

Board of Trustees
Village of Tarrytown
Regular Meeting No. 17
March 1, 2005

PRESENT: Mayor Janos* presiding; Trustees Basher, Chillemi, Chorost, Fixell, Morabito and Sincero; Village Attorney Shumejda; Village Administrator McCabe; Planning Board Chair Friedlander; Village Clerk Booth

PRESENTATION RE: PROPOSED FERRY LANDINGS DEVELOPMENT
ENVIRONMENTAL QUALITY REVIEW PROCESS

Mr. Frank Fish, our Planning Advisor stated that he suggests the Board of Trustees agree on a preferred alternative for the FEIS so then the applicant can move forward with the FEIS. The next step would be to direct the applicant to prepare and submit the Final Environmental Impact Statement for the Board of Trustees to review. On February 1, 2005, I listed six major issues for the applicant to address. They were:

1. Residential Density: 228 units
2. Commercial Density: 100,000 sq. ft.
3. Western Setback: 135 feet
4. Height: 3 stories (up to 15% at 4)
5. Lot 6: Provide Viewshed
6. DPW Garage: 50-75 feet setback

The applicant has now responded to each of these points. The maps shown summarize the applicant's response.

1. Residential Density – the applicant has eliminated some units adjacent to the DPW. His preferred alternative is now at 238 units.
2. Commercial – the applicant has now proposed 80,000 sq. ft. of commercial. Of this some retail would be put into building H.
3. Western Setback – this now varies between 135' near the north end of the site and 80 feet at the south end.
4. Height – the applicant has now reduced the overall height to 3 stories. The only exception at 4 stories is part of building D (less than 15% of the roof area as requested).
5. Lot 6 Viewshed – is now provided
6. DPW Garage – some 9 units have been eliminated next to DPW providing a minimum 75 foot buffer.

The above changes now appear to give us a “preferred alternative.” To further clarify the alternative we requested additional drawings. These drawings are submitted.

Trustee Fixell questioned if they use the 100 year flood plan. Mr. Fish stated that would be good to put into the findings along with an evacuation plan.

Mr. Fish stated that he is relatively comfortable with what was submitted. We can understand now a preferred alternative. Not every nuance in this preferred alternative do you have to agree with. But he thinks to move forward it ought to be a plan that you basically are comfortable with. There may be some minor changes here and there that are made. It is very important that the FEIS have in it the basic site plan; the elevation, the cross section so that your next step is to revise the FEIS. Chapter one needs to redescribe what the original proposed action was so we know the history of this. Chapter two should describe the preferred alternative. Then the rest of it is to answer all the comments made on this document. It is not a public document until the Board of Trustees' is happy with it. Another important point is to prepare a negative declaration regarding the removal of the asphalt plant would be necessary to be included in the FEIS.

Trustee Fixell stated he had two issues: 1. He had asked for simulated views of what this would look like; 2. whether there was going to be any middle income housing available in this project. He doesn't believe that either question has been answered.

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

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

Deputy Mayor Morabito questioned whether anyone wished to address the Board on this matter.

Karen Brown, River Terrace, questioned what the update was on the studies on the Tarrytown Lakes setback.

Attorney Shumejda responded that several studies concluded that once you reach 300 ft. from the reservoir, the benefit is negligible. The proposed legislation is 300 ft. from the water or 300 ft. from the landward side of the wetlands; some areas it would be equivalent to almost 500 ft. from the water. Currently it is just 300 ft. from the water.

*Mayor Janos arrived and motioned for a five minute recess at 9:15 p.m., Trustee Basher seconded, and unanimously carried.

The meeting reconvened at 9:22 p.m.

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

Bob Stone, Main Street, stated the following: the balance of retail both at Main Street and the waterfront is extremely critical. He believes that you do need some retail at the waterfront; the density of 228 units should be looked at and reduced; there are no height sections and elevations to show the impacts of the height of the project; concerned the height of fill; Mr. Cotter stated the fill would be 1.5 to 3 ft. Mr. Stone reads the drawings that the fill is up to 9 – 10 ft. He urges the Board to not declare the FEIS complete before looking into the density, height, and retail.

Mr. Fish stated that in the findings it would state that the fill could not be any greater than 3 ft. He would then have to abide to that. He also recommends that both the Board of Trustees and the Planning Board as co-lead agencies make joint findings on height and density. Mr. Fish stated that the following would be steps as follows:

1. Agree on a preferred alternative in the FEIS.
2. Applicant has to prepare the FEIS.
3. All the Board members and the Planning Consultants have to review the FEIS and make any changes in the FEIS before you accept it.
4. The Board of Trustees to accept the FEIS.
5. Then the FEIS gets distributed to the public for comment. The comments go back to the Board of Trustees.
6. Then the Board of Trustees and the Planning Board makes their findings, which include public comments. SEQRA is clear that findings must be based on the FEIS.

Trustee Basher questioned if we can get pictures from different angles from the ground to better see the overview of the height.

Mr. Fish responded that its called photo simulation and that he would request that to the applicant.

John Lynch, 10 Crest Drive, read and submitted his letter (attached) Re: Due Upon Receipt – Intrinsic Educational Asset Equalization Levy per Family Unit Ferry Landings Project FEIS.

Tom Butler, Grove Street, stated the following: we should ask Mr. Fish, our planning advisor, to give his input on what he recommends this site plan should look like; he is unsure about the bidding process for the construction of this project; who exactly is the developer/contractor – Ferry Landings, LLC, Ferry Investment, LLC, Westchester Trusting, Inc., Perk-Up Inc. and then the name Mr. Joe Cotter; he urges the Board that things should be done right from the start.

Howard Jaffey, Main Street, stated his concern about lack of parking on the waterfront. He believes that there will be conflicts with parking as it is now between the uses on the waterfront.

Dr. Friedlander stated that we have requested more parking on the waterfront. Another possibility is a multi level parking garage on the east side with a pedestrian foot bridge over to the waterfront.

Emelia Kelly, Church St., stated the following: how important it is to preserve as much of the waterfront for public use; She doesn't want to feel that she is sitting in someone's back yard; She doesn't want the Gazebo moved.

Tom Hinds, McKeel Ave., stated that in a newsletter it was very unclear that there was a cost for the development including the new village hall on the waterfront.

Clarice Pollack, 19 S. Broadway, stated the following: with regard to moderate income housing, if the median income of Westchester County is about \$90,000 and 80% of that brings it to about \$74,000 – Most Village employees and/or volunteers do not make \$74,000; the village residents as tax payers are paying for the new village hall, so therefore, she feels that this project should go out to bid.

Linda Viertel, Gracemere, stated the following: In the future, it would be helpful if Mr. Fish, the Planning Advisor, is going to speak at a Board meeting, that it should be included on the agenda; If the preferred alternative is decided, is there other possibilities that can be looked at for the open space. Mr. Fish responded that the state regulates that once the FEIS plan is accepted, you have 30 days to declare it complete. So he recommends that you submit one preferred alternative plan.

Karen Brown, River Terrace, questioned what the Neperan Road resolution was about on tonight's agenda. Attorney Shumejda responded that it is to dedicate the over 2 acres portion of this parcel as parkland excluding the portion that is going to be sold. Karen Brown questioned if there was another resolution regarding the portion for sale. Attorney Shumejda responded that a line was added that if the site was not sold within a year, that it could also be declared parkland. Karen Brown stated that she doesn't understand why a time limit is being placed on the lot to be sold. She also stated that citizens should never feel bad to step forward for public input no matter how long a project has been in discussion.

Mark Fry, 16 Independence Street, stated the following: On February 7th, he stated that he was meeting with Scenic Hudson and he submitted to the Village Clerk an e-mail conversation confirming a meeting; with regard to incentives and height, the current zone is 2.5 stories and 25 ft.; he wants to clarify the difference between how much is the building setback to the water and how wide is the waterfront Park; View corridor has to be 50 ft. wide and there has to be one of them every 300 ft.; he is interested in doing things right the first time for the benefit of the Village for many years to come.

Stu Scheckman, 87 Main St., stated the following: with regard to density he agrees that 200 units sound good; West Main Street will be the central piece to this project. The view there now is a row of townhouses – not very inspiring. The original plan in the DEIS was the Riverhouse, which he thought looked better as the central building – not the townhouses; Also recommends in certain areas to have limited first floor retail, office, or commercial space with residential on top.

Trustee Fixell questioned if the Board can have an analysis with guidelines of the economic tradeoffs with regard to density and square footage on commercial and residential.

Fred Gross, Tappan Landing Road, stated that he thought the cost of the purchase of the Getty gas station was too high and took place right before a village election.

Francesca Spinner, Wilson Park Drive, stated her concern with the waterfront: that it may seem like a gated community; you may feel that you will be sitting in someone's back yard; and it may appear to be a private enclave and people will not feel welcome.

Mayor Janos motioned to go to Executive Session at 11:45 p.m., Trustee Basher seconded, and unanimously carried.

The meeting reconvened at 12:20 a.m., March 2, 2005.

RESOLUTION – APPROVING THE APPOINTMENTS OF A REGISTRAR OF VITAL STATISTICS AND A DEPUTY REGISTRAR

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

BE IT RESOLVED, that the Board of Trustees of the Village of Tarrytown hereby appoints Carol A. Booth as Registrar of Vital Statistics and James J. Hart as Deputy Registrar effective immediately.

RESOLUTION – NEPERAN ROAD PROPERTY DEDICATION

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

WHEREAS, the Village of Tarrytown is the owner of a parcel of real property consisting of 89,775 square feet (2.061 acres) on Neperan Road more specifically described in the "Survey of Property Prepared for the Village of Tarrytown" dated the 9th day of November, 2004 by Riley Land Surveyors, LLP of 69 Main Street, Tarrytown, New York and,

WHEREAS, the Village of Tarrytown is desirous that said parcel of land be utilized as a park for the enjoyment of the residents of Tarrytown and the public at large.

NOW, THEREFORE, BE IT RESOLVED, in accordance with the laws of the State of New York that the parcel of real property consisting of 89,775 square feet (2,061 acres) on Neperan Road more specifically described in the "Survey of Property Prepared for the Village of Tarrytown" dated the 9th day of November, 2004 by Riley Land Surveyors, LLP of 69 Main Street, Tarrytown, New York is hereby dedicated for use as a public park.

RESOLUTION – NEPERAN ROAD PARCEL FOR SALE AMENDMENT

Trustee Fixell moved to table this resolution for further discussion, seconded by Trustee Basher, carried by Trustee Chillemi and Trustee Chorost.

RESOLUTION – EXPRESSING SUPPORT FOR WESTCHESTER COUNTY'S APPLICATION TO HOST THE EMPIRE STATE GAMES IN 2007

Trustee Chillemi moved, seconded by Trustee Fixell, and unanimously carried that the following be approved:

WHEREAS, Westchester County has recently submitted an application to host the Empire State Games in 2007; and

WHEREAS, The Empire State Games is the Largest competition of its kind in the United States, a multi-sport event for amateur athletes patterned after the Olympic Games; and

WHEREAS, Over the Empire State Games in Westchester are expected to attract 6,000 athletes, their families, friends and coaches to the County, boosting the economy for local restaurants, hotels, retail stores, and entertainment and recreation venues; and

WHEREAS, Hosting the Empire State Games is a great opportunity for the County to publicize its cultural, recreational and historical attractions to the entire State of New York; and

WHEREAS, Westchester County has never been given the opportunity to host the Empire State Games before; and

WHEREAS, Every Westchester municipality stands to benefit from Westchester County hosting the Empire State Games in 2007; and

THEREFORE, BE IT RESOLVED THAT, the Village of Tarrytown supports Westchester County's application to host the Empire State Games in 2007 and will encourage our residents to also support the application; and

BE IT FURTHER RESOLVED THAT, the Village of Tarrytown urges Governor George Pataki to select Westchester County as the host of the 2007 Empire State Games; and

BE IT FURTHER RESOLVED THAT, A copy of this resolution be transmitted to Governor George Pataki, New York State Office of Parks, Recreation and Historic Preservation Commissioner Bernadette Castro and Westchester County Executive Andrew J. Spano.

RESOLUTION – APPROVING THE HOMELAND SECURITY GRANT

Trustee Morabito moved, seconded by Trustee Sincero, and unanimously carried that the following be approved:

BE IT RESOLVED, that the Board of Trustees of the Village of Tarrytown vote to approve this homeland security grant subject to renegotiating Phase II of the document. Attorney Shumejda will call the homeland security grant company to limit the cost to a maximum figure and get a list of out of pocket expenses. Attorney Shumejda will then telephone poll all the members of the Board of Trustees with this information. At March 7th's Board meeting, we can confirm this resolution as amended.

APPROVAL OF MINUTES

Trustee Morabito moved, seconded by Trustee Chillemi, and unanimously carried that the minutes of February 7, 2005 be approved as submitted with exception by Trustee Basher voting aye only with an amendment with regard to his comments on the purchase of the Getty Gas station.

APPROVAL OF VOUCHERS

Trustee Morabito moved, seconded by Trustee Sincero, and unanimously carried that the following be approved:

RESOLVED: The following abstract bearing No. 15, dated February 22, 2005, containing vouchers No. 002742 through No. 002902 is hereby ordered paid in the following amounts:

GENERAL	\$151,710.11
WATER	18,958.37
CAPITAL	0.00
LIBRARY	15,162.01
TRUST & AGENCY	<u>15,351.53</u>
 TOTAL	 \$201,182.02

Trustee Chillemi abstained from voucher No. 002885.

REPORTS

Trustee Chillemi stated that the Town of Greenburgh's Planning Board will be meeting Wednesday, March 2nd at 8:30 p.m. to discuss the sub-division of property located at the Union Carbide site.

Trustee Sincero reported that there will be an Easter Egg hunt on Saturday, March 19th 11:00 a.m. for children ages 1 – 9 years old. Raindate is March 26th at same time. The Yoga program is from March 8th to May 10th at the Senior Center from 7:00 p.m. to 8:00 p.m. - \$75.00. The Pilates program is from May 5th to July 7th at the Senior Center from 7:00 p.m. to 8:00 p.m. - \$75.00. Call the Recreation Department to register.

ADJOURNMENT

Mayor Janos moved, seconded by Trustee Chorost, and unanimously carried, that the meeting be adjourned at 12:55 a.m.

Carol A. Booth
Village Clerk