

Board of Trustees  
Village of Tarrytown  
Regular Meeting No. 14  
January 3, 2005

PRESENT: Deputy Mayor Morabito residing; Trustees Basher, Chillemi, Chorost, Fixell, and Sincero; Village Attorney Shumejda; Village Administrator McCabe; Village Treasurer Hart; Village Engineer McGarvey; Village Clerk Booth

ABSENT: Mayor Janos

The meeting began with the Pledge to the Flag.

CONTINUATION OF PUBLIC HEARING – AMENDMENT TO THE SPECIAL  
SETBACK PROVISIONS OF THE TARRYTOWN LAKES BUFFER ZONE LAW

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

Deputy Mayor Morabito questioned if anyone wished to address the Board. No one appeared.

Trustee Basher moved, seconded by Trustee Fixell, and unanimously carried, that the hearing be continued.

PUBLIC HEARING REGARDING AN AMENDMENT TO THE VILLAGE SITE  
DEVELOPMENT PLAN APPROVAL LAW

Attorney Shumejda read the following public notice:

PLEASE TAKE NOTICE that the Board of Trustees of the Village of Tarrytown will hold a public hearing on the 3<sup>rd</sup> day of January, 2005 at 8:00 p.m., in the Municipal Building, 21 Wildey Street, Tarrytown, New York 10591, to hear, discuss and to act upon a proposed amendment to §305-52 entitled “Site development plan approval” of the Code of the Village of Tarrytown. The complete text of the legislation is available at Village Hall. A descriptive summary of this legislation follows:

A LOCAL LAW to amend the Code of the Village of Tarrytown by amending §305-52 entitled “Site development plan approval.”

SECTION 1. LEGISLATIVE INTENT AND FINDINGS OF FACT.

A. FINDINGS OF FACT.

The Village Board of the Village of Tarrytown has determined that the erection, enlargement, rehabilitation of all homes without site development plan approval by the Planning Board has the potential to threaten the health, safety and welfare, and quality of life in Tarrytown for the unique character of all neighborhoods in the villages rests upon the diversity in style and design of structures as well as the general uniformity in the scale of homes located on similarly sized lots in neighborhoods throughout the community.

B. Legislative Intent

It is the intention of the Board of Trustees of the Village of Tarrytown to mandate that applicants seeking the erection, enlargement, rehabilitation of all homes must obtain site development plan approval by the Planning Board.

SECTION 2. Amendment to Code §305-52 entitled “Site development plan approval”

(Changes are in bold, deletions are in parenthesis)

In accordance with § 7-725 of the Village Law, site development plan approval by the Planning Board shall be required for

- A. The erection, enlargement, rehabilitation, conversion, change of use that requires an increase in the minimum off-street parking requirements, change of occupancy or reuse of all buildings **including new homes and additions to existing homes where the proposed addition increases the foot print of the existing home by 25% or more or results in a square footage or volume increase of 50% or more**. (other than a single-family house constructed on a separate lot and not part of a subdivision on which significant land alteration is not required and alterations or additions to single-family and two-family house on which significant land alteration is not required. In all subdivisions), the Planning Board shall have the authority to review and approve site plans upon those proposed lots which it deems appropriate in the interest of the general welfare and to minimize any potential adverse impact. (For the purposes of this section, significant land alteration shall mean any alteration in a property's grade which could increase the height of a building as defined in §305-63 of the Zoning Code or any alteration to, or creation of, vehicular access to a public street.)
- B. All uses of land where no building is proposed, including the proposed use and development of all land within proposed subdivisions (of three or more lots, blocks, parcels or sites.)

(No other changes to Section)

### 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.

Trustee Sincero moved, seconded by Trustee Chillemi, and unanimously carried, that the hearing be opened.

Deputy Mayor Morabito questioned if anyone wished to address the Board. No one appeared.

Trustee Chillemi moved, seconded by Trustee Basher, and unanimously carried, that the hearing be continued.

### OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

Deputy Mayor Morabito questioned if anyone wished to address the Board. No one appeared.

### RESOLUTION - TO SCHEDULE A PUBLIC HEARING TO MAKE A DETERMINATION WHETHER THE FINAL ENVIRONMENTAL IMPACT STATEMENT SUBMITTED BY FERRY LANDINGS LLC IS COMPLETE

Trustee Basher moved, seconded by Trustee Sincero, and unanimously carried, that the following resolution be adopted:

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby schedules a public hearing as follows:

Please take notice that the Board of Trustees of the Village of Tarrytown on Monday, January 10, 2005 at 7:30 p.m. at the municipal building 21 Wildey Street, Tarrytown, New York will review and make a determination whether to accept the Final

Environmental Impact Statement submitted by Ferry Landings LLC for release and review by the public, interested and involved agencies.

RESOLUTION - DESIGNATING VACANCIES IN VILLAGE PUBLIC OFFICES TO BE FILLED AT THE GENERAL ELECTION ON MARCH 15, 2005

Trustee Basher moved, seconded by Trustee Chillemi, and unanimously carried, that the following resolution be adopted:

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby in accordance with New York State election law, adopt the following resolution:

WHEREAS, the next general Village election for officers will be held on Tuesday, March 15, 2005, and

WHEREAS, the Board of Trustees shall designate by resolution as well as have published the offices which are to be filled at the Village election and the terms thereof.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Tarrytown hereby designates the following offices as vacant at the end of the current official year to be filled at the Village election on Tuesday, March 15, 2005, for the following terms:

Mayor Two year term

Three Trustees Two year term each

BE IT FURTHER RESOLVED that the Village Clerk is hereby directed to publish this information in the official newspaper of the Village.

RESOLUTION – DECLARING THE DATE, POLLING HOURS, DESIGNATED POLLING PLACES AND THE PAY FOR ELECTION INSPECTORS WITH RESPECT TO THE VILLAGE ELECTION TO BE HELD ON MARCH 15, 2005

Trustee Basher moved, seconded by Trustee Morabito, and unanimously carried that the following resolution be adopted:

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby approves a notification of lease termination to the Fire Education Center, Inc., Tarrytown, New York 10591 dated December 2004.

Trustee Sincero moved, seconded by Trustee Fixell, and unanimously carried that the following resolution be adopted:

BE IT RESOLVED, that the Village Election shall be held on Tuesday, March 15, 2005, between the hours of 7 a.m. and 9 p.m.

THE FOLLOWING POLLING PLACES HAVE BEEN DESIGNATED:

DISTRICT NO. 1	- RIVERSIDE HOSE FIREHOUSE, WHITE AND FRANKLIN STREETS
DISTRICT NO. 2	- PHENIX HOSE FIREHOUSE, MECHANICS AND CENTRAL AVENUES
DISTRICT NO. 3	- WASHINGTON ENGINE FIREHOUSE, KALDENBERG PL.
DISTRICT NO. 4	- FIRST BAPTIST CHURCH, 56 SOUTH BROADWAY

DISTRICT NO. 5	- TEMPLE BETH ABRAHAM, LEROY AVENUE
DISTRICT NO. 6	- TAPPAN HILL SCHOOL, 50 ICHABOD LANE
DISTRICT NO. 7	*- TARRYHILL CLUBHOUSE, TARRYHILL ROAD
DISTRICT NO. 55	- PENNYBRIDGE SCHOOL (DAY CARE CENTER) SHELDON AVENUE
DISTRICT NO. 74	- TAPPAN HILL SCHOOL, 50 ICHABOD LANE
DISTRICT NO. 76	* - TARRYHILL CLUBHOUSE, TARRYHILL ROAD
DISTRICT NO. 82	* - TARRYHILL CLUBHOUSE, TARRYHILL ROAD

BE IT FURTHER RESOLVED, that the pay for Election Inspectors shall be \$180.00 for Election Day. The Chairman in each district shall be paid an additional \$20.00 on Election Day. The hours for which the Election Inspectors shall be paid on Election Day shall be from 6:30 a.m. to 9:30 p.m. for a total of fifteen hours.

BE IT FURTHER RESOLVED, that Election Inspectors be appointed to serve on Election Day, Tuesday, March 15, 2004, in accordance with Section 15-116(1) of the Election Law.

BE IT FURTHER RESOLVED, that all persons appearing on the permanent Voter Registration List provided by the Westchester County Board of Elections shall be eligible to vote. Pursuant to Section 15-118(3) of the Election Law, the Village no longer conducts a local Village registration day;

BE IT FURTHER RESOLVED, that the Village offices to be filled on Election Day, Tuesday, March 15, 2005, and the terms of those offices are as follows:

Mayor (1)	Two-year term
Trustees (3)	Two-year term

BE IT FURTHER RESOLVED, that the Board of Trustees shall hold a Special Meeting on Tuesday, March 15, 2005 at 10:00 p.m. at the Tarrytown Village Hall to canvass the vote of the 2005 Village Election.

BE IT FURTHER RESOLVED, that the Board of Trustees request all Election Inspectors vote in their respective, personal designated voting districts and not by absentee vote.

\* Pending Approval from the Tarryhill Board

**RESOLUTION – TO AWARD A CONTRACT FOR REPLACEMENT OF WATER MAIN AT SHAFT #10**

Trustee Sincero moved, seconded by Trustee Chillemi, and unanimously carried that the following resolution be adopted:

WHEREAS, the Village Engineer was authorized to solicit bid proposals for the 16” Intake Water Main Replacement at Shaft 10 Pumping Station;

WHEREAS, six (6) copies of the bid documents and specifications were picked up for review; and

WHEREAS, on December 23, 2004, at 11:00 a.m. the following proposals were received:

Papito Construction Co. Inc.	\$88,600
Cassidy Excavating Inc.	\$147,000
Eventus Construction Co. Inc.	\$91,750
NAC Industries Inc.	\$248,000
Wilken Construction Corp.	\$125,617
Arben Group, LLC	\$108,800

WHEREAS, after review by the Village Engineer, it is recommended that the award go to the lowest bidder, Papito Construction Co. Inc., 65 Main Street, Suite 104, Tuckahoe, NY 10707 per their low bid of \$88,600.

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby approves to award a contract to Papitto Construction Company, Inc. for 16" water main replacement at the shaft # 10 pumping station in the amount of \$88,600.

RESOLUTION – TO APPROVE THE AWARD OF A CONTRACT FOR APPRAISAL SERVICES WITH RESPECT TO THE COUNTY ASPHALT PLANT

Trustee Chillemi moved, seconded by Trustee Basher, and unanimously carried, that the following resolution be adopted:

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby authorizes to award a contract to American Property Counselors of Armonk, New York in the amount of \$18,500 for appraisal services relative to the County Asphalt Plant in Tarrytown, NY, as stated in their proposal of 12-16-04, conditional upon the concurrence on the award from Scenic Hudson and Westchester County.

RESOLUTION – TO APPROVE THE BOARD OF FIRE WARDENS RECOMMENDATION – RAYMOND DEFIGORE

Trustee Basher moved, seconded by Trustee Sincero, and unanimously carried, that the following resolution be adopted:

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby approves the Board of Fire Wardens recommendation to elect Raymond Defiore to active membership in the Tarrytown Fire Department, Riverside Hose Company.

RESOLUTION – TO PROHIBIT PARKING ON NORTH BROADWAY

Trustee Sincero moved, seconded by Trustee Fixell, and unanimously carried, that the following resolution be adopted:

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby amends Section 291-77 of the Village Vehicle and Traffic Code (schedule XII: parking prohibited at all times) as follows:

In accordance with the provisions of 291-16, no person shall park a vehicle at any time upon any of the following described streets or parts of streets:

Name of Street	Side	Location
BROADWAY, NORTH	EAST	FROM COBB LANE NORTH TO THE VILLAGE LINE

APPROVAL OF MINUTES

Trustee Sincero moved, seconded by Trustee Fixell, and unanimously carried, that the minutes of December 6, 2004 and December 20, 2004 be approved as submitted.

APPROVAL AUDITED VOUCHERS

Trustee Basher moved, seconded by Trustee Chillemi, and unanimously carried, that the following resolution be adopted:

RESOLVED: The following Abstract bearing No. 12, dated January 3, 2005, containing Vouchers No. 002280 through No. 002396 is hereby ordered paid in the following amounts:

General	\$103,065.45
Water	34,557.88
Capital	32,080.96
Library	5,836.62
Trust & Agency	<u>234,157.37</u>
Total	\$ 409,698.28

### REPORTS

Trustee Chillemi reported that when he learned of the Mayor holding the Village Holiday Party at Main Street Café, he had the following concerns and findings:

- The fact that the Mayor is holding the party there is fine if it is cost free to the Village. If not, then there's a problem concerning the Villages' code of ethics. He believes this would be a violation and therefore he would be against it.
- He is for a Holiday Party and would encourage the Senior Center be used as the location and that local caterers be used to supply the food. This way there is no conflict of interest.
- He stated that the Mayor informed Administrator McCabe that the Party would be at no cost to the Village but at his expense.
- He also stated that Trustee Basher brought to his attention two vouchers. No. 003899 in the amount of \$1,200 and voucher No. 003619 in the amount of \$1,624. These vouchers reflect services rendered by the Mayor's restaurant for the Village's Holiday Party for 2002 and 2003 totaling \$2,824. He recommends that Mayor Janos does right and fair and pays back the Village of Tarrytown the \$2,824.

Deputy Mayor Morabito stated the following:

1. He felt that it was unfair to bring this up when the Mayor was not present.
2. He questioned if Trustee Chillemi was on the Board in 2002 and 2003 and if he approved those vouchers at that time.

Trustee Chillemi responded that he was on the Board in 2002 and 2003 and that he did approve those vouchers and he believes it was an oversight.

Trustee Sincero reported that the Village calendars are finished and they will be in the mail very soon.

Deputy Mayor Morabito reported that the Neperan Road Park project will be discussed at the next work session with the restrictions that the Board agreed upon and will be voted on at the next January meeting. Cherbuliez Munz will have plans and we will hold public hearings to get the public's input on this project.

Trustee Fixell reminded the public that on Wednesday at 6:00 p.m. there will be a special meeting held at Village Hall to discuss the Final Environmental Impact Statement (FEIS)

### ADJOURNMENT

Trustee Basher moved, seconded by Trustee Sincero, and unanimously carried, that the meeting be adjourned – 8:35 p.m.

Carol A. Booth  
Village Clerk

