

Board of Trustees
Village of Tarrytown
Regular Meeting No. 6
July 26, 2005 8:00 p.m.

PRESENT: Mayor Fixell, presiding; Trustees, Butler, Basher, Crucy Burkhardt*, Chillemi, Pollack and Zollo; Village Attorney Shumejda; Village Administrator McCabe; Village Treasurer Hart; Village Engineer McGarvey; Village Clerk Booth

The meeting began with the Pledge to the Flag.

REPORTS

Mayor Fixell reported on the following:

- He and the Board have finally gotten through the well over a hundred committee forms that people sent in to participate on committees. The response was terrific. We are now in the process of having the Trustees (liaisons of each committee) contact the names of the people who have offered to volunteer. The chair persons and members of the committees will be contacted to get them going. There is about fifteen or sixteen different committees that we have created, and when we get a tighter handle on the particular names, who really want to be on, we'll get them up on our web site.
- The Summit Music Festival at Marymount College is being held during July 24th to August 14th. This is a classical summer concert festival.

Trustee Crucy Burkhardt reported that we are revitalizing the Business Advisory Committee. She and Jenifer Ross have been having talks with Tarrytown Music Hall on how the Village and the Music Hall might work better together on parking and traffic issues.

Trustee Chillemi reported on the following:

- The Warner Library's Board has been working on the following capital improvement projects: Upgrading heating ventilating and air conditioning systems, which are completely outdated and costly to maintain. They will begin the process to create a new Americans with Disabilities Act compliance, first floor bathroom. And lastly, the installation of an automatic fire detection system, also overdue and desperately needed.
- With regard to the Village web site, Tarrytowngov.com, we're moving along and making progress to make it more user friendly. Congratulations to Jenifer Ross. Since she's been on board, it is going quite smoothly. She will be putting together a free computer workshop sponsored in conjunction with our web hosting company Americantowns.com. The workshop is scheduled for July 28th at 9:00 a.m. to 1:00 p.m. at the Tarrytown Senior Center and will show residents how to better utilize both sites, to post events on the community site and to create a web page on the community site; not the government site. You can link through the government site to do that. If you have a not-for-profit or business and like to learn how to link to this and have a web page on Americantowns.com, call Jenifer Ross at 862-1828.
- The Tarrytown Fire Department expects to receive the much anticipated new Washington Engine Fire Truck sometime in the next few weeks. Thanks to our kind and gracious neighbors, Hitachi, and the efforts of Treasurer Jim Hart and Trustee Crucy Burkhardt, the members of Washington Engine and others, a temporary structure is being built to house the new truck until the new firehouse is built. The site of the temporary structure is the upper parking lot of the Hitachi property on Martling Avenue. During the construction of the new firehouse, the truck will be safely housed, and they will have time to learn the equipment before it is pressed into service. This is a storage location only, and the training on the truck will take place elsewhere in the Village. This past May, the Board of

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- Trustees asked Architect Sean McCarthy to prepare a fire facility study. The purpose of this study is to provide a summary of the proposed two-company fire facility plan for Route 119. A brief analysis of the Sheldon Avenue property where Consolidated Engine was housed was established to help make the determination whether or not the fire stations can be built on each site versus one large facility on the Rte. 119 site. As it turns out, over \$700,000 can be saved by building two sites, two facilities on two sites versus one large facility on Route 119. Later this evening, the Board of Trustees is poised to authorize and enter into a contract with Sean McCarthy to prepare all the necessary architectural documents, and we are ready to move on that. It has been a sticky issue and we are excited on getting this project to move forward. On June 29th, the Village of Tarrytown experienced exceptional rainfall not seen here in many, many years. The Tarrytown Fire Department responded to 22 emergency calls involving a variety of circumstances. The eleven people that were trapped by water at the Medical Center at 200 South Broadway were rescued by the Fire Department. Manpower was stressed as members attempted to respond from their places of employment and were unable to get into town due to severe traffic issues and road closures. A large percentage of members are Village employees who worked all day to battle the storm and could not leave their positions. At times all six fire companies, along with all Chiefs and Deputy Chiefs committed to calls. Various units were used to assist police calls concerning traffic and vehicles overtaken by water and needing assistance. Overall, 50 plus calls were handled with limited manpower. Thankfully, no injuries were reported, and everyone got home safely. The following day, they spent an additional eleven hours providing assistance to the residents of this community, pumping out basements, garages and driveways. An estimated 860 work hours were spent from our 100 percent volunteer department to help our community in this time of need. He read a statement from Fire Chief Lennox. "As Chief of the Department, I would like to thank everyone that came to the aid of our Village that day; especially the members of the Tarrytown Volunteer Fire Department. Their dedication and hard work paid off that day with their efforts. The losses from that day were kept at a minimum. It is the hard work and dedication from these men and women that make the department what it is." Thanks again to our Volunteer Fire Department on their effort during that time.

Trustee Butler reported on the following:

- He would like to bring the public up to date as the liaison for three different community committees. The Environmental Committee has already hit the ground running. Carol Griffith has been selected as Chairperson. The Planning and Zoning Committee will be co-chaired by Karen Brown and Sam Viera, and the Educational Committee from K-12 will be chaired by Mary McGee. They will be contacting individuals to be part of that committee.
- Another issue that he's been talking with Mike McGarvey, Engineer and Jim Hart, Treasurer, is about getting additional revenue into the Building Department. There has been quite a bit of development going on, and he's concerned that that the amount of revenue they bring in does not actually support the amount of work that the department is doing. In other words, the Village is actually subsidizing the Building Department to do work. This evening the Board of Trustees and the Mayor will vote on new Building Department fees; which will increase the revenue for the work that people are planning to do in the Building Department.
- It was brought to his attention that a few senior citizens, he mentioned two names; Jim and Irma, were very concerned about taxation and where we are going with taxation in the Village. One of their concerns is the difference in assessments in Tarrytown, compared to Greenburgh. They didn't know which one was right or which one they should be paying.
- With regard to Administrator Steve McCabe's five-year proposal for capital expenditure, he would like to be informed as to how we are planning to reduce some of this taxation.

Trustee Zollo reported on the following:

- The 4th of July celebration fireworks display was extremely well attended; about 4,000 people were at the park for the activities. On Wednesday, July 20th, the Tarrytown Seniors held their third annual picnic. Over 250 seniors attended the picnic at Pierson Park; lunch and dinner served and a great time had by all. The Sports and Day Camp, which started late in June; 140 campers signed up for the day camp; and 107 campers for the Sports Camp. The summer concert and movies held each Thursday night have been well attended. July 28th will be the last movie night. August 4th at 7:00 p.m., will be the last concert.
- Upcoming events: Softball scheduled to begin Tuesday, September 6th and looking for men's and co-ed leagues. The annual Village-wide tag sale held on Saturday, September 17th from 10:00 to 5:00. The Hudson River Ferry-go-round will occur Sunday, September 18th, running from 11:00 a.m. to 6:00 p.m. throughout the Village.
- In the middle of June, Mayor Fixell received a letter from the McKeel House regarding their annual barbecue which was held at Pierson Park. They thanked Joe Arduino, Recreation Supervisor and the entire Recreation Department for an outstanding job.

Trustee Pollack reported on the following:

- She wanted to recognize three young teenagers; Melissa Melendez, Lady Koblion, and Brendan Chillemi who have volunteered in the past to help the seniors out at different functions. Also, she would like to recognize Ms. Van Gagen, for her efforts in conjunction with our high school students. Through their efforts, the Telecom Pioneers, an organized group of approximately fifty high school seniors, cleaned up the aqueduct from the back of the high school to Cobb Lane. The students were extremely motivated and the school expressed an interest in trying to conduct this cleanup on a twice-a-year basis. We would like to also thank Jason Choi, who is the environmental class teacher who assisted in this project.
- The seniors have movies on Friday afternoons; \$2.00 a person. They also have five cent bingo, which is held approximately three days a month. There is also a food bingo open to members of the Tarrytown Seniors and all seniors in the Village. The seniors are looking for a geriatric social worker to attend the Senior Center once a month to discuss health concerns and issues. The seniors have also recently gotten involved in the Third Friday. They held their first raffle at our last Third Friday. They raised \$795. All of the money raised is going into the Tarrytown Senior Scholarship Fund. Last year they started the scholarship fund to help the Sleepy Hollow and Irvington students. They also have a book discussion group that meets once a month and is part of The Great Books Foundation.
- The Senior Center received a letter of thanks from Henrietta Napolitano, a Sleepy Hollow resident, with regard to the wonderful joint Tarrytown/Sleepy Hollow Seniors picnic.
- With regard to the 2006 calendar, she would like to ask all residents to submit their own snapshots. She will set up a committee to go through these pictures to be placed in the calendar. If anyone is interested, please contact me at the web site at CPollack@Tarrytowngov.com.

Trustee Basher reported on the following:

- On behalf of the Sleepy Hollow Chamber of Commerce who runs the annual fireworks every year, he would like to thank every resident of Tarrytown and Sleepy Hollow that contributed, along with the organizations that contributed greatly to the event. It was a better performance this year because twice as much money was spent on it. If anyone would still like to make a contribution, send to Sleepy Hollow Chamber of Commerce Fireworks Fund, 54 Main Street, Tarrytown, New York.

- As of tonight, the Police Department's staff is at full complement with the addition of Georgia Efthalitsides as our new Community Service Worker and Paul Zekus to fill the vacant Code Enforcement Officer/School Crossing Guard. All Police Officers successfully completed the annual Firearms Certificate Program. Thanks are extended to the Village of Irvington and the Irvington Police Department for the use of their firearms range. The Tarrytown Police Department has stepped up its efforts to obtain accreditation. This program standardizes policies and procedures and ensures that the agency is operated at a level of recognized acceptable, national and state standards. The Tarrytown Police Department has reinstituted its traffic enforcement unit. This detail focuses on traffic and traffic violations and seeks to address issues in recognized problem areas of the village.
- On May 12, 2005, the Mayor received a letter from Ron and Sarah Gillespie to commend the Tarrytown Police Department regarding a 911 emergency call that was handled professionally with sensitivity and responsiveness.

PUBLIC HEARINGS REGARDING A PROPOSED AMENDMENT TO THE VILLAGE ZONING CODE WITH RESPECT TO NATURAL PROTECTIONS INCLUDING STEEP SLOPES

PLEASE TAKE NOTICE that the Board of Trustees of the Village of Tarrytown will hold a public hearing on the 26th day of July, 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 §305-22 A. entitled "Wetlands, steep slopes, hilltops, ridgelines and hillsides" and §305-61 C.(1)(c) entitled "Wetlands and steep slopes protection" 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 §305-22 A. entitled "Wetlands, steep slopes, hilltops, ridgelines and hillsides" and §305-61 C.(1)(c) entitled "Wetlands and steep slopes protection" of the Tarrytown Zoning Code of the Tarrytown Zoning Code.

SECTION 1. LEGISLATIVE INTENT AND FINDINGS OF FACT.

A. Findings of Fact.

The Board of Trustees of the Village of Tarrytown has determined [a] that the ability of the Planning Board to "restrict" new construction and vegetation removal in areas defined as wetlands, steep slopes, hilltops, ridgelines and hillsides does not adequately protect the same and therefore the term "prohibit" should replace the former term; furthermore [b] the exception made for draining, landscaping and access uses on wetlands and steep slopes as well as slopes formed by mechanical excavation or fill as currently provided in §305-61 C.(1)(c) [2] entitled "Wetlands and steep slopes protection" of the Tarrytown Zoning Code has the potential to negatively impact wetlands and steep slopes areas within the village and therefore the Village Board of the Village of Tarrytown has determined that the public interest, health, safety and the economic and general welfare of the residents of the Village will be best served by eliminating both exceptions.

B. Legislative Intent.

It is the intention of the Board of Trustees of the Village of Tarrytown to mandate that the Planning Board prohibit rather than restrict in §305-22 A. entitled "Wetlands, steep slopes, hilltops, ridgelines and hillsides" of the Tarrytown Code new construction and vegetation removal in areas defined as wetlands, steep slopes, hilltops, ridgelines and hillsides; furthermore, the Board of Trustees intends to eliminate the exception made for draining, landscaping and access uses on wetlands and steep slopes as well as slopes

formed by mechanical excavation or fill as currently provided in §305-61 C.(1)(c)[2] entitled "Wetlands and steep slopes protection" of the Tarrytown Zoning Code.

Material to be deleted appears in *italics*, material to be added is in **bold**.

SECTION 2. Amendment to §305-22 A. of the Tarrytown Zoning Code entitled "Wetlands, steep slopes, hilltops, ridgelines and hillsides"

§305-22 A. Wetlands, steep slopes, hilltops, ridgelines and hillsides.

A. In general, it is the purpose of this section to preserve all wetlands, steep slopes, hilltops, ridgelines and hillsides. Toward this end and in the course of subdivision, site development plan, special permit or any other regulatory procedure embraced by this chapter or other local laws, codes or ordinances of the Village of Tarrytown, the Planning Board shall *restrict* **prohibit** new construction and vegetation removal in such designated areas. The restrictions are designed to encourage preservation as open space of those areas characterized by:

[No further changes to section]

SECTION 3. Amendment to §305-61 C.(1)(c)[2] of the Tarrytown Zoning Code entitled "Wetlands and steep slopes protection"

§305-61 C.(1)(c)[2] Wetlands and steep slopes protection.

[2] For the purposes of this section, steep slopes shall be defined as those slopes which have an area with an average slope equal to or greater than 25% with a minimum area of 200 square feet and a minimum width perpendicular to the natural contour of 10 feet; however, both the Zoning Board of Appeals or the Planning Board may waive from including within this definition of "steep slopes" the *following*:

[a] *Utilization* of an area, which would otherwise be excluded pursuant to this section as a steep slope, for the limited purpose of *landscaping, draining, access or public safety.*
; *and*

[b] A slope whose gradient was formed as a result of mechanical excavation or filling associated with an approved site development plan or construction of a building prior to the adoption of Section 305-19C (3) (c) of the Zoning Code; however, this specific waiver does apply when the "slope" in its natural state would otherwise meet the definition of a "steep slope".

[No further changes to section]

SECTION 4. 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.

**BY ORDER OF THE BOARD OF TRUSTEES
OF THE VILLAGE OF TARRYTOWN**

DATED: July 6, 2005

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

Mayor Fixell asked Attorney Shumejda to explain this proposed amendment.

Attorney Shumejda stated that the proposed amendment is to modify the steep slope ordinance by removing certain waivers that the Planning Board and the Zoning Board of Appeals did; these changes were actually implemented in 2003, based upon recommendation of our planning consultants. In practice they have not worked very well with the two developments that you're well aware of. Therefore, the proposed change would eliminate the option or the waiver that the Planning Board and Zoning Board would have concerning steep slopes. Now steep slopes are areas that are defined as having 25 percent or greater degree of slope on the property. That would be modified in that the Planning Board and Zoning Board no longer can exclude from that definition areas to be utilized for access and draining. There is a modification to what you have on your desk, even though it was published. The proposed amendment also was going to exclude landscaping, but it was decided that a modification of the language would be better. The landscaping will not be eliminated from one of the options, but it will be limited in this way: That landscaping will be allowed that does not change the contour of the steep slope. So with this amendment you can still do landscaping as long as it doesn't change the contour of the slope. You can no longer remove or eliminate the steep slope for a driveway or access or installing drainage facilities. The second change of this legislation is to remove the exception, also put in 2003, dealing with man-made steep slopes. It has become obvious since 2003 that when you have man-made steep slopes, they usually are adjacent a natural steep slope. Since our wetlands law makes no distinction between man-made wetland and natural wetlands, it was felt to appropriately remove this exception from steep slopes. Whether it is a man-made steep slope or a naturally occurring steep slope, the law will hold.

Mark Fry, 38 Independence St., stated on behalf of Crescent Associates, 155 White Plains Road, he would like to ask that the steep slopes law be structured in such a way that a certain long-standing site development application in process for the firehouse not be impinged upon. It would be impossible to build that firehouse at that site if this law were to pertain to 155 White Plains Road or the other portion. He requested to change the language to put in reasonable protection for those applications already in progress.

Attorney Shumejda stated in the past on similar environmental legislation, the Board has put an exception in when a DEIS has been accepted on a project. The Planning Board in that project has already made the determination as to what the extent of the environmental impacts are on that site, has accepted the DEIS, and now they are in the process of completing the FEIS. On the other issue about the firehouse, two issues. First of all, the exception of public safety still applies. So the firehouse clearly is public safety, so the exception would be there.

Trustee Chillemi stated that the new proposed firehouse is much smaller, single bay and would probably not impinge on the steep slopes.

Roula Nedo, Stephens Drive, asked if the new legislation proposed is going to be retroactive. Mayor Fixell responded, no. Ms. Nedo stated that we have a number of sites already approved throughout Tarrytown. Are those going to go through like the ones that we saw in Lyndhurst, where we have a big house up on hill? Attorney Shumejda stated that this law can only apply to present time going forward. Therefore, any site plan approved by the Planning Board or building permit application submitted by the Building Inspector will be subject to this after filing with the Secretary of State.

Ms. Nedo stated that we have a number of site plans that are being submitted to the Planning Board for the property in Gracemere. If the DEIS was approved before the new legislation passes, are they going to be bound by the new legislation you're proposing? Attorney Shumejda responded that the subdivision was approved, the DEIS and FEIS and the subdivision that you referred to has been approved for at least a number of months. Ms. Nedo stated, so they can still build their houses? Attorney Shumejda stated that's

been approved. What is on the Planning Board docket currently are two lots, number seven and nine, in that subdivision. They are there for individual site plan reviews as required in the Village Code. Those two applications have to be submitted, and they have submitted a short form Environmental Impact Statement, short form EAF. That determination will be made at the time the Planning Board would actually review those at a regular public meeting, whether or not they impinge upon the steep slopes in their site plan. They will be bound by this law, the subdivision, as it's drawn and approved tonight. Ms. Nedo stated that you are telling me that the site plans will not be approved until the law is passed. Attorney Shumejda responded no, he is saying if the Board of Trustees passes it tonight, any new application in the site plan is a new application. It cites, for everyone in the audience and on TV, the Board of Trustees within the last year made a provision that all homes require a site plan. It had always been a provision in the Village Code that as part of a subdivision you had to submit individual site plans. What are being submitted now are two of those subdivided lots, site plans with placement of the homes on those. Those will be before the Planning Board. Those will be subject to this law. Ms. Nedo stated that she has been told a lot of things that have not come true. They weren't going to cut the trees in the EIS. They did a lot under the guise of Con Edison. We need to monitor these developers. Are we going to make sure each site plan complies with this new law? Attorney Shumejda replied, yes.

Mayor Fixell stated that if we respond to Crescent Associates, we exclude those projects that have EIS's accepted. How does that interact with the question of site plan approval if there's been an FEIS accepted and a subdivision accepted already? Wouldn't the site plans then be exempt? Attorney Shumejda stated that they would be because the environmental review is being conducted on that site and what is going forward is the site plan approval. Mayor Fixell stated so in Jardin, the site plans would not be, if we pass it, with the exemption where the DEIS is accepted, then the Jardin subdivision site plan submissions would not be subject to it, is that correct?

Michael McGarvey, Village Engineer, replied, no, in his opinion they would be because there's a difference between the Crescent Associates; which the firehouse is going to be built next to it. Crescent Associates are doing the environmental review for one specific thing, the site plan. In the Jardin Estates, the subdivision was approved; there was a whole environmental review. Now there is a new application. The new application is for specific site plans for the two houses they propose. That's a new application and in my opinion it would be subject to this law, as opposed to Crescent which is only one application, which they have completed the environmental review.

Mayor Fixell asked if the Jardin's site plan submissions have issues that would be affected by the steep slope change. Attorney Shumejda responded that to his recollection of the subdivision plan; there were some steep slopes, but not significant amount of steep slopes. The steep slopes on the site were part of the property conveyed to the Village of Tarrytown, which the Board approved acquisition, 250,000 and we acquired fifteen or more acres. But if the Board wishes, he and Mr. McGarvey can respond back to you on each specific proposed site plan that will have to come before the Planning Board to see how it would react to this proposed law.

John Lynch, 10 Crest Drive, stated that since this is covering resource protection, you need to think to combine steep slopes with the need to setback on the water courses. For example, the new house on Union Avenue has a water course on the side of it. You're looking at resource protection in order to prevent a number of things from the construction and damage to the local area. Steep slopes are only one. Putnam is built on steep slopes but it is also built right next to the water course. Mayor Fixell stated that we do have a buffer on water courses. Mr. Lynch stated but not a construction setback. He is saying there needs to be a construction setback on water courses. A water course is not necessarily the same as a wetland. The steep slopes legislation is important. You don't want legislation that has holes in it or waivers as it were. He thinks these amendments sound appropriate and should be passed by the Board. With respect to retroactive effect, he doesn't know if there should necessarily be a blanket no applicability for previously

submitted applications, but perhaps an applicant should have to show some kind of substantial hardship in complying with it and if there was not a substantial hardship in complying with it, they should have to comply.

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

PUBLIC HEARING REGARDING A TEMPORARY MORATORIUM ON THE DEVELOPMENT OF PAPER ROADS (Adopted)

PLEASE TAKE NOTICE that the Board of Trustees of the Village of Tarrytown will hold a public hearing on the 26th day of July, 2005, 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 adding a new Chapter, to be entitled Moratorium on the Development of Property Utilizing Undeveloped Street Access, said Chapter will provide a brief period for the Village to analyze [a] the impact of any proposed development along undeveloped, abandoned and/or paper streets which remain within the Village, [b] the impact said development will have on the immediate neighborhood, [c] the impact any such development will have on the health and safety concerns of the Village and [d] any actions the Board of Trustees may wish to eliminate the impacts or potential for development. 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 the Development of Property Utilizing Undeveloped Street Access, which Chapter shall provide for a brief period in which the Village will be able to properly analyze the impact of any proposed development on said streets which remain undeveloped and/or abandoned within the Village.

SECTION 1. LEGISLATIVE INTENT AND FINDINGS OF FACT.

A. Findings of Fact.

The Board of Trustees of the Village of Tarrytown has determined that development along undeveloped, abandoned and/or paper streets which remain within the Village must be re evaluated given that the circumstances which existed when the streets were first devised and/or last utilized have changed. There may now be circumstances and detrimental environmental impacts which were not considered when said streets were originally drawn and/or last used and which may have to be addressed before development based upon the layout of these "streets" is permitted.

B. Legislative Intent.

It is the intention of the Board of Trustees of the Village of Tarrytown to analyze within the designated moratorium period the environmental impact of any proposed development along undeveloped, abandoned and/or paper streets which remain within the Village and if necessary adopt any resolution and or enact any local law to ensure that said development is consistent with 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 any proposed development along undeveloped, abandoned and/or paper streets which remain within the Village pursuant to the same powers enumerated above.

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 erection of any structure or site improvement 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, neither the Planning Board, the Architectural Review Board or the Zoning Board of Appeals will approve any application which would result in the erection of any structure or site improvement 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 to remove any construction which may have taken place in violation of this local law.

SECTION 4. APPLICATION

This law shall apply to all undeveloped parcels of property adjacent to undeveloped, abandoned - including those considered abandoned pursuant to New York Highway Law §205 - and/or paper streets which remain within 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 January 16, 2006, 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: July 26, 2005

Trustee Chillemi moved, seconded by Trustee Crucy Burkhardt, and unanimously carried that the hearing be opened:

Mayor Fixell asked Attorney Shumejda to explain this proposed amendment.

Attorney Shumejda stated that this proposed legislation is a moratorium for a period of six months. It is intended to stop development on paper streets; roads that have been abandoned pursuant to highway law of the State of New York, and parcels of land that have been undeveloped that are commonly referred to as streets. There are approximately fifteen to seventeen portions of streets in the Village of Tarrytown that were not built upon, not improved, when the subdivisions were created and/or the property was developed. They weren't developed at a time because it is too costly to put a road in these existing areas. In the interim, the character of the nature and the existence of these undeveloped portions of the subdivisions, many places in the village they are not, there are only driveways for these areas. People look at these spaces as open spaces, and the question is from the Board of Trustees' perspective is what environmental impact will allowing these paper streets, abandoned streets or other undeveloped portions of land to be developed would have on the environment. This proposed moratorium is only to study. There is no judgment being made as to whether or not the Board should do anything about it, but at least give the Board an interim period of time to make a study and to analyze what should be done.

Dan Richmond with the law firm of Zarin and Steinmetz. His clients Nancy and Bill Sohn are residents residing on Crest Drive. The Sohn's strongly support the Board's adoption of a temporary moratorium to evaluate the remaining undeveloped, abandoned and/or paper streets existing in Tarrytown. Recently, the village attorney found a paper portion of the Crest has been abandoned by operation of law and is not a village street. To remove any doubt that this paper portion of the Crest should not be used for overdevelopment of the area, we respectfully request that the Board remove any reference to the paper portion of the Crest from the village's official map. Demapping raises issues that warrant close consideration. In order to provide the village with adequate time to carefully consider this issue, the Board should adopt a proposed moratorium for a period of no less than six months, subject to any renewal that may be required for the Board to consider the careful consideration of this issue. We expect this to be a dialogue that will go over the next couple of months, and we look forward to discussion with the Board how the dialogue will take place. As the Supreme Court indicated that temporary moratoria does not in any way subject municipalities to liabilities for taking of private property and instead they are a recognized tool for complex land use issues. Under SEQRA, the adoption of moratoria on land development or construction is a Type II action, which by operation of law is not subject to review. The law under subject Type II subjects the existing character of impact to communities.

The developer's plan to open up the Crest would destroy the residential character of the cul-de-sac on the Crest. The cul-de-sac is used by the residents and as a play area for small children. Development, however, would result in significant adverse traffic impacts including related impacts as well as deterioration of the lightly trafficked nature of the cul-de-sac. Opening up the paper portion of the Crest would result in unacceptable change to the Crest. The character of a lot of these communities has changed significantly when these roads were originally mapped; that is a reason a lot of these properties haven't been developed. They were significantly environmentally encumbered, and they still obviously suffer from the same constraints. The village Board should take the time to consider whether development of such paper streets is appropriate any longer, if in fact it ever was. Accordingly, the Village Board should act to preserve the status quo while considering this issue by imposing a temporary moratorium on development, along with undeveloped paper streets that Tarrytown residents are interested in having formally demapped, so the Board and public may have the opportunity to deliberate on this matter.

Jim Walter, Crest Drive, stated he has lived in the Crest for 45 years. He knows that road. That road is a developed road. There was macadam laid on that road when it was first laid out. There is a fire hydrant on that road, a sewage line runs down that road, gas lines probably and also water lines. The cul-de-sac has been abused. When that was first laid out, a road branched around and hooked onto Midland. Someone, of his own volition closed that off. Now somewhere along the line, we have to figure out who owns what. People are putting fences across the aqueduct. That's not legal. A gentlemen bought a piece of property up there, improved the area. He now wants to put another house up there, which is going to improve the value to the whole area. The only thing he's asking is access to his house. He can approach these houses either from the lower road or the upper road, but somebody is up there claiming roads that they don't own. The main thing he thinks he wants to do is correct the drainage system coming down there. At the top of the paper road, there is no drainage system. The runoff is coming down the dirt road in tons and we are getting it in the lower Crest and it's running into my basement.

Jonathan Gleit, Barnes Road, stated that he stood strong in support of the moratorium so that a determination can be made. The paper roads that go throughout the Crest are a potential catastrophic threat to the character of the village and especially the area that he lives in the Crest. There are communities around the state and country that effectively limit development where the community doesn't want it. He thinks that many times in the past Tarrytown has been a little bit behind the ball. He thinks that the purpose of the moratorium should be so that the village attorney can make a determination that these paper roads have such character that development should be precluded, whether that's by abandonment and therefore they become property of the village, or whether it's property of the abutting landowners. The overriding goal of the moratorium should be to completely get rid of the paper roads, so that development abutting them is precluded in the future.

Trustee Chillemi stated that this moratorium is for all paper roads in the Village of Tarrytown.

Roula Nedo, Stephens Drive, read a letter written by Lester Jacobs, her neighbor regarding the development at Gracemere in particular there was no notice about the many trees cut down and part of the historic wall on Route 9 was taken down. She stated that she wants the Board to make sure the full time professionals are doing their job and staying on top of developments.

Mary Beth Bishoff, 245 Crest Drive, stated that she has three children who benefit tremendously from living on a cul-de-sac. She asked for the village's overall policy regarding paper roads. Attorney Shumejda responded that we don't have a policy. But New York State law prevents the building inspector from giving a building permit or issuing a building permit that is not suitably improved to the satisfaction of the town.

The following are my concerns and issues; what are the benefits of demapping these paper roads versus the risks of demapping the paper roads. Also the potential effects of demapping these paper streets. The homeowners side versus the builder's side. Is there any way that the village can make any paper roads that are directly in proximity to green space an environmental zone?

Dan Beaton, resident, stated that he believes there have been no paper road developments at least in the past five years. He asked how many current paper road applications that impact paper roads exist right now, beside his. He's involved with the one up on Midland that's being discussed. He stated that it sounds like a good idea if it takes precedence to other problems, because there are going to be significant resources dedicated to this. Money is one and time is another. Six months is not going to get anything done if you're really going to look at all seventeen of them. He believes the residents are entitled to know what kind of money you're going to spend on this moratorium. When a developer comes in with a proposal that involves a paper road, which there have been none as far as he knows in the past five years, the option, instead of using village resources to this, the option is having the builder come in and use his resources and direct the time to one specific part. He's a property owner on Midland. They have serious water problems over there. Probably 25, 30 homes affected with severe water problems that affect their quality of life and the value of their homes. He's in a position where he can do some help over there for a lot of problems, but he's also in a position where he could do nothing. He would hate to see a lot of resources spent over six months which will turn into two years and then all of a sudden nothing is done except the wasting of resources. You will still have a huge clamoring of the same problems that have not been addressed. For the record, it sounds like a waste of resources. There is a way to do this where you don't have to do that. Mayor Fixell stated he doesn't foresee this going on for more than a six-month period. Now things have changed greatly in the environment, and it is incumbent upon us to do a proper job.

William Sohn, Crest Drive, stated that his house abuts the property Mr. Beaton wishes to develop. The paper road that he would propose to build comes through to my front yard. He thinks it is incumbent upon the village to vote this moratorium and take whatever time it takes to figure out how to proceed. There are many roads, each of them with different problems.

Linda Viertel, Gracemere, stated that she would like to applaud the moratorium for the paper roads, but would like to hope that the village would take on the responsibility of a comprehensive, master plan. The Village does not want the kinds of development that we are getting and we really can't move toward making those determinations until we have a comprehensive plan. She applauds the village and thinks this is the first step toward making that possible.

Trustee Butler stated that he was an advocate of the comprehensive plan. He would like to get a proposal from our planner and see how much it is going to cost us.

Aranka Golden, 266 Crest Drive, opposite the Sohns, stated she suggests considering one paper road at a time, not all exclusively. Each paper road has different problems. Each paper road would have a different impact. When you engage in discussion and consideration during the six-month moratorium, are you going to make a judgment on this and follow it up with legal action that is in the Village Code? Will the public have the opportunity to hear what you've decided and appeal it if we so wish? She wants to remind the Board that your allegiance and your interests should be in the residents, not in the developers. Mayor Fixell stated that his general understanding of our laws, it has to be fairly consistent for all paper roads. But there are criteria which can be put into the law which would lead to a different conclusion depending on a paper road. Ultimately, we will come up with a proposal for a change in our Code and that will then be brought to be publicly heard and debated.

Trustee Basher moved, seconded by Trustee Pollack, and unanimously carried that the public hearing be closed.

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

NOW THEREFORE BE IT RESOLVED in accordance with our State Environmental Conservation Law 6 NYCRR Part 617, including without limitation criteria set forth in 6 NYCRR Part 617.7(c) based upon review of the environmental assessment form, all of the documents referred to herein and all of the materials prepared for the proposed action entitled Paper Streets Moratorium, the Village Board of Trustees hereby determines that the proposed action is a Type II action.

Trustee Chillemi moved, seconded by Trustee Pollack, and unanimously carried that Local Law No. 8 - 2005 be adopted:

WHEREAS, the proposed action is a Type II exempt action;

WHEREAS, the proposed action is a Type II exempt action pursuant to State Environmental Quality Review Law, and;

WHEREAS, the environmental assessment form was filed on the proposed action and;

WHEREAS, notice to provision Section 239 (l)(m)(n) of the General Municipal Law Section 277.61 of the Administrative Code were mailed to Westchester County, the Town of Greenburgh and the Village of Irvington and Village of Sleepy Hollow on July 13, 2005; and;

WHEREAS, notice pursuant to the Village Law Section 7-706 was mailed on July 13, 2005 to the Executive Director Tarrytown Municipal Housing Authority, the Executive Director of the North Tarrytown Housing Authority, the Village Clerk, the Village of Sleepy Hollow, Town Clerk of the Town of Mount Pleasant and the Town Clerk of the Town of Greenburgh, Mayor of the Village of Sleepy Hollow and the Supervisor of the Town of Mount Pleasant;

WHEREAS, a notice of the public hearing was published on July 13, 2005;

WHEREAS, the Board of Trustees of the Village of Tarrytown is the only agency which has the approval authority over proposed action and therefore is the lead agency for the proposed action;

AND WHEREAS, a public hearing was held for proposed action on July 26, 2005 and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed local law or any part thereof;

WHEREAS, the Westchester County Planning Board has reviewed the proposed action under Section 239 (l) (m) (n) of the General Municipal Law and Section 277-61 of the County Administrative Code and determined there are no county municipal issues. In rendering this decision the Board of Trustees has considered all reasonable related long-term, short-term and cumulative environmental impacts associated with the proposed action.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Board of Trustees of the Village of Tarrytown hereby adopts Local Law No. 8 – 2005 as read in the Notice of Hearing.

RESOLUTION - ANNOUNCEMENT OF A PUBLIC HEARING REGARDING A MORATORIUM ON THE DEMOLITION OF HOUSES FOR THE PURPOSE OF CONSTRUCTING ANOTHER RESIDENCE

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby directs the Village Clerk to give public notice of a public hearing to be held on August 15, 2005 regarding a moratorium on the demolition of houses for the purpose of constructing another residence, in order to provide the Board adequate time to analyze and consider appropriate controls on such activity.

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD: SPEAKERS HAVE 5 MINUTES BEFORE YIELDING TO THE NEXT PERSON: THEN 3 MINUTES FOR ADDITIONAL COMMENTS

Michael Kreiger, Sheldon Avenue, stated that at the May 2nd Board of Trustees meeting, the Board stated that there would have to be a savings of at least \$500,000 to build two firehouses and that members of the community would have some input in this. To the best of his knowledge that never happened. This issue affects several families in the area. Tonight we are awarding two contracts when there is no community input whatsoever. He respectfully requests item No. 22 on the agenda be shelved until such time as community input is gotten. He also raised an issue as to the ownership of the two lots. He doesn't think that's ever been answered. In light of the flood on June 29th, there is a big sink hole, multiple sink holes on those properties. Any costs associated with building a second firehouse on Sheldon Avenue is going to have to take into consideration shoring up the land underneath. Trustee Chillemi stated that his community was contacted. He saw Dawn Carrelli. He had a discussion, and a recommendation was made from someone, one of your neighbors, to potentially serve on that committee. The purpose and roles of the committee aren't to decide whether the firehouse will be there or not but to decide how the firehouse will best fit within each representative community. We have a time frame, which he'll be more than happy to share the documents he has with you at this time. This information was brought to a member more than two weeks ago. Michael Kreiger stated that he was never consulted by anybody on the Board about it. He stated that he has an open mind, while he's leaning one way, if the Board were to take the time to consider what the members of the community have to say, maybe you can win us over.

Dawn Carrelli, 37 Sheldon Avenue, stated that yes, her husband was informed in regard to the information. Unfortunately, we were on vacation when the flood had happened. She had over 35, 40 thousand dollars worth of damage to her basement, along with other people in the community and neighborhood. We thought we had a little bit of time, but unfortunately we didn't. Due to the extenuating circumstances with our homes right now, she thinks in order for us to be able to look at things, it should be slated so that we have an opportunity to get on board about things. She has been a resident in the area well over 30 years and has the experience on what has happened in that neighborhood and how it has changed. She thinks you need more than one liaison from the village itself to represent the top and bottom of the hill in the area. It shouldn't be just one to represent hundreds. She would also like to find out how Trustee Chillemi has stated that anywhere from 500 to 700 thousand dollars are being saved. She would like to know what that's based on. If it is based on plans for the two-bay firehouse that looks like the Taj Ma Hall, then she has a strong objection to that, and would like to be able to discuss that situation. Trustee Chillemi stated he would like the study provided by Sean McCarthy to be provided to me in a PDF format so it can be published online. Anybody can take a look at it and see the basis for the savings. Dawn Carrelli also handed to the Village for the record, a videotape of the flood on June 29th of Sheldon Avenue. Though it was a freak thing and many things have happened in many of the neighborhoods, you can clearly see where the Sheldon Avenue brook is. However, the problem we had was with an I-287 culvert that went through a neighbor's property at 49 Sheldon Avenue and actually came down their driveway right into the property in question for the fire department and out Sheldon Avenue itself. Along with whatever homes were affected, the fire department, if it had been there, would have been probably

in about four and a half, five feet of water even before any firemen got there. She strongly suggests for her community to be kept informed.

Bill Cerbone, Miller Avenue, stated that with respect to hiring an expert to examine the runoff around the Tarrytown Lake area, how you define the word runoff. Is runoff going to be surface and groundwater, which was what the basis of the study was by the Manhattan College engineers, or is it going to be otherwise? There is an authorization to expend \$8,000 for a survey of all village-owned parcels on the waterfront, recommended by the village attorney, as there are lots of issues that are unclear where the property lines are. He would appreciate whether he could be informed with specificity as to these lots of issues which are unclear where the property lines are. Another question as to any residual village rights on the county asphalt property. Historically, there were village-owned pieces of land there. Were there any residual rights to the village bulkhead, for former streets, whatever? Is that portion of the parcel from the original Mary Benedict grant? Is that land the village previously accepted as parkland? Why is this being used for some other purpose other than parkland? This is a good example of \$20,000 to \$22,000 of income coming into the municipality on the rental of parkland, and that should be segregated from the General Fund and used for the further purchase of parkland. Trustee Basher stated that's a temporary lease. It is a year-to-year lease, and right now it has been leased from the Tarrytown Fire Training Center Corporation to the boat club on part of their past fire training center. It will eventually be parkland again and that money can be used to convert that into parkland.

Attorney Shumejda stated that a number of issues have come up in the last year or two. We have to dredge for the village dock where we moor the village fire boat. An issue was raised by groups claiming ownership of the dock. We do not have a survey to show the ownership of it. That's one thing. Issues such as the Tarrytown Boat Club proposed lease, which is on the agenda tonight, we don't have a survey of that parcel. We know the dimensions of the parcel, 5 feet by 200, but we do not have a survey on it. What is formally referred to as the Tarrytown fire training site, which has been discussed to have that converted into recreational facilities. We need a survey of that to have planned that redevelopment of the site.

William Cerbone stated that he has asked over and over again whether the docking area north of West Main Street if this was a piece of residual property owned by the village. Trustee Chillemi asked if Mr. Cerbone's request for a survey or title search can be included. Attorney Shumejda stated that the Planning Board received a survey from the proposed developer, so a survey exists for that entire area.

Michael Farley, Neperan Road, asked the Board's intention on the subdivision on Neperan Road and what is the Board going to do with the parcel for sale. Attorney Shumejda stated that on the agenda last night was a preliminary presentation of a proposed subdivision to follow up on the Board of Trustees' decision by resolution some months ago to dedicate a portion of that as parkland and also potential to have a portion of it, 15,600 square feet, sold off for development of residential structure. We need to file a subdivision map in the county records of White Plains. Next month will be an actual application. Trustee Zollo stated that it was not discussed yet. Michael Farley questioned Trustee Butler's appointment of Sam Viera as co-chair of the Planning and Zoning Committee noting that there could be a conflict of interest.

*Trustee Crucy Burkhardt left the meeting at 9:55 p.m.

Linda Viertel, Gracemere, stated that the following are members of the Waterfront Advisory Committee: Julia Fullenweider, Richard Kilscheimer, Sadie McGowan and Andrea, Eleanor Ross and Stu Schechman. We met once and spoke about the mission of the committee was to play the role of disseminating information to the public, filter the facts and information between or among the parties, which are the public, the developer, the Board, and interested constituents, like the merchants, communicate with the public, address the public concerns. We have no other agenda than representing the public as knowledgeable spokespersons. Andre Mazannetto volunteered with Eleanor Ross' help

to set up a merchants meeting and get input from the Tarrytown merchants to bring to the waterfront committee and then to bring to the Planning Board and the Board of Trustees. Out next meeting is August 30th at 7:00 p.m. in the Village Hall.

Robert Scogna, 49 Embree Street, stated with regard to the firehouse, the property that is next to the firehouse is owned by the membership. We do have the deed for that property. If anyone needs it, we will get it. With regard to the water, the property the membership does own is undermined, which we are working on taking care of it to find out how we can fix that problem. There was no actual flooding where the old firehouse was. There was no water issue there. He will see that the deeds get to you on that property.

Dawn Carrelli stated that right now on the Broadway side of the Jewish Community Center going to Tarry Hill the grass is very high and has been for sometime. This is a situation where we have to contact the state with regard to the roadway there and why all the cones are out and through there, do we have any idea how long that's going to take before the state actually comes to look at that. Mayor Fixell stated that any issues regarding grass, roads, weeds, please contact our Village Engineer. It is very difficult for them to be all over. Dawn Carrelli stated that there are issues with traffic violations too. Vehicles block the intersection at Walter and Broadway. That is vehicles coming out of Walter Street going onto Broadway south. She stated that she is concerned about her community and that the south end of town needs to be taken care of.

John Lynch, 10 Crest Drive, stated that this paper road moratorium preempts anymore development in the area where these water courses are and excessive flooding is occurring. It is because the water retention in this area has basically disappeared and we are suffering the consequences. He believes that until the drainage problems are addressed, there should be no more developing in this area.

Mark Fry, Independence St., stated that he suggests that we include an independent assessment of the adequacy of the H-bridge from the structural engineering point of view and a traffic engineering point of view, and done by an independent consultant and paid for by the developer. We also need to have an independent professional engineering report showing what is under the two existing buildings that are proposed to remain. The Department of State recommended very strongly that Tarrytown have a professional viewshed study. He stated that there needs to be open discussion on the cost of the approximate \$9 million to buy out the asphalt plant. What is the proposal? How much is Scenic Hudson going to throw in? Cotter? Empire State and the Village of Tarrytown?

RESOLUTION – DESIGNATION OF CERTAIN VILLAGE VEHICLES AS SURPLUS TO BE DISPOSED OF

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby declares as surplus to be disposed of the following Village vehicles: 1994 Chevrolet Blazer ID # 1GNDT13W4R0149367, 1986 GMC Dump ID # 1GDG6D1A5GV534020 and 1986 Buick Sedan ID # 1G4GJ47YXGP40617.

RESOLUTION – FIRE DEPARTMENT SUSPENSION

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby adopts the following resolution: Whereas, Stephen A. McCabe, acting in his capacity as the Village Administrator of the Village of Tarrytown, suspended a member of the Tarrytown Fire Department on July 1, 2005 and, now therefore be it resolved, that the Board of Trustees of the Village of Tarrytown hereby confirms and approves of the

action of the Village Administrator with respect to the suspension of a member of the Village of Tarrytown Fire Department on July 1, 2005.

RESOLUTION – APPOINTMENT OF A COMMUNITY SERVICE WORKER

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby appoints Georgia Efthalitsides of 177 White Plains Road, Tarrytown, New York, to the position of Community Service worker, Step B, at an annual salary of \$33,438 effective July 27, 2005. Said appointment is provisional and pursuant to the approval of the Westchester County Department Human Resources and is subject to all applicable civil service rules and regulations.

RESOLUTION – APPOINTMENT OF A PARKING ENFORCEMENT OFFICER/SCHOOL CROSSING GUARD

Trustee Pollack moved, seconded by Trustee Butler, and unanimously carried that the following resolution be approved:

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby appoints Paul Zekus of 149 Depeyster Street, Sleepy Hollow, New York to the position of Parking Enforcement Officer/School Crossing Guard, Step A, at an annual salary of \$30,951 effective July 27, 2005. Said appointment is provisional and made pursuant to approval of the Westchester County Department of Human Resources and is subject to all applicable civil service rules and regulations.

RESOLUTION – VEHICLE PARKING REGULATION CHANGES

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby approves the prohibition of parking at all times at the following locations: on Mechanics Avenue, east side, from Wildey Street for 20 feet in a southerly direction; on Warren Avenue, west side, from McKeel Avenue for 30 feet in a northerly direction; on Warren Avenue, east side, entire length; on Wilson Park Drive, east side, from Warren Avenue to Beech Lane. Also, parking shall be prohibited along the entire length of Marymount Avenue, west side, from 8:00 a.m. to noon Tuesday and Thursday; and parking shall be prohibited the entire length of Marymount Avenue, east side, anytime except 8:00 a.m. to noon Tuesday and Thursday.

RESOLUTION – DESIGNATION OF A HANDICAPPED PARKING SPACE

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby approves the designation of a second handicapped parking space, with a 6 hour time limit, at the northeast corner of the South Broadway parking lot.

RESOLUTION – AMENDMENTS TO THE FEES SCHEDULE OF THE TARRYTOWN BUILDING DEPARTMENT

Trustee Pollack moved, seconded by Trustee Butler, and unanimously carried that the following resolution be approved:

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby amends the fees schedule of the Tarrytown Building Department in accordance with the

recommendation of the Village Treasurer and Village Engineer as documented in Appendix A which shall be annexed to, and made part of, the official record of this meeting.

RESOLUTION – APPROVAL OF A TAXICAB LICENSE

Trustee Zollo moved, seconded by Trustee Pollack, and unanimously carried that the following resolution be approved:

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby approves the issuance of a Tarrytown taxicab license to Mr. Victor Arpi of 44 South Washington Street, Tarrytown, New York.

RESOLUTION – APPROVAL OF DESIGN CONTRACTS FOR CERTAIN WARNER LIBRARY CAPITAL IMPROVEMENTS

In response to a Request for Proposals, the following proposals were received:

Automatic Fire Detection System

- | | |
|---|----------|
| 1. All County Security Inc. | \$24,200 |
| 2. C & F Consulting Eng. P.C. | \$19,000 |
| 3. O’Dea, Lynch, Abbattista Consulting Eng. | \$14,750 |

HVAC Testing, Report & Design Specifications

- | | |
|---|----------|
| 1. O’Dea, Lynch, Abbattista Consulting Eng. | \$39,500 |
|---|----------|

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby approves two design contracts with O’Dey, Linch and Abbattista of Hawthorne, New York to design a) an upgraded heating ventilation and air conditioning system and a new Americans with Disabilities act compliant first floor bathroom in the amount of \$40,000 and b) an automatic fire detection system in the amount of \$15,000 both contracts conditioned upon the payment of a 40% share of the total cost of \$55,000 by the Village of Sleepy Hollow.

RESOLUTION – AUTHORIZATION TO EXPEND \$8,000 FOR A SURVEY OF ALL VILLAGE OWNED PARCELS ON THE WATERFRONT

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby authorizes the Village Attorney to spend up to \$8,000 to obtain a survey of all the property the Village owns on the Hudson Riverfront.

RESOLUTION- AWARD OF A CONTRACT FOR THE DESIGN OF 2 FIRE STATIONS

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby approves a contract between the Village and Sean E. McCarthy, Architect, of 16 Maple Street, Sleepy Hollow, NY for design services for the construction of fire stations on White Plains Road/Route 119 and on Sheldon Avenue, (at the former site of the Consolidated Engine Company Station) in an amount of \$170,000 as detailed in a standard form American Institute of Architects document, approved as to form by the Village Attorney.

RESOLUTION – TARRYTOWN BOAT CLUB LEASE

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby authorize the Mayor to sign a one year lease with the Tarrytown Boat Club for a parcel land 56 ft. x 200 ft. next to the Tarrytown Boat Club property at a monthly rent of \$1,500.00. Said lease shall be reviewed by the Village Attorney as to form.

RESOLUTION – TARRYTOWN LAKES CONTRACTS FOR THE RUNOFF AND GROUND WATER

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby approves the following contracts:

- With Dvirka & Bartilucci of White Plains, New York for a study of watershed and drainage impacts on the Tarrytown Lakes and the proposed Wilson Park development as well as from the entire Lakes Watershed at a cost of \$18,000.00. The cost of this study is to be off set by a reimbursement of between 30 – 50% from Spectrum Inc., the developer of the proposed Legends at Wilson Park.
- With PCI Consulting LLC of Parsippany, New Jersey, for a study and analysis of the conditions of the Tarrytown Lakes water including recommendations regarding clean-up and future maintenance at a cost of \$15,000.00. The reimbursement amount of the PCI study will be determined at a later date.

APPROVAL OF MINUTES

Trustee Pollack moved, seconded by Trustee Butler, that the minutes of June 20, 2005 be approved as presented by the Village Clerk. Motion carried, all voting “aye” with the exception of Trustee Chillemi who abstained.

APPROVAL OF AUDITED VOUCHERS #2

Trustee Basher moved, seconded by Trustee Crucy Burkhardt that the following resolution be approved:

RESOLVED: The following Abstract bearing No.1, dated July 26, 2005 containing Vouchers No. 000354 through No. 000753 is hereby ordered paid in the following amounts as presented:

General	\$443,858.88
Water	121,527.19
Capital	45,648.71
Library	15,980.64
Trust & Agency	<u>188,775.18</u>
Total	\$ 815,790.60

The Board was polled all voting “aye” with the exception of Voucher No.’s 000648 and 000468. Trustee Chillemi and Trustee Zollo abstained from Voucher No. 000377. Motion carried.

ADJOURNMENT TO EXECUTIVE SESSION

Trustee Basher moved, seconded by Trustee Zollo, and unanimously carried, that the meeting be adjourned to Executive Session – 10:55 p.m.

Carol A. Booth
Village Clerk