

Board of Trustees
Village of Tarrytown
Regular Meeting No. 18
March 7, 2005 8 p.m.

PRESENT: Mayor Janos, presiding; Trustees Basher, Chillemi, Fixell, Morabito, Sincero; Village Attorney Shumejda; Village Administrator McCabe; Village Treasurer Hart; Village Clerk Booth; Secretary D'Eufemia
ABSENT: Trustee Chorost

The meeting began with the Pledge to the Flag.

CONTINUATION OF PUBLIC HEARING – SPECIAL SETBACK PROVISIONS OF THE TARRYOWN LAKES BUFFER ZONE – (NEW NOTICE)

PLEASE TAKE NOTICE that the Board of Trustees of the Village of Tarrytown will hold a public hearing on the 7th day of March 2005, at 8 PM, in the Municipal Building, 21 Wildey Street, Tarrytown, New York 10591, to hear, discuss and to act upon proposed amendment to the Code of the Village of Tarrytown by amending §305-14 C. (2) Special Setbacks and §305.63 B. entitled "Definitions and word usage". A summary of the legislation is available at Village Hall. The complete text of this legislation follows:

A LOCAL LAW to amend §305-14 C. (2) "Special Setbacks" as applicable to the Tarrytown Lakes and §305.63 B. entitled "Definitions and word usage".

SECTION 1. LEGISLATIVE INTENT AND FINDINGS OF FACT.

A. Findings of Fact.

The watershed area surrounding the Tarrytown Lakes has been designated as critical environmental area by multiple levels of government including the Village of Tarrytown, Westchester County and/or the State of New York. In the past, members of the public have expressed their concerns regarding the possible development of areas adjacent to or within close proximity of the watershed region around the Tarrytown Lakes and the impact any potential development would have on this environmentally critical area. The Board of Trustees has further determined that the protection of watershed areas within the Village are vital to the community and the environment. A good deal of the water supply comes from aquatic resources and is used as public drinking water. Watersheds found in Westchester County serve as drinking water not only for Tarrytown but also Westchester County and New York City. Keeping these resources clean and maintaining good water quality is a main concern for watershed areas because of their central, potable use. Regulations placed over these areas are for the safety of the public and the protection of the flora and fauna of the aquatic ecosystem that exist in the adjacent wetland and aquatic areas. Wetlands are of exceptional value to Tarrytown for they provide many benefits including fish and wildlife habitats, natural water quality improvement, flood storage, shoreline erosion protection, opportunities for recreation and visual appreciation, and natural products for our use at little or no cost. Additionally, the Environmental Protection Agency has described aquatic buffers as natural boundaries between local waterways and existing development and that such buffers help protect water quality by filtering pollutants, sediments and nutrients from runoff. The benefits of aquatic buffers also include flood control, stream bank stabilization, stream temperature control, and room for lateral movement of the shoreline.

The Board of Trustees has also concluded that developing land amongst watershed areas raises the chance of polluting these aquatic resources that are most beneficial. Stormwater runoff is an example of a pollutant source that can infiltrate wetlands and negatively change the condition of water quality. To the extent these uses are setback from the reservoir and/or its adjacent wetlands, the possibility of such pollutant impacts to the reservoir is lessened. However, when wetlands are present adjacent to a water body, they can provide substantially increased water quality buffering themselves.

After careful deliberation, the Board of Trustees of the Village of Tarrytown has determined that the maintenance of the watershed region around the Tarrytown Lakes as well as the immediate coastline of the lakes are an important community and natural resource which should be preserved and protected for current and future residents of the Village. The Board of Trustees has found that the Village's current Zoning Code – which contains a special setback of 300 feet inland from the mean high water mark along the entire circumference of the Tarrytown Lakes [See §305-14.C.(2) of the Tarrytown Zoning Code] does not accomplish this aim.

In accordance with these determinations, the Board of Trustees believes that it is necessary to expand the setback to 300 feet inland from the mean high water mark, or 300 feet inland from the outer edge of the Wetland line along the entire circumference of the Tarrytown Lakes in order to maintain the watershed region around the Tarrytown Lakes as well as the immediate coastline of the lakes and, protect the health and safety of the residents of Tarrytown.

Finally, the Board of Trustees has determined that in order to facilitate the protection of wetland areas and the watershed region around the Tarrytown Lakes, it is necessary to define several terms associated with these issues in the Zoning Code.

B. Legislative Intent.

It is the intention to maintain the watershed region around the Tarrytown Lakes as well as the immediate coastline of the lakes and, protect the health and safety of the residents of Tarrytown. These actions are to be taken pursuant to the Board's power to protect and enhance the Village's physical and visual environment and to protect the well being of persons or property within the Village. In order to accomplish this goal the Board intends to clearly define certain terms related to wetland areas and the watershed region around the Tarrytown Lakes and, to prohibit development within 300 feet inland from the mean high water mark or 300 feet inland from the outer edge of the wetland line along the entire circumference of the Tarrytown Lakes pursuant to the same powers enumerated above.

Material to be deleted appears in strikeout, material to be added in underlined.

SECTION 2. §305-14 C. (2) Special Setbacks

A setback of 300 feet inland from the mean high water mark along the entire circumference of the water basin generally known as the "Tarrytown Lakes" or in the case of existing wetlands adjacent to the Tarrytown Lakes, 300 feet inland from the wetland boundary; however, in no circumstance shall it extend beyond what was formerly known as the Putnam Rail Right of Way which is now owned by the Village of Tarrytown and is designated on the Village Tax Map as Section 1, Sheet 4, Block 117 and Parcel 70 ~~300 feet inland from the mean high water mark along the entire circumference of the water basin generally known as the "Tarrytown Lakes."~~
[no further changes to Section]

SECTION 3. §305.63 B. Definitions and word usage.

AQUATIC BUFFER or ADJACENT AREA – Any land within 100' of a freshwater wetland.

AQUATIC ECOSYSTEM – Plants or animal life living in, growing in, or adapted to water in a system made up of a community of living things (animals, plants and microorganisms) which are interrelated to each other and the physical and chemical environment in which they live.

FRESH WATER WETLAND - Land and water of the Village of Tarrytown as shown on a Freshwater Wetland Map of the Village of Tarrytown and filed with the village clerk of

the Village of Tarrytown by the NYSDEC and as further defined by §24-0107 of the Environmental Conservation Law.

RESERVOIR – A pond, lake or basin, either natural or artificial, for the storage, regulation and control of water.

RUNOFF – (a):That part of the precipitation, snow melts, or irrigation water that appears in controlled surface streams, rivers, drains or sewers. Runoff may be classified according to speed of appearance after rainfall or melting snow as direct runoff or base runoff, and according to source as surface runoff, storm interflow, or ground-water runoff. (b):The total discharge described in (a), above, during a specified period of time. (c): also defined as the depth to which a drainage area would be covered if all of the runoff for a given period of time were uniformly distributed over it.

SURFACE (STORM) RUNOFF – Precipitation, snow melt or irrigation in excess of what can infiltrate the soil surface and be stored in small surface depressions; runoff is a major transporter of non-point source pollutants.

WATERSHED AREA – Surface drainage area that contributes water to a lake or river.

[no further changes to Section]

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

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

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

PUBLIC HEARING – AMENDMENT TO VILLAGE CODE PROVIDING THAT ALL AMENDMENTS TO THE VEHICLE AND TRAFFIC CODE MAY BE ADOPTED BY RESOLUTION OF THE BOARD OF TRUSTEES

PLEASE TAKE NOTICE that the Board of Trustees of the Village of Tarrytown will hold a public hearing on the 7th day of March, 2005, at 8 PM, in the Municipal Building, 21 Wildey Street, Tarrytown, New York 10591, to hear, discuss and to act upon a proposed amendment to the Code of the Village of Tarrytown by amending Chapter 291 entitled "Vehicles and Traffic" of the Tarrytown Zoning Code. 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 amending Chapter 291 entitled "Vehicles and Traffic".

SECTION 1. LEGISLATIVE INTENT AND FINDINGS OF FACT.

A. Findings of Fact.

The Board of Trustees of the Village of Tarrytown has determined that in order to provide greater flexibility with respect to making necessary adjustments to the parking regulations of the Village of Tarrytown, the Board should have the option of making the changes by resolution or by local law

B. Legislative Intent.

It is the intention of the Board of Trustees of the Village of Tarrytown to permit the Board of Trustees to make changes to Chapter 291 entitled "Vehicles and Traffic" by resolution as well as by local law with respect to all parking issues found in said Chapter.

SECTION 2. Amendment to Code Chapter 291 entitled "Vehicles and Traffic"

[Changes underlined]

§ 291-4. Amendment by Resolution

The Board of Trustees of the Village of Tarrytown may amend the parking regulations of this chapter by either local law or resolution.

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

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

Trustee Chillemi moved, seconded by Trustee Morabito, and unanimously carried, that the hearing be closed.

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

WHEREAS, the Proposed Action is an Unlisted action pursuant to the State Environmental Quality Review Law, and

WHEREAS, an Environmental Assessment Form (EAF) was filed and,

WHEREAS, the requisite notice pursuant to provisions of Section 239 L, M and N of the General Municipal Law, Section 277.61 of the County Administrative Code and the New York State Village Law were mailed on February 23, 2005, and

WHEREAS, a notice of public hearing was published in the Journal News on February 25, 2005, and

WHEREAS, public hearing was held for the proposed action March 7, 2005, and

WHEREAS, the Westchester County Planning Board has reviewed the Proposed Action under the provisions of Section 239 L, M and N of the General Municipal Law and Section 277.61 of the County Administrative Code and has determined that there are no County or inter-municipal issues, 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, and

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. 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 Environmental Assessment Form and all other materials that were prepared for the Proposed Action, the Village Board of Trustees hereby determines that 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 hereby adopts Local law No. 2 of 2005.

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

Mr. Fred Gross, Tappan Landing Road, made the following comments: the Board chair should not question the motives of a speaker's comments; in regard to the proposal to construct a new firehouse, there has been confusion and "no one has been on the same page"; in a recent article in The River Journal, Trustee Morabito stated that any new Trustee would have too far to go to learn what the incumbents already know, which is an insult to any reasonably intelligent person; the only way that would be true is if nothing is in writing and plans have not been shared with all Board members; Mr. Gross noted the new fire apparatus will be arriving soon and he questioned whether a location has been found to store it since the new firehouse has not been started.

Trustee Morabito stated the apparatus can be stored at the DPW and Mr. Cotter has offered to allow it to go in the old Anchor Motor Freight building. In regard to his comments in The River Journal, the waterfront project has been discussed for many years and other than the last two meetings no candidates attended any of the meetings.

Ms. Clarice Pollack, 19 South Broadway, made the following comments: the media broadcasts Board meetings and they are repeated several times so residents do not have to be present to be informed; the Village web site has agendas and minutes of every meeting; in regard to the asphalt plant, why would the Village consider eminent domain when the plant is on Mr. Cotter's property and it is his responsibility. Mayor Janos stated the Board is still reviewing the issue of the asphalt plant with the consultants.

Ms. Linda Vierel, Gracemere, made the following comments: at the last meeting Trustee Chorost brought up the Community Preservation Act and indicated if it passed, it would be an excellent way to replenish open space funds; all this bill does is allow a town to levy a 2% transfer tax on the median home value in a township; the bill is subject to town referendum; in Tarrytown's case, Greenburgh would be the beneficiary; the Community Preservation Act has been created for Towns, not Villages and Cities; the Community Preservation Act may be years away from helping Tarrytown, if it ever does, and there should be more knowledge of the act before it is discussed further.

Ms. Esther Samra, Gracemere, made the following comments: at the last meeting a resolution was proposed which would have undone one Neperan Road lot being sold without time constraints; this was done without the knowledge of some Trustees just before election; residents' trust has been betrayed by members of the Board who say one thing and do another; citizen input is ignored and the interest of one newspaper with an agenda is allowed to prevail.

Mr. Jerry Barbelet, Union Avenue, made the following comments: a recent court decision will make the Town entire pay for the purchase of the \$4,000,000 Taxter Ridge Park and possibly cause the share of \$10,500,000 in park purchases done by the Town of Greenburgh in the last several years; the Village should work hard to break away from the Town.

Mr. John Lynch, Crest Drive, made the following comments: the proposed Lighthouse Landing development in Sleepy Hollow will be the breaking point for the school system; the schools are saying the proposed waterfront developments will pay for the bond referendum taking place tomorrow, which is a lie; if the bond referendum passes, the consequences are disastrous; the projected number of school-age children is off the mark by almost 300%; through the Findings of the Final Environmental Impact Statements for

projects in both Villages, the necessary social responsibility and obligated financial commitment from the waterfront developers to the Tarrytowns School District should be demonstrated; if the school bond referendum passes, the demonstrable need and basis evaporates and with it the \$85 - \$133 million rightfully due to the school children of the Tarrytowns School District.

Ms. Francesca Spinner, Wilson Park Drive, made the following comments: the school bond proposition was put together by a group of financial and engineering experts and proposes what is absolutely necessary to bring the school community into the 21st century; the Star Program helps the neediest residents with school taxes; the school administration is doing a good job.

Ms. Cathy Ruhland, Wilson Park Drive, questioned the source of \$8,000,000 in grants, which The River Journal reported the Village has received. Mayor Janos stated the Village Administrator could provide that information.

APPROVAL AUDITED VOUCHERS

Trustee Chillemi moved, seconded by Trustee Sincero, that the following resolution be approved:

RESOLVED: The following Abstract bearing No. 16, dated March 7, 2005, containing Vouchers No. 002903 through No. 003058 is hereby ordered paid in the following amounts:

General	\$118,363.40
Water	44,706.88
Capital	866.00
Library	1,735.63
Trust & Agency	<u>67,748.68</u>
Total	\$233,420.59

The Board was polled all voting “aye” with the exception of Trustee Basher who abstained on Vouchers No. 2979 and 2962 and Trustee Morabito who abstained on Voucher No. 02962. Motion carried.

Trustee Basher stated he abstained on Voucher No. 2979 to D&E Business Forms, Inc. in the amount of \$8,114.00, which was for the Village calendars, because he felt this could have been done for less if put out to bid. Trustee Chillemi stated the Procurement Policy had probably not been followed. Trustee Sincero stated this is the second year the calendars were done and these comments should have been made last year.

RESOLUTION RE GRANTS FOR FIRE DEPARTMENT

Trustee Basher stated a proposed resolution regarding grants for the Fire Department was removed from tonight’s agenda after concerns expressed at the last meeting by Trustee Chillemi brought forth comments from Fire Department member Anthony Rypka who brought forth deficiencies in the grant proposal.

Trustee Chillemi stated he was provided with the program guide for the FEMA grant. Everything can be done on line. It is explicit the grant is for equipment and training.

Trustee Basher moved, seconded by Trustee Fixell, and unanimously carried, that the Village Administrator, after consultation with Fire Chief McCarthy and Administrative Consultant Cook, contact DSN Consulting to have a formal proposal as soon as possible, which can be forwarded to the Board of Trustees, and action can be taken as soon as possible at a special meeting or telephone vote, to move forward with a grant for the fire department.

RECREATION ACTIVITIES

Trustee Sincero reported the following: Pee Wee Baseball will begin April 30th at Losee Park on Saturdays; the Recreation Department has Yoga and Pilates classes scheduled.

MEETING ADJOURNED

Board members unanimously agreed that the meeting be adjourned – 9:10 p.m.

Kathleen D'Eufemia
Secretary