

Board of Trustees
Village of Tarrytown
Regular Meeting No. 19
February 6, 2006 8:00 p.m.

PRESENT: Mayor Fixell, presiding; Trustees Basher, Butler, Pollack and Zollo; Village Treasurer Hart; Village Attorney Shumejda; Village Engineer McGarvey; Village Clerk Booth; *Planning Board Chairman Friedlander and Planning Board Members Demers, Aukland, Tedesco, and Stone joined the Board of Trustees for a Joint Session.

ABSENT: Trustees Crucy Burkhardt, Chillemi

The meeting began with the Pledge to the Flag.

PROCLAMATION–JOHN AND GERTRUDE ARDUINO DAY

Mayor Trustee presented to John and Gertrude Arduino, a proclamation in honor of their many community volunteer efforts, including their leadership roles at the Tarrytown Senior Center and Municipal Housing Authority, Transfiguration Church, among many other organizations.

WHEREAS John & Gertrude Arduino were both born and raised in the Village of Tarrytown where they brought up 3 children, Anthony, Janet & Eugene; and

WHEREAS John & Gertrude Arduino have donated so much of their time, devotion and expertise to their many community volunteer efforts, including their leadership roles at the Tarrytown Senior Center and Municipal Housing Authority, Transfiguration Church, among many other Organizations; and

WHEREAS Gertrude Arduino devoted 42 years to the Public Schools of the Tarrytowns as a teacher, later earning a Masters Degree in Early Childhood Education & Development Reading & served as assistant to the Principal; and

WHEREAS John Arduino has been a volunteer firefighter for the Phenix Hose Company since 1946, serving as President for many years and is still active as Treasurer and Board Member, & having recently retired from Sunnyside Federal Savings & Loan after 20 years, & co-owned Arduino's Off-Broadway Deli where he and his brothers provided first rate service and quality food for their community and surrounding villages; and,

WHEREAS John & Gertrude Arduino in recognition of their extensive work and commitment to the older adult community were elected this year to the 2005 Westchester County Senior's Hall of Fame.

NOW THEREFORE BE IT RESOLVED THAT I, Drew Fixell, Mayor of Tarrytown, New York, thank and commend John & Gertrude Arduino and hereby declare February 7th, 2006 John & Gertrude Arduino Day in the Village of Tarrytown.

John and Gertrude Arduino accepted graciously and thanked the Mayor and Board of Trustees.

CERTIFICATE OF MERIT–INTERACT CLUB OF SLEEPY HOLLOW HIGH SCHOOL

Mayor Fixell presented to the Sleepy Hollow Interact Club, a Certificate of Merit for generously volunteering their time and energy to work with local senior citizens on inter-generational projects.

NOW THEREFORE BE IT RESOLVED THAT I, Drew Fixell, Mayor of Tarrytown, New York, thank and commend the Interact Club of Sleepy Hollow High School for generously volunteering their time and energy to work with area senior citizens on inter-generational projects. Your efforts are to be commended by all. Given over my hand and

the Seal of the Village of Tarrytown, New York on this 6th day of February , 2006, I hereby award this Certificate of Merit to The Interact Club.

Ms. Serena McGough Choi, Advisor of the Sleepy Hollow High School Interact Club accepted the Certificate of Merit along with several Sleepy Hollow students. Ms. McGough Choi stated that the Interact Club is an Internationally sponsored organization from the Rotary International to get high school students involved in community service starting in the ninth grade. Their belief is that those who start serving their community at a young age will continue to do so for their entire lives.

FERRY LANDINGS, LLC (WATERFRONT PROPERTY)–FINDINGS STATEMENT

*The Planning Board joined the Board of Trustees for a joint session on this issue

Village Planning Consultants Frank Fish and Melissa Kaplan stated a number of draft Findings Statements have been prepared and circulated to all Board members. As a result of work sessions that have been held, there have been a number of revisions and tonight they submitted the most recent draft, which incorporates comments received from Board members. Ms. Kaplan reviewed these amendments with the Board. Board members suggested some minor language adjustments, which Ms. Kaplan made.

Counsel Shumejda stated he has had a telephone conversation and an e-mail from the attorney for Mr. Cotter after he reviewed the draft Findings. Concerns he raised were:

1. “public restrooms within the waterfront park should be explored.” Mr. Fish noted the Planning Board wanted the ability to have seasonal vendors with the possibility of public restrooms.
2. EEA, Inc.’s recommendation that there be a vapor barrier and an active venting system. The applicant’s attorney suggested it be set up as a passive system with the ability to make it active if so deemed in the future. Mr. Fish suggested the language suggested by the Village’s Consultant, EEA, remain.
3. “walkways and open spaces between buildings on the site must be open and accessible to the public.” The applicant’s attorney felt this needed clarification since he felt it could be interpreted to be up to the front doors of their buildings. Planning Board Chairman Friedlander stated the Planning Board would look at this during site plan review. It was suggested the language be amended to state “walkways and open spaces between buildings on the site will be open and accessible to the public as determined in site plan review.”
4. “All roadways within the project site must be built to public road standards and dedicated to the Village as public roadways, which will be owned and maintained by the Village of Tarrytown.” The applicant’s attorney agreed with the language for the main roads but questioned the need for interior roads to be built to Village specifications. Mr. Fish agreed the right-of-ways probably did not have to be built to Village specifications. Chairman Friedlander stated this is a matter that can be dealt with during site plan review and he suggested the sentence be amended to add “unless an exemption is granted by the Planning Board during site plan review.”
5. Construction days and hours. The previous draft reviewed by the applicant’s attorney stated construction on Saturdays, Sundays, and holidays will require a special permit from the Village Engineer. The applicant felt that was too restrictive.
The draft submitted tonight has deleted that sentence and has construction occurring per Village Code. Discussion on this matter followed. It was agreed the sentence requiring the special permit from the Village Engineer on Saturdays, Sundays, and holidays should be put back in the document with a phrase added “due to sensitivity to noise and traffic on such days.”

Trustee Basher moved, seconded by Trustee Zollo, and unanimously carried, that the Board of Trustees adopts the following resolution:

WHEREAS, the Village Board of Trustees and Planning Board, co-lead agencies for the Ferry Landings development, accepted the Final Environmental Impact Statement (FEIS) on December 21, 2005, and

WHEREAS, copies of the FEIS were made available to the public at the Village Clerk's office, the Village Library, and on the Village's website, and

WHEREAS, the co-lead agencies held a public workshop on January 10, 2006, to provide information to the public on the contents of the FEIS and heard comments from the public, and

WHEREAS, the co-lead agencies held two joint meetings to discuss the Findings for the FEIS, and

WHEREAS, the co-lead agencies received written comments on the FEIS from Scenic Hudson, Westchester County, STV, Inc., consultants for the Village of Sleepy Hollow, and a member of the public, and

WHEREAS, the co-lead agencies incorporated these comments into the Findings Statement for Ferry Landings;

NOW, THEREFORE, BE IT RESOLVED that the co-lead agencies adopt the Findings Statement for Ferry Landings.

The Board of Trustees was polled. Trustees Butler, Zollo, Pollack, Basher, and Mayor Fixell assented.

Mr. Demers moved, seconded by Mr. Aukland, that the Planning Board adopts the following resolution:

WHEREAS, the Village Board of Trustees and Planning Board, co-lead agencies for the Ferry Landings development, accepted the Final Environmental Impact Statement (FEIS) on December 21, 2005, and

WHEREAS, copies of the FEIS were made available to the public at the Village Clerk's office, the Village Library, and on the Village's website, and

WHEREAS, the co-lead agencies held a public workshop on January 10, 2006, to provide information to the public on the contents of the FEIS and heard comments from the public, and

WHEREAS, the co-lead agencies held two joint meetings to discuss the Findings for the FEIS, and

WHEREAS, the co-lead agencies received written comments on the FEIS from Scenic Hudson, Westchester County, STV, Inc., consultants for the Village of Sleepy Hollow, and a member of the public, and

WHEREAS, the co-lead agencies incorporated these comments into the Findings Statement for Ferry Landings;

NOW, THEREFORE, BE IT RESOLVED that the co-lead agencies adopt the Findings Statement for Ferry Landings.

The Planning Board was polled. Messrs. Demers, Aukland, Tedesco, Stone and Friedlander assented.

*Planning Board Members left the meeting.

REPORTS

Mayor Fixell reported on the following:

1. Regarding the Town of Greenburgh's Village Officials Committee, an item has come up recently with respect to an attempt by some residents in the unincorporated portions of Greenburgh to have the Town of Greenburgh charge to the budget that includes the Village residents the building of sidewalks in the unincorporated portions of Greenburgh. It's part of a continual series of attempts on the unincorporated portions of the Village for the Town to try and pass off costs to Village residents. It's critical that Village residents as well as Village officials to make their concerns known to the Town Board members on these issues.
2. The Board is 99% close to coming to a conclusion for the Consolidated Engine fire house site that we will be able to build it on the Meadow Street site where the temporary fire house is currently located. There is one minor item that we have to clarify with the State. The State owns some of that property and we have to guarantee that we have access and/or use to it. We are working with the State to get that approved. We hope that we will at least have a use permit in a reasonable time.

Trustee Butler stated that he would like to introduce Sam Viera, co-chair of the Planning and Zoning Code Review Committee to present an update.

Sam Viera, stated that he is the co-chair of the Planning and Zoning Code Review Committee along with Karen Brown. The fellow members of this committee are Kevin Killen, Edith Litt, Carol Jiminez Tyler, Victoria Weisel, David Aukland, Michele D'Avolio, Joseph Aiello, George O'Lear, and Terrence Murphy. We have been charged at the Board's request to review general zoning process and zoning ordinances. The following are some of the tasks the Committee has been working on: 1) Analyze and make recommendations on Tear Downs and In-fill Construction, 2) Floor Area Ratios, and 3) View Shed Protection. The committee felt the tear down and in-fill construction should be the area of concentration. Scale was decided to be used to be able to control and maintain the scale within a pre-existing neighborhood and for any new construction that may be proposed. Other methodologies are contextual zoning which takes into account the existing development patterns of a neighborhood, and specific control on over-sized lots within a pre-developed neighborhood. Also to review the way single family homes are measured as far as height is concerned. There are three different methods that we measure. All three criteria must be met; number of stories, physical dimension of the building and an imaginary light plane that is measured from adjacent properties. We want to look to see that those three criteria are sufficient to control the height and how the height is actually measured from the zoning ordinance's point of view. The second item for the Committee to review is the Floor Area Ratio ordinances. They want to see whether they're not strict enough or whether we need to have two sets of requirements; one for sub-division lots and one for building in a pre-existing neighborhood. The third item is view shed protection. They found out that View Shed Protection is really to protect view sheds that are available to the general public. The Village needs to identify certain critical view shed areas. The following is the committee's suggestion with respect to the tear down moratorium: Requiring approved building plans before granting demolition permits. This allows the Planning Board to have a clear picture of what the end result is of any project prior to allowing a building to be demolished.

Trustee Basher reported on the following:

1. He read a letter from Mario Viera of Dobbs Ferry expressing appreciation and commending the exemplary action of Police Officer Cossifos.
2. The Community Opportunity Center of the Tarrytown's have provided the following over the past year: hot meals program - dinners are served every Thursday at 5:00 p.m.; food pantry—open five days a week, 9 a.m. to 5 p.m., walk-ins can receive food which includes protein, vegetable juice and other foods that are donated to the center; green thumb program—farmer's market—over 200

bags of vegetables and fruit will be distributed to clients on the fourth Tuesday of each month. Over the holidays, over 200 meals were prepared for each holiday including Thanksgiving, Christmas, and Martin Luther King Jr. Day. Toys for Tots were distributed to several local churches and to the children of the Boys and Girls Club. The children of the Boys and Girls Club receive a hot nutritious meal every day at the after school program. In the past year and half, the COC has reorganized their leadership and they're doing a wonderful job in cooperation with the Boys and Girls Club.

Mayor Fixell asked Attorney Shumejda to give an overview of the proposed legislation regarding building construction with respect to demolition permits. Attorney Shumejda stated that the proposed legislation is based on the recommendation from the Planning and Zoning Code Review Committee to create a requirement by local law that the Village would only issue a demolition permit if 1) a site plan review is approved by the Planning Board and 2) a building permit of the new structure is secure. This way the Planning Board, Building Department and the Architectural Review Board will all have an exact idea of what is going to be built in place of this other structure. Those two items will be required to be in place before any demolition permit can be issued by the Village Engineer. The other concept that came from this committee is the issue of building on an oversized lot in a particular zone to address the scale issue.

ANNOUNCEMENT OF A PUBLIC HEARING REGARDING "REQUIRED STREET FRONTAGE; ACCESS TO BE HELD ON FEBRUARY 21, 2006

Mayor Fixell stated that this is to address the Moratorium on Paper Roads. It is an action which will deal with the issues raised on paper roads and give the Village more control over those items. Mayor Fixell asked Attorney Shumejda to explain this further. Attorney Shumejda stated that this proposed legislation deals with required street frontage. Under the zoning code of the Village, every buildable lot application must have a certain amount of street frontage. In our code, the street frontage requirement is the same as the minimum width of a residential lot. This proposed legislation would state that property that abuts a paper road, meaning a road that's on a sub-division map that was never approved to Village specification nor dedicated to the Village that would also include easements and right-aways, that type of access would not be considered frontage for the purpose of securing a building permit in the Village of Tarrytown. It is to deal with the issues of paper roads. The Village of Tarrytown has 17 roads that are paper streets. Under the current law, that is legal frontage.

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown directs the Village Clerk to give notice of a public hearing to be held on February 21, 2006 regarding a proposed amendment to the Village Code with respect to required street frontage; access.

ANNOUNCEMENT OF A PUBLIC HEARING REGARDING A PROPOSED EXTENSION OF THE MORATORIUM ON CERTAIN RESIDENTIAL DEMOLITION AND CONSTRUCTION TO BE HELD ON FEBRUARY 21, 2006

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown directs the Village Clerk to give notice of a public hearing to be held on February 21, 2006 regarding a proposed amendment to the Village Code regarding a proposed extension on the Moratorium on Certain Residential Demolition and Construction.

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

Susan Sincero, Neperan Road, asked the Board if they will be using our roads and H-Bridge during the large Sleepy Hollow development and/or will the Beekman Avenue Bridge be used. She understood that the Beekman Avenue Bridge has a 5 ton weight limit. Mayor Fixell stated that Sleepy Hollow has indicated that it is part of their process to have the Beekman Avenue Bridge completely rebuilt. This is part of our response to their DEIS, so we will be following up on it. Ms. Sincero asked if the Board thought of making River Street a dead end to keep the traffic flowing from Sleepy Hollow. She also asked how the height of the buildings is measured to 45 feet. Mayor Fixell stated that it is from the existing grade, prior to any fill, and it's measured in terms of mean sea level. This is very specifically dealt with in the findings and in the FEIS.

Steve Gosset, Martling Avenue, stated that the stop sign at the corner of Grove Street and E. Franklin Street is not located at the corner. He does not dispute the need of the stop sign, but the location of the stop sign. He thinks that this should be looked at.

Domenic Morabito, Church Street, stated that he doesn't think the Board is giving enough attention to the traffic problems in Tarrytown with respect to the waterfront development.

Michael Farley, Neperan Road, asked the Board what the next step is now that you have accepted the findings. Frank Fish, Planning Consultant, stated that what this means is that the Board of Trustees and the Planning Board has complied with the state regulation. They have looked at the alternatives and have tried to choose the alternative that has the least impacts or that can be mitigated. The Board of Trustees has to consider the zoning changes that the applicant is requesting. The Board of Trustees has power over the special permit. They can now write things into the special permit to further protect the Village. After those two things are done, the Planning Board and the Architectural Review Board can act on the site plan. Mr. Farley stated that we are changing zoning so they can build up to 45 feet, we are also waiving front, side and rear yard setbacks and we're allowing ground floor residential units. He asked what the Village is getting from these changes. Mayor Fixell stated that we are getting a considerable amount of green space, they are providing the waterfront park land, an aquatic/recreation center, expansion to the senior center, they are removing the asphalt plant, and they are providing \$1 million toward the construction of a new village hall and an additional \$1.7 million in exchange for four small parcels of land. Mr. Farley stated that he thinks the project is too high.

Ray Tuohy, 11 Storm Street, stated that he would like to commend the Board on placing the Police Department at its new location and that the asphalt plant is leaving Tarrytown completely. He expressed to the Board "job well done".

Francesca Spinner, Wilson Park Drive, stated that she wanted to clarify that the removal of the asphalt plant is not costing the taxpayers any money. Mayor Fixell stated that it's going to cost the developer millions of dollars. Ms. Spinner stated with respect to the noise issue during the proposed development down by the river that from April to October it is a major recreational area for the Village. She thinks to have ongoing noise seven days a week would completely take that recreational facility away from the Village. She stated that with respect to Sam Viera's comments on the importance of scale in relation to developing in an existing neighborhood, she would like to add for consideration of character as well. She also stated to look at the idea of tying the sizes of houses to a percentage of the size of surrounding houses. Mayor Fixell stated that the Planning and Zoning Code Review Committee is going to work with the Planning Consultants to work on those types of concepts.

John Lynch, 10 Crest Drive, stated that there is already legislation in the existing findings statement regarding the Village of Tarrytown Waterfront Advisory Committee. This

advisory committee should be looking at all site developments relative to scale; not only the waterfront project. Mr. Lynch also expressed concern with respect to soil remediation at the waterfront development area.

RESOLUTION–FIRE DEPARTMENT PERSONNEL CHANGES

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown approves the following Fire Department membership changes recommended by the Board of Fire Wardens’ January 17, 2006 meeting: New Membership: Frank Giampiccolo to Hope Hose Company and the resignation from membership of Jack Coles, John Billings, Allan Meszaros, Louis Meszaros, Ralph Savage, Charles Brown, William Billings, Jr., Michael Lustik, and Karl Hagstrom from Conqueror Hook & Ladder.

CONSIDERATION OF A RESOLUTION PROPOSING AN INTER-MUNICIPAL AGREEMENT (IMA) BETWEEN THE VILLAGE OF TARRYTOWNAND THE VILLAGE OF SLEEPY HOLLOW WITH RESPECT TO A SHARED SUMMER DAY CAMP

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby authorizes the Mayor to sign an inter-municipal agreement (IMA) between the Village of Tarrytown and the Village of Sleepy Hollow with respect to a joint 2006 Summer Day Camp.

CONSIDERATION OF A RESOLUTION APPROVING A CONTRACT BETWEEN THE VILLAGE OF TARRYTOWN AND CHERBULIEZ/MUNZ, LANDSCAPE ARCHITECTS AND SITE PLANNERS, FOR CONSTRUCTION MANAGEMNET SERVICES WITH RESPECT TO THE BUILD OUT OF NEPERAN ROAD PARK

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby approves a contract with Cherbuliez/Munz Landscape Architects and Site Planners, for construction management services with respect to the build out of Neperan Road Park in the amount of \$12,750.00.

CONSIDERATION OF THE BID AWARD TO PURCHASE AN EMERGENCY GENERATOR FOR THE TARRYTOWN AMBULANCE CORPS FROM THE LOW BIDDER

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

Emergency Generator at the Tarrytown Ambulance Corps

<u>Company</u>	<u>Bid Amount</u>
1. H. O. Penn Machinery Co., Inc.	\$13,936.00
2. Foley Power Systems	\$15,051.00
3. Milton Caterpillar Co., Inc.	\$15,200.00

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby approves to award a contract to the lowest bidder, H.O. Penn Machinery Co., Inc. for an

emergency generator for the Tarrytown Ambulance Corp, in the amount of \$13,936.00, as recommended by the Village Engineer.

RESOLUTION TO APPOINT ELECTION INSPECTORS FOR THE VILLAGE
ELECTION TO BE HELD ON MARCH 21, 2006

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

BE IT RESOLVED that the Village Board does hereby appoint the following Election Inspectors to sit on Election Day, Tuesday, March 21, 2006:

- District #1: Frankye Lee, Patricia Pogue, Ann Taxter, Rose Fitzgibbon
- District #2: Jay Albrecht, Angel Dopico, Angela Perez, Anna Gonzalez
- District #3: Baltasar Parra, Margaret Sellers, Carmen Crescini, Emma Doherty
- District #4: Gail Evans, Florence Lester, Jeanne Arduino, Nancy Quinn
- District #5: Janet Cohen, Evelyn Hilliard, Rose Arduino, Max Perada
- District #6: Aranka Goldin, Carol Geoghegan, Gloria Verrone
- District #7: Lou Agro, Diane Pratt, Rose Sandberg, John DelCarpine
- District #55: Roberta Steinberg, Claire Janos, Dennis Cohen, Margaret Bartos
- District #74: Rosella Cory, Mary Gorman, Joan Wald, Sylvia Krell
- District #76: Josephine Parra, Elizabeth Hynes, Mary Byrne, Joe Perricone
- District #82: Betty Watson, Tina Whitely, Netta Slaboda, Peter Wojnar

APPROVAL OF AUDITED VOUCHERS #14

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

RESOLVED: The following Abstract bearing No.14, dated February 6, 2006 containing Vouchers No. 002804 through No. 002985 is hereby ordered paid in the following amounts as presented:

General	\$ 218,877.30
Water	52,535.37
Capital	92,029.35
Library	14,785.30
Trust & Agency	<u>192,831.67</u>
Total	\$ 571,058.99

The Board was polled all voting“aye”with the exception of Trustee Pollack who abstained from Voucher No.’s 002834. Motion carried.

ADJOURNMENT TO EXECUTIVE SESSION

Trustee Pollack moved, seconded by Trustee Basher, and unanimously carried, that the meeting be adjourned to Executive Session regarding a personnel matter at 10:20 p.m.

Carol A. Booth
Village Clerk