

Board of Trustees
Village of Tarrytown
Regular Meeting No. 13
November 21, 2005 8:00 p.m.

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

The meeting began with the Pledge to the Flag.

REPORTS

Mayor Fixell stated that he would like to wish everyone a Happy Thanksgiving.

Trustee Crucy Burkhardt stated that she also would like to wish everyone a Happy Thanksgiving.

Trustee Chillemi reported on the following:

- He thanked Ms. Janet Milliken who has served on the Warner Library Board since July 2004 and has resigned due to additional professional responsibilities. Mr. Jack Rosenberger will replace Janet on the Library Board. He has lived in Tarrytown for the past nine years with his wife and daughter and is the Senior Editor at Ziff Davis Media in New York. Mr. Rosenberger will be a real asset to the Warner Library Board. We look forward to working with him.
- This past Saturday, Washington Engine held a wash-down for their new tower ladder at Pierson Park. Approximately 350 people came to enjoy food and a look at the new fire truck. Congratulations to Washington Engine for a successful wash-down.
- Last week the fire department held a blood drive for the first time at the Main Street Fire House. The drive was successful with twenty-two pints of blood collected. The fire department intends on expanding the blood drive next year.
- Sleepy Hollow Hockey Boosters are hosting the fourth annual Alumni Hockey game at the Westchester Skating Academy on Saturday the 26th of November at 9:00 p.m. All are invited to see Sleepy Hollow alumni players play a fun and exciting game to raise funds in support of the Sleepy Hollow Boosters.
- Have a safe and Happy Thanksgiving.

Trustee Butler reported that he looks forward at the next Board meeting to have the Environmental, Planning and Zoning, and Education K-12 advisory committees to give a brief update. Also, the Comprehensive Plan has been awarded to BFJ Consultants and he looks forward as this project moves forward.

Trustee Zollo reported on the following:

- On Sunday, November 13th, the Annual Pilgrim Run was held starting at Hackley School and ran for four miles. There were 103 runners which was the best participation ever at this event. The day was spectacular.
- The Third Friday, November 18th, the Recreation Department provided hayrides for adults and children. There were approximately 75 riders.
- There will be new Yoga and Pilate classes taken place at the Senior Center starting in December. Classes are filling up fast.
- The Holiday Tree Lighting ceremony will take place at Patriots Park on Saturday, December 3rd at 5 p.m. with a special guest appearance from Santa.

Trustee Pollack reported that yesterday, she attended the annual Consolidated Engine's Breakfast. The firemen did the cooking and it was well attended. The Riverside Hose Company allows them to use their fire house until Consolidated Engine's fire house is built. She commends their effort on this event.

Trustee Basher reported that several incidents on the Tappan Zee Bridge/NYS Thruway have affected traffic conditions in the village. The Police Department, in conjunction with the NY State Police, NYS Thruway Authority, Westchester County Department of

Public Safety, the Town of Greenburgh Police and the Hudson Valley Transportation Management Center have developed a draft Diversion Plan for responding to these incidents. Overall police response will be determined by many factors: the nature of the incident, the potential duration, the time of day, weather conditions, etc. The plan is designed to block additional vehicles from entering the effected corridor of the New York State Thruway and Tappan Zee Bridge. It will divert traffic away from the Bridge and the village by closing access via the Saw Mill River Parkway at Eastview, Route 119 in Greenburgh/Elmsford and Route 87 northbound at the Route 287 junction. These closures should significantly reduce traffic volume on local streets. Additionally, more timely media notification and the use of Thruway Message Boards and H.E.L.P. trucks should assist with incident management and traffic flow. Following implementation of the plan, a critique will be held with necessary modifications and adjustments to be made accordingly.

PUBLIC HEARING REGARDING THE WATER-RELATED INDUSTRY OVERLAY DISTRICT AS SHOWN IN SECTION 305-63 "DEFINITIONS AND WORD USAGE" (adopted)

Mayor Fixell asked Attorney Shumejda to explain this proposed amendment.

Attorney Shumejda stated that this local law was enacted in 2004. This is also the local law that was reviewed by Judge John Lacava in his decision in January of 2005 which vacated that enactment. The purpose of this amendment is to remove it from the code of the Village of Tarrytown.

PLEASE TAKE NOTICE that the Board of Trustees of the Village of Tarrytown will hold a public hearing on the 21st day of November, 2005, at 8 P.M. in the Municipal Building, 21 Wildey Street, Tarrytown, New York 10591, to hear, discuss and to act upon proposed amendments to the Code Of The Village of Tarrytown, Chapter 305, Zoning, Section 305-5 regarding the Water-Related Industry Overlay District as shown on the "Zoning Map, Village of Tarrytown" and Section 305-63 "Definitions and Word Usage". The complete text of this legislation follows:

A LOCAL LAW to amend Section 305-5 entitled "Zoning Map" regarding the Water-Related Industry Overlay District as shown on the "Zoning Map, Village of Tarrytown" and Section 305-63 entitled "Definitions and Word Usage".

Material to be deleted appears in parenthesis {"()"}, material to be added is in bold.

Section 305-5 Zoning Map

Amendment to the Water-Related Industry Overlay District as shown on the "Zoning Map, Village of Tarrytown".

(Section 1. The Water-Related Industry Overlay District is hereby amended to include the area commencing at a point on the west side of Railroad Avenue at the Northeast corner of tax map parcel Section 1, Sheet 1 Lot P-13, thence along Railroad Avenue Tax Map Parcels P-13 and P-14 generally in a southerly direction approximately 300 feet, thence North 88 degrees 11 minutes 25 seconds West approximately 500 feet across Tax Map Parcel P-20 to the Sawmill Sanitary Sewer District Easement, Liber 7194 Page 381, filed Map 18042, thence generally along the west side of said easement north approximately 270', thence along a line parallel to the rear of a building formerly known as "Perk Up" formerly owned by Howard and Robin Epstein Liber 8695 Page 31, tax map parcel Section 1, Sheet 1, Lot P12, east to the west side of Railroad Avenue to the point or place of beginning.

If the existing Bituminous concrete plant is moved from the boundaries of the district established by Local Law No. 5 of 1998 as shown on the "Zoning Map , Village of Tarrytown", to the area denoted in Section 1 herein, then the Water-Related Industry Overlay District area designated by Local Law No. 5 of 1998 will be extinguished.)

Section 305-63. Definitions and Word Usage.

Amendment to Section 305-63 of the Village of Tarrytown Zoning Code entitled “Definitions and Word Usage”.

PLANT ENVELOPE AREA – (Either (a) an) **The** area running parallel to the Hudson River a distance of 256 feet in length and a width of 344 feet measured from the east edge of the Hudson River commencing 525 feet north of the northerly edge of West Main Street at the Hudson River. This is the location of the existing bituminous concrete plant (, or (b) an area 256 feet in length and a width of 344 feet denoted as [part of](#) Sheet 1 Parcels [13,14 and 20](#) of the Tax Map of the Village of Tarrytown, but not both).

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**

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

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

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

Trustee Chillemi moved, seconded by Trustee Basher, and unanimously carried that the following local law 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 on the Proposed Action, and

WHEREAS, notice pursuant to provisions of Section 239 L, M and N of the General Municipal Law and Section 277.61 of the County Administrative Code were mailed to Westchester County, and

WHEREAS, notice pursuant to Village Law Section 7-706 was mailed to the Executive Director Tarrytown Municipal Housing Authority, the Executive Director of the North Tarrytown Housing Authority, the Village Clerk of the Village of Irvington, the Village Clerk of the Village of Sleepy Hollow, Town Clerk of the Town of Mt. Pleasant, Town Clerk of the Town of Greenburgh, Mayor of the Village of Sleepy Hollow, Supervisor of the Town of Mt. Pleasant, Supervisor of the Town of Greenburgh, and

WHEREAS, a notice of public hearing was published in the Journal News on November 10, 2005, 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

WHEREAS, public hearing was held for the proposed action on November 21, 2005 and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Local Law, or any part thereof, and

WHEREAS, the Westchester County Planning Board 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 determined that there are no County or inter-municipal issues, and

WHEREAS, in rendering this decision, the Board of Trustees has considered all reasonable related long term, short term, and cumulative environmental effects associated with the proposed action.

NOW, THEREFORE, BE IT RESOLVED, in accordance with Article 8 of the State Environmental Conservation Law and 6 NYCRR Part 617, including without limitations the criteria set forth in 6 NYCRR Part 617(c) and based upon review of the Environmental Assessment Form, all of the documents referred to herein and all other materials that were prepared for the Proposed Action, the Village Board of Trustees hereby determines that the 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. 16 of 2005 an Amendment of Section 305-5 regarding the Water-Related Industry Overlay District as shown on the “Zoning Map, Village of Tarrytown” and Section 305-63 “Definitions and Word Usage”.

PUBLIC HEARING REGARDING SENIOR CITIZEN EXEMPTION, SECTION 269-9 APPLICABILITY (adopted)

PLEASE TAKE NOTICE that the Board of Trustees of the Village of Tarrytown will hold a public hearing on the 21st of November, 2005, at 8:00 p.m. in the Municipal Building, 21 Wildey Street, Tarrytown, New York 10591, to hear, discuss and to act upon proposed amendments to the Code Of The Village of Tarrytown, Article III entitled “Senior Citizens Exemption”, Section 269-9 Applicability. The complete text of this legislation follows:

A LOCAL LAW to amend Article III entitled “Senior Citizens Exemption” Section 269-9 entitled “Applicability”

Material to be deleted appears in parenthesis {“()”}, material to be added is in bold.

Section 269-9. Applicability.

This article shall apply only to real estate taxes for (the) **each** fiscal year commencing after the December 31 deadline **for said year**.

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**

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

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

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

Trustee Basher moved, seconded by Trustee Crucy Burkhardt, and unanimously carried that the following local law 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, a notice of public hearing was published in the Journal News on November 11, 2005, 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. 17 of 2005 an Amendment to the Code of the Village of Tarrytown Article III Entitled Citizens Exemption, Section 269-9 Applicability.

ANNOUNCEMENT OF A PUBLIC HEARING TO BE HELD REGARDING AN AMENDMENT TO THE VILLAGE FILMING ORDINANCE ENABLING THE VILLAGE ADMINISTRATOR TO INCREASE THE LEVEL OF ANY FEES DUE THE VILLAGE WHEN CIRCUMSTANCES WARRANT

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby approves the announcement of a public hearing to be held on December 19, 2005, regarding an amendment to the Village Filming Ordinance enabling the Village Administrator to increase the level of any fees due the Village when circumstances warrant.

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

Jerry Barbelet, Union Avenue, stated that he serves on a committee along with Town Supervisor Paul Feiner to review the town budget as it affects residents of the incorporated villages. In the latter part of September, a meeting was held with Herb Rosenberg, who chairs the committee, Administrator McCabe, Treasurer Hart, Mayor Fixell, and himself. He asked the Board if they had any public comment about the report and if there has been dialogue between this Board and Town Council. This is the time the Town comes out with their budget. Mayor Fixell stated that the Mayors and one Trustee from each of the villages has been meeting on a regular weekly basis to discuss approaches to the town on issues like recreation expenditures (town parks) to be charged to the Villages. The position of the Village committee has been that it is a mis-reading of the law and we are opposing it actively. There has been a lot of communication to the town council about our concerns. Mayor Fixell also stated that the Town meetings are

open to the public and the Village residents need to get involved and make their presence known. Mr. Barbelet asked what the status of the Pace College study is. Mayor Fixell stated that the Village has contracted Pace College to do a study of the value and implications of being part of the Town of Greenburgh; what it costs us and what we get for it. There will be a meeting in about a week or two to discuss this study and even the possibility of what the implications of breaking away from the Town would be.

John Lynch, 10 Crest Drive, stated that there was a public information meeting last week in Scarborough about the Route 9 paving project. This will impact Tarrytown with the increase in truck traffic on Route 9 instead of 9A. This project is currently taking place between Route 117 and Geneva Road in Ossining. There's talk that at a later date, it will extend down to Sleepy Hollow and pick up again in Irvington. The only narrow part is through the Village of Tarrytown. We need to stay on top of this as the truck flow will impact our village. He also stated that the Yonkers Ridge Hill project will impact our roads. The Westchester County Planning Board has rejected this development, but the river towns need to support the County. Mayor Fixell stated that he did receive an e-mail requesting participation from the neighboring Village Mayors on this issue.

RESOLUTION – CONSIDERATION OF A MEMORANDUM OF AGREEMENT
REGARDING THE SAW MILL RIVER WATERSHED COALITION

Trustee Basher moved, seconded by Trustee Crucy Burkhardt, 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 memorandum of agreement with respect to the Saw Mill River watershed (the full text of which will be annexed to the minutes of this meeting as part of the official record) and agrees to work together, with other members of the Saw Mill River Watershed coalition, to achieve mutually beneficial projects with respect to the watershed, and agrees that the cooperating municipalities will communicate regularly using the Saw Mill River Coalition as an organizing forum and means of communication, and to assess progress made in achieving the projects envisioned hereunder; and the cooperating municipalities agree that any cooperating municipalities have the right at any time to withdraw from this agreement upon written notice to the other parties.

RESOLUTION – CONSIDERATION OF AN UPDATED AGREEMENT BETWEEN
TARRYTOWN AND SLEEPY HOLLOW WITH RESPECT TO THE WARNER
LIBRARY

Trustee Chillemi moved, seconded by Trustee Basher that the following resolution be approved. Motion carried, all voting “aye” with the exception of Trustee Butler who abstained:

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby approves the extension of the existing agreement between Tarrytown and the Village of Sleepy Hollow with respect to funding the Warner Library, the extension of the existing agreement to last until May 31, 2007 with the cost sharing arrangement continued at 60% Tarrytown, 40% Sleepy Hollow.

RESOLUTION – CONSIDERATION OF THE APPOINTMENT OF A TARRYTOWN
MEMBER OF THE WARNER LIBRARY BOARD OF TRUSTEES – JACK
ROSENBERGER

Trustee Chillemi 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 appointment of Jack Rosenberger to the Warner Library Board of Trustees to a term to expire in 2009.

APPROVAL OF THE MINUTES OF THE BOARD OF TRUSTEES MEETINGS
HELD ON NOVEMBER 7, 2005

Trustee Basher moved, seconded by Trustee Pollack that the Board of Trustees minutes of November 7, 2005, be approved as submitted by the Village Clerk. Motion carried, all voting “aye” with the exception of Trustee Crucy Burkhardt and Trustee Butler who abstained.

APPROVAL OF AUDITED VOUCHERS #9

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

RESOLVED: The following Abstract bearing No.9, dated November 21, 2005 containing Vouchers No. 001985 through No. 002146 is hereby ordered paid in the following amounts as presented:

General	\$ 160,269.61
Water	55,929.88
Capital	234,011.50
Library	6,629.34
Trust & Agency	<u>90,748.86</u>
Total	\$ 547,589.19

The Board was polled all voting “aye”. Motion carried.

ADJOURNMENT TO EXECUTIVE SESSION

Trustee Basher moved, seconded by Trustee Crucy Burkhardt, and unanimously carried, that the meeting be adjourned to Executive Session regarding property acquisition (asphalt plant) at 8:40 p.m.

Carol A. Booth
Village Clerk