No
Hastings	Restaurant under 2,500 sf exempt from parking requirements
Irvington	Planning Board may permit payment into fund in exchange for parking required; minimum amount @ \$10,000 space.
Mamaroneck (Village)	Amount per space established by Village Engineer; has been subjective. Village looking to codify set number.
Mount Kisco	1st Floor use - no parking space requirement; 2nd Floor Use - \$25,000 per space.
New Castle	No
New Rochelle	No requirement for parking for commercial, but has established a payment-in-lieu of plan for residential parking in downtown not provided on site (1-6 units @ \$500/parking space; 7-10 units @ \$1,000/parking space; 11-20 units @ \$3,000/parking space; more than 20 units @ \$5,000/parking space
Port Chester	Currently considering payment-in-lieu of parking plan
Rye Brook	No
Scarsdale	\$10,000/parking space; also reduced parking space requirement for restaurants to be same as retail space

Question posed: Parking is extremely limited in our downtown as I'm sure it is with yours. For example, when a business changes use from an antique store to a restaurant, the Village has a parking provision (number of parking spaces required) that is difficult for the new use to provide the parking required. Does anyone have a provision where monies can be placed in a special fund for the development of parking based on a per space cost? If yes, what is that cost per space?

Mike Blau

From: Carol Booth
Sent: Tuesday, November 12, 2013 12:46 PM
To: Mike Blau
Subject: FW: Parking Maps

FYI

From: Aaron Weston [mailto:aweston@cai-info.com]
Sent: Tuesday, November 12, 2013 9:11 AM
To: Jim Hart
Cc: Carol Booth
Subject: Parking Maps

Good Morning Mr..Hart,

I am reaching out to the Village of Terrytown at the suggestion of the Town Clerk in Ossining. I was recently in Ossining and speaking with them about the GIS mapping services that our company provides. In particular we a little over a year ago mapped and host on line a parking map for Croton-on-Hudson which you can view at http://www.caigisonline.com/croton_on_hudsonny/croton.html If there would be any interest from Terrytown in having CAI Technologies create a map similar to this please let me know.

Sincerely,

Aaron

Aaron Weston, CMS, GISP
Business Development Manager



Toll-free 800.322.4540 x28
cai-tech.com

Mike Blau

From: Aaron Weston <aweston@cai-info.com>
Sent: Wednesday, November 20, 2013 7:33 PM
To: Mike Blau
Subject: Re: FW: Parking Maps

Hi Mike

I received the information today from your secretary and it was exactly what I was looking for, thank you! Based on this information we can set Terrytown up with a web product like the Croton-on-Hudson link that I sent you and create a PDF map of the lots for \$2,300 plus an annual hosting fee for the web page of \$600.

CAI would create polygons for each of the parking areas that have been identified. For the PDF map we would plot each of the lot polygons and label them. For the website version each lot would have a "pop up" like the Croton-on-Hudson site for information specific to that lot. The Town could then put the link to our site on your Towns web page.

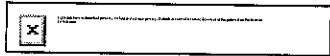
If this sounds good to you and it is something you would like to proceed with let me know and I will send a formal contract. If you have any questions or want to discuss different options please do not hesitate to contact me.

Sincerely,

Aaron

Aaron Weston, CMS, GISP

Business Development Manager



Toll-free 800.322.4540 x28
cai-tech.com

On Mon, Nov 18, 2013 at 3:45 PM, Mike Blau <MBlau@tarrytowngov.com> wrote:

My secretary is working on it and will be getting back to you.

From: Aaron Weston [mailto:aweston@cai-info.com]
Sent: Monday, November 18, 2013 1:52 PM

**VILLAGE OF TARRYTOWN
VILLAGE ADMINISTRATOR'S OFFICE
MEMORANDUM**

TO: Mayor Fixell and the Board of Trustees
FROM: Michael Blau, Village Administrator
RE: Multi-Space Meter Machine, South Depot Parking Lot
DATE: December 20, 2013

During the renovation/rehabilitation of the MNRR platforms and pedestrian bridges, the South Depot parking lot owned by MNRR and subject to a lease agreement with the Village, was taken out of service. The meters that were in the parking lot prior to the construction project were owned by the Village and were single head meters. These meters have been installed along Division Street. MNRR had agreed at the beginning of the construction project that a multi-space meter would be installed. However, no meter was ever installed and when we brought this to their attention, they contacted the parking company that they work with (LAZ Parking) and LAZ installed a multi-space parking fee box in the lot. The box is essentially slots with numbers reflecting the numbers of the parking spaces in the parking lot.

Chief Brown voiced concern that there is no way, using this honor system, to enforce parking in the said parking lot since there is no way to know which person parking in the lot put money in the slots. In addition, Chief Brown was more concerned about collecting the money from this honor box because there is no way to account for the money removed from the "honor" box. I have contacted LAZ parking to discuss how this is handled in other parking lots where the said box is located. They noted that they have been phasing out the boxes and installing actual multi-space meters, but there are locations where they collect the money from the box based upon an hourly rate. I had requested that they develop an agreement for such collection and they came back with a proposal to install a multi-space meter. The email correspondence and a photo of the proposed multi-space meter is included herewith.

LAZ is proposing that they purchase and install the meter and the revenue from the meter would be divided in thirds, with LAZ, MNRR and the Village. Currently per the lease with MNRR, the Village divides the revenue equally with MNRR. Per my analysis associated with the report to install multi-space parking meters on the west side of the railroad tracks, the parking lot will generate \$26,500 in revenue annually. I have reached out to MNRR with a different proposal. I have suggested that the Village purchase and install a multi-space meter. MNRR would be responsible for ½ of the cost of the meter which would be paid from their ½ of the proceeds from the revenue. As soon as the Village recoups the MNRR cost associated with the meter, the Village would once again share proceeds of the meter with MNRR.

Mike Blau

From: Todd Slager <Tslager@lazparking.com>
Sent: Tuesday, November 26, 2013 10:30 AM
To: Mike Blau
Subject: RE: Collections & Enforcement - Tarrytown
Attachments: IMG-20131122-00634.jpg

Hi Mike,

I think it would be better if we installed one of our pay stations (picture attached) for the following reasons:

- Credit Card Acceptable. Most customers will use cc's because of convenience and the dollar amount to park.
- Supplies Change.
- Option Pay-by-Plate number.
- Modern technology and customer friendly vs. cramming bills in slots.

If you think this is a good idea, the following is all I would need from your team:

- Electric conduit line run to location.
- Credit Card Fees (Estimated 3-5%/monthly)
- Cover cell phone connection fee (\$30.00/month)

Let me know.

Todd J. Slager | Director of Operations
C (732) 874-1111 | F (914) 402-5870
8 John Walsh Blvd. | Suite 115 | Peekskill, NY 10566
Web | Facebook | LinkedIn



From: Mike Blau [<mailto:MBlau@tarrytowngov.com>]
Sent: Friday, November 22, 2013 08:03

To: Todd Slager
Subject: RE: Collections & Enforcement - Tarrytown

It is fine. Please draft an agreement.

From: Todd Slager [<mailto:Tslager@lazparking.com>]
Sent: Friday, November 22, 2013 8:12 AM
To: Mike Blau
Subject: RE: Collections & Enforcement - Tarrytown

Hi Mike,

Like I stated, I just used Irvington as a comparison since its close and their rates are only \$4.50/16hr & \$7.50/24hr.

It's no problem, we'll make it \$12.00/16hr & \$18.00/24hr.

Let me know if you agree with this and the other terms. If so, I'll have an agreement drawn up.

Thanks and look forward to make Tarrytown one of our partners!

Todd J. Slager | Director of Operations

C (732) 874-1111 | F (914) 402-5870

8 John Walsh Blvd. | Suite 115 | Peekskill, NY 10566

Web | Facebook | LinkedIn

From: Mike Blau [mailto:MBlau@tarrytowngov.com]

Sent: Monday, November 18, 2013 16:45

To: Todd Slager

Subject: RE: Collections & Enforcement - Tarrytown

Why did you establish the fee structure at \$.50 an hour when our rate structure is \$.75/hour?

From: Todd Slager [mailto:Tslager@lazparking.com]

Sent: Monday, November 18, 2013 1:09 PM

To: Mike Blau

Subject: Collections & Enforcement - Tarrytown

Hello Mike,



It was a pleasure meeting with you today.

After discussing the location with my superiors and using Irvington as a comparison lot, the following is a list of figures we've calculated:

- **Fee Structure:** \$8.00/16hr & \$11.00/24hr. (Not sure if you want 24 parking rate at this location.)
Weekends/specified MTA holidays are free.
- **Revenue:** Divided by a 1/3 (Tarrytown, MTA, and LAZ.)
- **Collections:** LAZ would retain all monies collected from violations.

We would install all the appropriate rate structure signage, collect revenue on a daily basis, and enforce the lot on a daily basis for non-payment violators/illegal parkers.

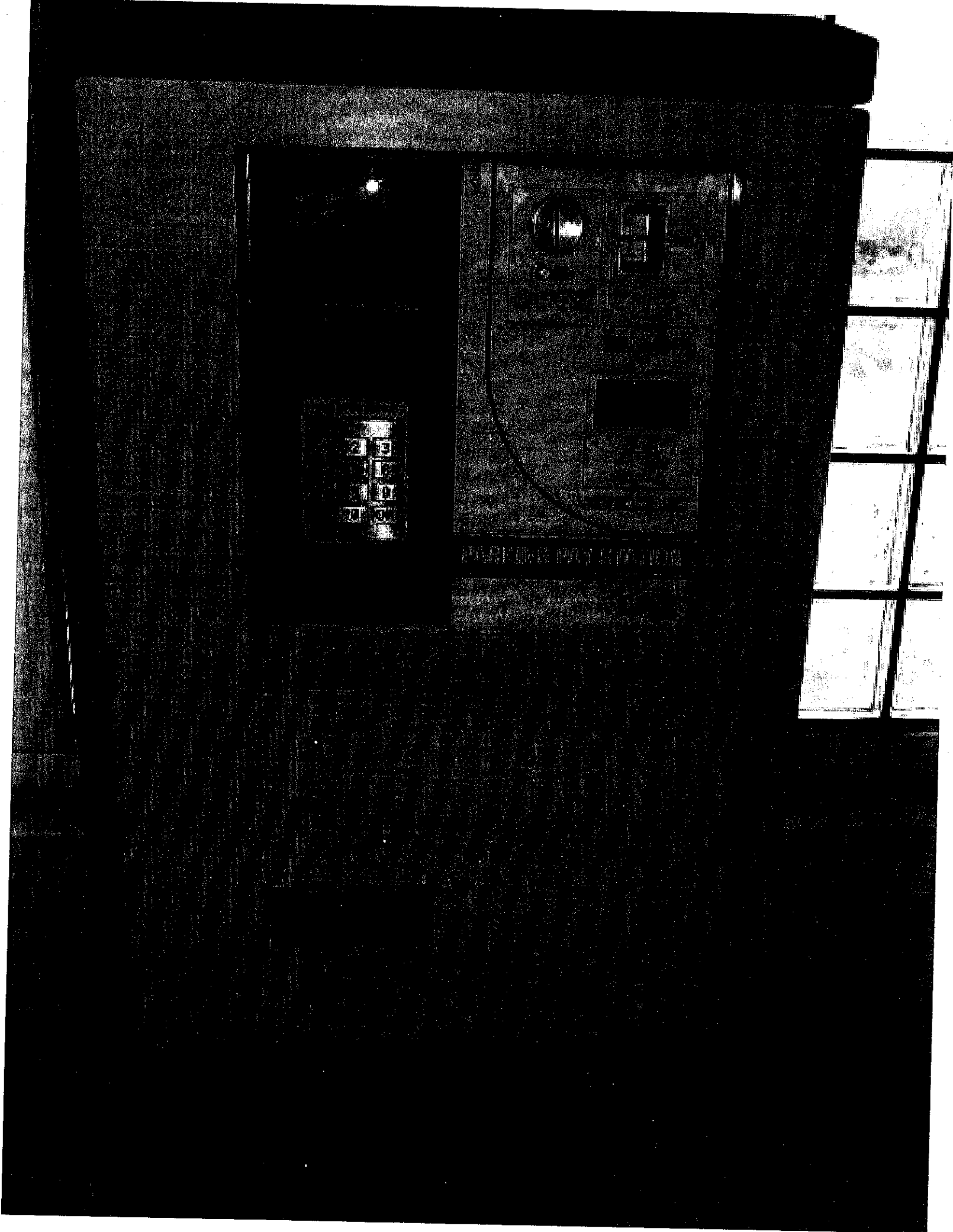
Please let me if you have any additional questions or comments.

Todd J. Slager | Director of Operations

C (732) 874-1111 | F (914) 402-5870

8 John Walsh Blvd. | Suite 115 | Peekskill, NY 10566

Web | Facebook | LinkedIn



From: jai4@westchestergov.com
To: shumejda@msn.com
CC: rvg1@westchestergov.com; jmg2@westchestergov.com; jpg2@westchestergov.com
Date: Tue, 24 Dec 2013 11:57:34 -0500
Subject: Westchester County - Proposed Tarrytown Force Main Project

Good Morning Jeffrey,

In furtherance of our phone call this morning, attached please find a map depicting the proposed force main route. Also attached is a hand marked up survey depicting the existing 30 foot County easement on the Village owned property along with the new easement currently being requested. It my understanding the new easement will be a west-east easement so that the force main can access what I believe is Church Street. Lastly I have attached a copy of an easement map depicting the current easements on the Village owned property.

In addition to the easement from Tarrytown, the County is also requesting a resolution from the Village Board of Trustees authorizing the County to perform the work in the right-of-way under Village owned streets (as depicted on the attached map showing the proposed force main route). Also, as discussed, the County is currently in negotiations to purchase what is referred to on the map as the Peter Gray Property located at 31 Bridge Street, as well as seeking an easement from Metro North along the railroad tracks.

Please call me anytime if you need anything further or wish to discuss.

Thanks,
JP

John Paul Iannace
Assistant County Attorney
Westchester County
148 Martine Avenue, 6th Floor
White Plains, New York 10601
Tel.: 914.995.3637
Fax: 914.995.2495

Village of Tarrytown



Pump Station

Block 29 Lot 1
Peter Gray
31 Bridge Street

Block 65 Lot 79
Village of Tarrytown
Church Street

MACARTHUR LANE

RIVERVIEW AVENUE

SOUTH BROADWAY

BRIDGE STREET

CHURCH STREET

LEROY AVENUE

PROSPECT AVENUE

MARTLING AVENUE

INTERSTATE ROUTE 87

SOUTH BROADWAY

Connection to
Existing Force Main

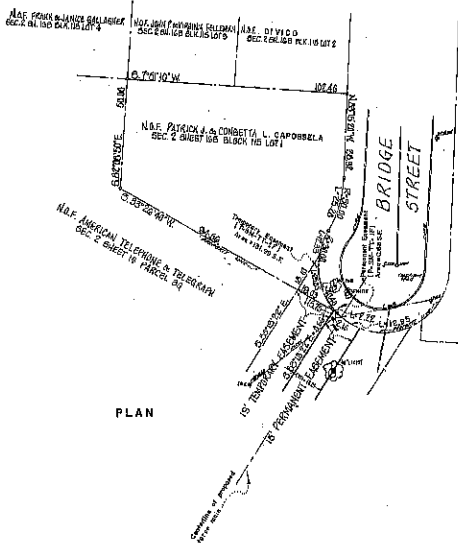
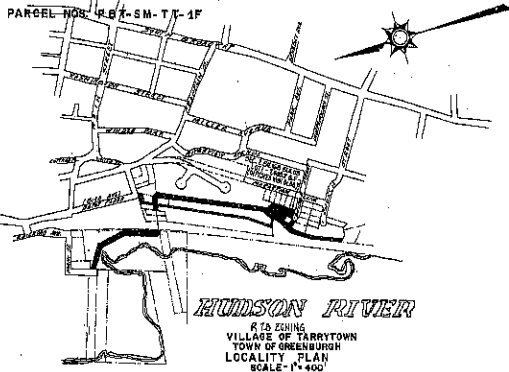
ROUTE 119/WHITE PLAINS ROAD

Legend

Proposed 30-inch Diameter Force Main

Tarrytown Block/Lot

PARCEL NO. R.B. 7-SM-TT-1F



CHARLES NEELEY
 LICENSED LAND SURVEYOR
 210 WEST 100TH STREET
 TARRYTOWN, N.Y.

RECORD OF FILING
 IN THE OFFICE OF THE CLERK OF THE COUNTY OF WESTCHESTER
 THE MAP SHOWING THE PROPOSED SANITARY SEWER DISTRICT AND THE PROPOSED SANITARY SEWER LINE WAS FILED FOR RECORD ON JUNE 20, 1972.

TAX LOT DATA 1F
 Lot numbers shown hereon are in accordance with the Tax Assessment Maps of the Town of Greenburgh.
SECTION 2 SHEET 16B BLOCK 116 LOT 1

SEWER EASEMENT DATA
 Area of Permanent Easement 0.0000 AC.
 Area of Temporary Easement 0.0000 AC.
 Right of Permanent Easement 0.0000 AC.
 Total Area of Temporary Easement 0.0000 AC.

GENERAL NOTES:
 The terms of the Grant of Easement will specify that the County will retain rights over the said permanent easement and that the property owner, his heirs, successors or assigns will do nothing to interfere with the said rights nor will he, his heirs, successors or assigns do anything or allow anything to be done which would injure, endanger or impair the said sewer line or the operation thereof.
 If the County should hereinafter use the premises after the initial construction for repairs or reconstruction the obligation of the County on restoration will be limited only to filling, grading or back-sloping.

I, Charles Neeley, the surveyor who made this map, do hereby certify that the property shown hereon was completed (MS) 10, map was completed JUNE 15, 1972.

Charles Neeley
 N.Y.C. Licensed Professional Land Surveyor

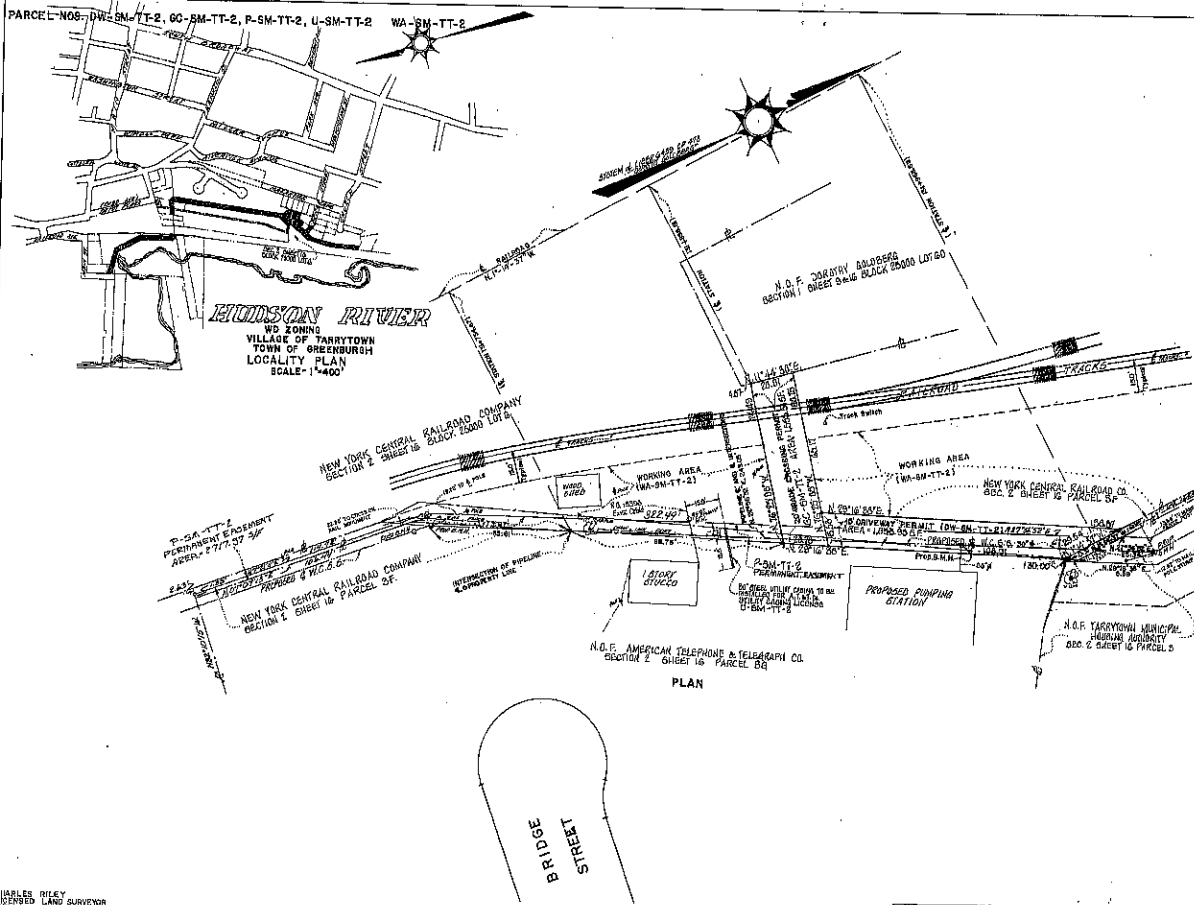
FOR COUNTY OF WESTCHESTER

William A. B. B.
 Commissioner of Environmental Facilities

**COUNTY OF WESTCHESTER
 DEPARTMENT OF ENVIRONMENTAL FACILITIES
 PROPERTY MAP
 FOR RIGHT OF WAY ACQUISITION
 TARRYTOWNS EXTENSION.**

SITUATED IN THE
**VILLAGE OF TARRYTOWN, TOWN OF GREENBURGH
 WESTCHESTER COUNTY, NEW YORK**
**SAW MILL
 SANITARY SEWER DISTRICT**
 REPUTED OWNER: PATRICK J. & CONNIE L. CAPOSSOLA
 SCALE: HORIZ. 1" = 20' JUNE 20, 1972
 COUNTY SHEET NO. 36 BLOCK NO. 7755
 808 807

CONTAINMENTS LAND - TOWN OF GREENBURGH



CHARLES RILEY
LICENSED LAND SURVEYOR
RESIDENT: NEW YORK
NEW YORK, N.Y.

RECORD OF FILING
IN THE OFFICE OF THE CLERK OF THE COUNTY OF WESTCHESTER
THIS MAP WAS RECORDED IN THE CLERK'S OFFICE
JUNE 14, 1972 (P. 347-12)

UNRECORDED AGREEMENTS:
SUBJECT TO THE RIGHTS OF THE FOLLOWING OWNERS:
GO. SM-TT-2 (P. 347-12) U-SM-TT-2 (P. 347-12) COMMONWEALTH LAND NO. 14122222

ORIGINAL 1920 VILLAGE SEWER DISTRICT MAP RELEASED IN 1-1971 CA. 415

TAX LOT DATA

Lot numbers shown herein are in accordance with the Tax Assessment Maps of the Town of Greenburgh.
SECTION 2, SHEET 16, BLOCK 25,000, LOT 6
SECTION 2, SHEET 16, PARCEL 3F

J. Charles Riley, the surveyor who made this map, do hereby certify that the same is a true and correct copy of the original map as filed in the office of the County Clerk of Westchester County, New York, on June 14, 1972.



FOR COUNTY OF WESTCHESTER

COUNTY OF WESTCHESTER
DEPARTMENT OF ENVIRONMENTAL FACILITIES
PROPERTY MAP
FOR RIGHT OF WAY ACQUISITION
TARRYTOWNS EXTENSION
SITUATED IN THE

VILLAGE OF TARRYTOWN, TOWN OF GREENBURGH
WESTCHESTER COUNTY, NEW YORK

SAW MILL
SANITARY SEWER DISTRICT
REPUTED OWNER: NEW YORK CENTRAL TRANSPORTATION CO.
FORMERLY NEW YORK CENTRAL
SCALE: HORIZ. 1"=20' VERT. 1"=20'
COUNTY SHEET NO. 58 BLOCK 25,000 LOT 6
JUNE 20, 1972
NO. 088207

Chapter 259. STREETS AND SIDEWALKS

Article XIII. Removal of Snow and Ice.

§ 259-37. Removal by owner or occupant required.

[Amended 12-11-1961]

A. The owner or occupant of any premises shall cause the contiguous sidewalks and, in the case of multifamily dwellings, all driveways and access and exit roads on the premises to be cleared of snow and ice within two hours after such snowfall shall have ceased or ice shall have formed, the time between 9:00 p.m. and 7:00 a.m. being excluded from the computation of said period of two hours.

[Amended 12-17-1979 by L.L. No. 19-1979]

B. Where snow and ice shall be frozen to a degree that it cannot be removed within said period by customary means, the owner or occupant of the abutting premises shall cause sand, ashes, sawdust, salt or other suitable material to be strewn upon the sidewalks, driveways and access and exit roads and shall as soon thereafter as weather conditions permit thoroughly clean the same.

C It shall be unlawful for any person to plow, throw, cast or blow, or cause to be plowed, thrown, cast or blown by any means, any snow or ice into any street, sidewalk, park or other public place in the Village.

§ 259-38. Failure to remove; costs to become lien.

[Amended 1-8-1962]

A. In the event that the owner or occupant of any premises does not obey the requirements of § 259-37, the Village may carry out the same and charge the costs thereof to the owner of the premises. Such costs shall constitute a lien or charge on said premises until paid or otherwise satisfied or discharged and shall be added to the Village tax roll and collected in the same manner as delinquent taxes.

B. Before collecting the costs in such manner, however, the Board of Trustees will hold a hearing as to the justness of said costs, upon due notice to the owner of the amount of costs and as to the time and place of hearing. If, after such hearing, the Board of Trustees shall determine that a lesser charge would be just, the amount of such lesser charge shall thenceforth constitute a lien and charge and shall be collectible as provided above.

§ 259-39. Penalties for offenses.

[Added 12-17-1979 by L.L. No. 19-1979; amended 11-21-1983 by L.L. No. 12-1983; 5-6-1991 by L.L. No. 5-1991]

Penalties shall be as provided in Chapter 1, General Provisions, Article II, and each hour that each violation shall be permitted to exist shall constitute a separate offense punishable in the same manner.

Comment [MB1]: Does the Board believe that 2 hours is appropriate since there may be no one home two hours after the end of a snowfall should the homeowners be working, especially in NYC.

**VILLAGE OF TARRYTOWN
NOTICE PURSUANT TO VILLAGE LAW §7-706
ENACTMENT OF PROPOSED AMENDMENT ENACTING
MORATORIUM ON DEVELOPMENT IN HISTORIC COMMONS HC ZONE**

PLEASE TAKE NOTICE that the Board of Trustees of the Village of Tarrytown will hold a public hearing on the 6th day of May 2013, in the Municipal Building, One Depot Plaza, Tarrytown, New York 10591, at 8P.M. to hear, discuss and to act upon a proposed amendment to the Code of the Village of Tarrytown by adding a new Chapter, to be entitled Moratorium on Development in the Historic Commons HC Zone of the Village of Tarrytown, which will provide a brief period for the Village to analyze adequately and thoroughly research the current zoning code and adopt and/or enact laws which will reasonably and rationally complement Chapter 305-28 entitled "Historic Commons HC Zone" originally adopted in 2001. A summary of the legislation is available at Village Hall. The complete text of this legislation follows:

A LOCAL LAW to amend the Code of the Village of Tarrytown by adding a new Chapter to be entitled Moratorium on Development in the Historic Commons HC Zone of the Village of Tarrytown, which will provide a brief period for the Village to analyze adequately and thoroughly research the current zoning code and adopt and/or enact laws which will reasonably and rationally complement Chapter 305-28 entitled "Historic Commons HC zone".

SECTION 1. LEGISLATIVE INTENT AND FINDINGS OF FACT.

A. Findings of Fact.

The Board of Trustees of the Village of Tarrytown adopted Chapter 305-38 entitled "Historic Commons HC Zone" in 2001.

The Board of Trustees has been informed that the requirements of the Historic Commons HC Zone are not clear and the language of the Zoning Code as it applies to the Historic Commons HC Zone provides minimal guidance as to the developmental potential, or lack thereof, of property found within the Historic Commons HC Zone. Examples of some of the issues brought to the attention of the Board of Trustees are as follows:

[i] The sole permitted use without obtaining a "Compatible Use Permit" is a single family residence. However the code section lists "Permitted Accessory Uses" as 1) Public restaurant; 2) Recreation facilities; 3) Parking lots; 4) Tennis courts; 5) Swimming pools; and 6) Accessory private garage space. The only accessory uses that are valid accessory uses to single family residence are items 4, 5 and 6.

[ii] The Historic Commons HC Zone establishes the minimum lot area for "permitted uses" as 5 acres. It is not clear whether 5 acres is the intended minimum lot area for the uses that are subject to a compatible use permit.

[iii] The Historic Commons HC Zone list 8 uses that can be developed on the site and require the

issuance of a compatible use permit.

[iv] There is an issue as to whether a developer can create a mixed use on the site, providing a number of the uses subject to a compatible use permit on the site.

Therefore, a temporary moratorium of all development within the Historic Commons HC Zone except for single family houses is necessary pending review of the zoning code.

B. Legislative Intent.

The intent of this Moratorium is to provide a brief period of time wherein the Village Board of Trustees can review the entire zoning code and adopt and/or enact laws necessary to reasonably and rationally complement Chapter 305-38 "Historic Commons HC Zone". It is the intention of the Board of Trustees of the Village of Tarrytown to analyze within the designated moratorium period the current zoning code and if necessary adopt any resolution and or enact any local law to ensure that any development within the Historic Commons HC Zone is consistent with the intent of Chapter 305-38 "Historic Commons HC Zone" and the health, safety and general welfare of the current and future residents of Tarrytown. These actions are to be taken pursuant to the Board's power to protect and enhance the Village's physical environment and to protect the well being of persons or property within the Village. Since a period of time will be necessary to enable the Board of Trustees to accomplish these actions the Board does hereby adopt a temporary moratorium on the following:

[1] Construction of any new structure – except single family residential homes - within the Historic Commons HC Zone of the Village of Tarrytown.

SECTION 2. SCOPE OF CONTROLS

During the effective period of this law as provided in Section 8 below, the Building Inspector of the Village of Tarrytown shall not issue any building permit upon an application which would result in the following:

[1] Construction of any new structure – except single family residential homes - within the Historic Commons HC Zone of the Village of Tarrytown,

in the area of application as set forth in Section 4 below. Furthermore, during the effective period of this law as provided in Section 8 below, the Planning Board, the Architectural Review Board nor the Zoning Board of Appeals will approve any application which would result in the circumstances enumerated above in the area of application as set forth in Section 4 below.

SECTION 3. PENALTIES

Any person, firm, entity or corporation that shall violate any of the provisions of this local law shall be subject to penalties as otherwise provided by law or ordinance of the Village of Tarrytown for violation of the provisions of a local law, and shall be subject to injunctive relief for actions which may have taken place in violation of this local law.

SECTION 4. APPLICATION

This law shall apply to all real property within the Historic Commons HC Zone of the Village of Tarrytown.

SECTION 5. VALIDITY

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this local law shall not affect the validity of any other part of this local law which can be given effect without such invalid part or parts.

SECTION 6. SUPERSEDING OTHER LAWS

A. All ordinances or local laws or parts thereof in conflict with the provisions of this local law are hereby suspended or superseded to the extent necessary to give this local law full force and effect during the effective period.

B. During the duration of this law, it shall supersede inconsistent provisions of the New York State Village Law, including but not limited to sections 7-706, 7-712-a, 7-712-b, 7-718, 7-725-a, 7-725-b, 7-728, and 7-730.

SECTION 7. HARDSHIP

A. The Board of Trustees shall have the power to vary or modify the application of any provision of this local law upon its determination, in its absolute legislative discretion, that such variance from strict compliance with this local law will not be detrimental to the Village's physical and/or visual environment or the well-being of persons or property within the Village and upon finding that the application of the provisions of this local law to a specific property will cause unnecessary hardship and that such hardship is unique to that specific property.

B. Upon receiving written application for such variance, the Board of Trustees shall hold a public hearing within forty five (45) days of the receipt of such application. Within thirty (30) days of the close of the public hearing the Board shall render a written decision either granting or denying the application. If the Board of Trustees determines that the strict application of this local law creates unnecessary hardship to the particular property, then the Board of Trustees shall vary the application of this local law to the minimum extent necessary. The granting of an appeal for relief by the Village Board of Trustees shall authorize and permit the Planning Board, Zoning Board, Architectural Review Board and/or Building Inspector to accept, review, consider and/or otherwise act.

C. Pursuant to Article 78 of the Civil Practice Laws and Rules, any party aggrieved by the determination of the Board of Trustees on an application for a variance may appeal said decision to the Supreme Court, State of New York, within thirty (30) days of the filing of said decision in the office of the Village Clerk.

SECTION 8. EFFECTIVE DATE

This local law shall take effect immediately, as provided by law, and shall remain in force until February 6, 2014, unless extended by local 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

DATED: April 15, 2013

Contact: Michael Blau, Village Administrator
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