

VILLAGE OF TARRYTOWN
BOARD OF TRUSTEES
REGULAR MEETING 7:00 P.M.
Wednesday, February 8, 2023
Tarrytown Village Hall
One Depot Plaza, Tarrytown, New York

Members of the Public may attend in person or remotely. For those members of the public interested in viewing and/or participating in the meeting remotely, visit <https://www.tarrytownny.gov/home/events/41991> for instructions on how to join & participate via zoom.

REGULAR MEETING: 7:00 P.M.

1. Board Miscellaneous and Liaison Reports
2. Changes and/or Additions to the Agenda
3. Administrator's Report
4. Public Hearing – Local Law #2-2023 to amend the Village Code Chapter 305 – Zoning to enact new provisions to allow and regulate Accessory Dwelling Units (ADUs) in the Village of Tarrytown (Full language of the proposed law attached to this agenda).

WHEREAS, in order to update our local zoning code and address the housing and economic needs of our community, the Board of Trustees hereby finds it useful and appropriate to adopt new provisions in the Village Zoning Code to allow for and regulate accessory dwelling units (ADUs) in the Village of Tarrytown; and

WHEREAS, with the establishment of a Local Law, information about requirements for the installation of an Accessory Dwelling Unit, guidance on the permitting process, mechanisms of enforcement, and penalties for violations will be included with the application; and

WHEREAS, a notice of public hearing was published in the Journal News on October 7, 2022, October 27, 2022, November 11, 2022, December 23, 2022, January 15, 2023 and February 3, 2023; and

WHEREAS, a public hearing was held on the proposed action on October 17, 2022, November 7, 2022; November 21, 2022, January 3, 2023, and February 8, 2023; 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, the proposed local law has been on the desks of the members of the Board of Trustees for seven days, exclusive of Sunday.

NOW, THEREFORE BE IT RESOLVED, that the BOT adopts the Full EAF Part 2 and 3, a copy of which will be attached to the minutes of this meeting; and

BE IT FURTHER RESOLVED that 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 617.7(c), the Village Board of Trustees hereby determines that the Proposed Action will not have a significant adverse environmental impact as its purpose is to diversify housing options while ensuring single family residential zones maintain their community character, and the mitigation measures built into the legislation to that end include limiting the size of the units to less than 1,000 sf or no more than 50% of the floor area of the principal dwelling and allowing only one per lot; limiting the height of detached units to 25' or the height of the principal single-family dwelling; and requiring a minimum 6 month-rental among other limiting factors; and therefore the Board of Trustees hereby adopts a Negative Declaration for the proposed action as set forth in the full EAF Part 3, a copy of which is attached to the minutes; and

BE IT FURTHER RESOLVED that the Board of Trustees of the Village of Tarrytown hereby adopts Local Law #2-2023 to amend the Village Code Chapter 305 – Zoning to enact new provisions to allow and regulate accessory dwelling units (ADUs) in the Village of Tarrytown. The full text of Local Law #2-2023 can be found attached to this agenda and will be attached to the minutes of this meeting; and

BE IT FURTHER RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby establish this Zoning Code amendment as a Pilot initiative to ensure monitoring of its impact on the Village, and will review the Local Law after the installation of 10 Accessory Dwelling Units or after one year, whichever comes first.

5. Opportunity for the Public to address the Board only on items listed on the agenda, other than public hearing items. Speakers shall have three (3) minutes each to address the Board of Trustees
6. Stipulation of Agreement – Village of Tarrytown and the CSEA

Approval of Agreement between the Civil Service Employees Association and the Village of Tarrytown.

WHEREAS, the negotiating committees for the Village of Tarrytown and the Civil Service Employees Association, Local 1000 AFSCME AFL-CIO, Local Unit #8212 (“CSEA”) executed a Tentative Agreement on January 24, 2023, later revised and for a successor collective bargaining agreement retroactive to June 1, 2022; and

WHEREAS, it was fully understood by the parties that the Tentative Agreement required ratification by the membership of the CSEA and approval by the Board of Trustees; and

WHEREAS, the Village was notified by February 1, 2023, that the membership of the CSEA voted to ratify the Tentative Agreement; and

WHEREAS, the authorized salary increases associated with the four-year agreement are:

Effective June 1, 2022, each employee shall receive either 2% of his/her salary, or \$2,000, whichever is greater, added to their base salary.

Effective June 1, 2023, the pay schedule in effect shall be increased by 3%.

Effective June 1, 2024, the pay schedule in effect shall be increased by 3%.

Effective June 1, 2025, the pay schedule in effect shall be increased by 2.5%.

WHEREAS all other amendments to the contract and member benefits have been negotiated, agreed upon, and ratified as part of this Stipulation of Agreement.

NOW THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby approves the terms of the Tentative Agreement dated January 23, 2023, for a successor collective bargaining agreement covering the period of June 1, 2022 through May 31, 2026; and

BE IT FURTHER RESOLVED that the Board of Trustees does hereby authorize and direct the Village Administrator to execute the successor collective bargaining agreement with the CSEA.

7. Resolution to Authorize an Inter-Municipal Agreement (IMA) Between the Village and the Municipal Employee Benefits Consortium (MEBCO)

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby authorize and direct the Village Administrator to execute an Inter-Municipal Agreement (IMA) with the Municipal Employee Benefits Consortium (MEBCO), a group of member municipalities and school districts that cooperatively provide employee healthcare and prescription benefits to their employees, retirees and their dependents.

8. Resolution to Authorize the Order for a Police Vehicle and a Police Motorcycle

WHEREAS, the Village of Tarrytown maintains a fleet of vehicles to serve the needs of the Tarrytown Police Department to perform public safety operations including patrol, traffic protection, response to emergency calls and regular day-to-day police business; and

WHEREAS, as part of its vehicle management plan the Village has always purchased two new vehicles each year to rotate through the fleet and allow us to replace old vehicles with new front-line vehicles; and

WHEREAS, as part of the schedule for the normal build out and shipping of vehicles after order, the Village plans for a delivery timeframe of three to four months, which has been delayed significantly due to logistical supply chain issues during the COVID pandemic, causing delivery times to be prolonged and extended by as much as a year.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Tarrytown hereby authorizes the Village to order, payable from the future fiscal year of 2023-2024, one (1) 2023 Ford Explorer Hybrid patrol vehicle for an amount not to exceed \$69,500 and one (1) Patrol Motorcycle for an amount not to exceed \$40,000, for a total approximate cost of \$109,500; and

BE IT FURTHER RESOLVED that the Village Administrator is authorized to execute the order for these vehicles and coordinate with the Police Chief and Village Treasurer to fund the purchase through operating funds, in the Fiscal Year 6/1/2023 to 5/31/2024.

9. Resolution to Declare Court Metal Detector as Surplus

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby declare the Rapiscan Systems Meteor 300 Metal Detector used by the Tarrytown Village Court to be surplus and available for sale by the Village of Tarrytown.

10. Approval of the Minutes of the Board of Trustees Meeting of January 17, 2023

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve the minutes of the Board of Trustees Meeting held on Tuesday, January 17, 2023 as submitted by the Village Clerk.

11. Approval of the Action Minutes of the Board of Trustees Work Session Meeting of January 25, 2023

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve the action item minutes of the Board of Trustees Work Session Meeting held on Wednesday, January 25, 2023, as submitted by the Village Clerk.

12. Approval of Audited Vouchers

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve Abstract No.13 of Audited Vouchers in the total amount of \$1,090,614.75 as presented by the Village Treasurer, to be paid in the following amounts:

General	\$	737,271.50
Water	\$	275,831.99
Sewer Fund	\$	2,866.43
Capital	\$	1,360.00
Library	\$	38,006.45
Trust & Agency	\$	<u>35,278.38</u>
Total	\$	1,090,614.75

13. Opportunity for the Public to Address the Board on items not included on the agenda.
Speakers have three (3) minutes before yielding to the next speaker

14. Adjournment

LOCAL LAW 2 - 2023

A local law to amend Chapter 305 of the Tarrytown Code, add a new subsections to permitted accessory uses in all single-family residential districts of an Accessory Dwelling Unit

Section 1. Amending § 305-5 entitled “Word usage, terms defined” to add the following definition under subsection B:

ACCESSORY DWELLING UNIT or ADU

An accessory residential dwelling unit that provides independent living facilities for one or more persons, including a separate kitchen, bathroom, and sleeping area that is located either within the same structure as, or on the same lot as, a primary dwelling unit.

Section 2. Amending § 305-14 entitled “Residential R-80 Zone” Section “B” entitled “Permitted Accessory uses” to add a new subsection making Accessory Dwelling Units a permitted accessory use:

(15) Accessory Dwelling Unit

(a) Intent: The Village seeks to legalize and control existing accessory dwelling units in single-family residential zones and regulate new conversions or new construction of accessory dwelling units in single-family residential zones; to diversify housing while ensuring single-family residential zones maintain their character; to ease single-family homeowners’ financial burden by allowing a means of rental income, to provide for the health, safety and welfare of the Village of Tarrytown’s residents and the occupants of accessory dwelling units.

(b) Required standards. The Building Department shall grant a permit only to single family dwellings for the creation, legalization or construction of an accessory dwelling unit (ADU): (i) within or as an addition to an existing main building in all single-family residential zones (R-80, R-60, R-40, R-30, R-20, R-15, R-10, R-7.5 and R-5; (ii) within an existing detached accessory building in all single-family residential zones provided the existing accessory building meets all the requirements of this Chapter; and (iii) within a new detached accessory building that meets all the requirements of this Chapter only in the R-80, R-60, R-40, R-30, R-20 and R-15 residential zones, subject to any applicable building and fire code standards and subject to these standards:

- 1) Number of ADUs per lot: There shall be no more than one ADU per lot.
- 2) Owner-occupancy. The owner of the single-family residence lot must reside as the owner’s primary residence in either the main dwelling unit or the ADU.
- 3) Floor area: An ADU shall have a minimum habitable floor area of 300 square feet and a maximum habitable floor area of 1,000 square feet. Notwithstanding the foregoing, an ADU shall not have a habitable floor area of more than 50% of the habitable floor area of the lot’s primary dwelling.
- 4) Bedrooms. The maximum number of bedrooms in an ADU shall be two, except that in R-10, R-7.5 and R-5 zones there shall be no more than a studio or one bedroom allowed in an ADU.

- 5) Nonconforming Main Building: Notwithstanding any other provision of this Chapter, an existing main building that is legally non-conforming with current dimensional or coverage regulations may be legally changed in use, in whole or in part, to an ADU provided that the dimensional non-conformity is not increased and provided the height of an existing building that fails to meet setback requirements is not increased.
- 6) Entrances. No new entrances to the street-facing façade of a main building may be added for the purpose of creating an ADU
- 7) Height of ADU. Notwithstanding any other provisions of this Chapter, the maximum building height shall be the lesser of: (1) 25 feet; or (2) the height of the one-family dwelling main building.
- 8) Minimum term of rental: The rental term of an ADU shall be for at least six months.
- 9) Parking: Single-family dwellings improved with an ADU shall have a minimum of a total of three off-street parking spaces with a minimum of one of the three off-street parking spaces designated for the ADU, except single-family dwellings located North of 119/White Plains Road and West of Broadway only require a minimum of a total of two off-street parking spaces.
- 10) Certificate of Owner Occupancy: The owner of the property shall certify to the Village, in the form of an affidavit provided by the Building Department that the owner resides at the single-family residence improved with an ADU as the owner's primary residence in either the main dwelling unit or the ADU. Such certification shall be made at the time of the initial application filed with the Building Inspector and after the sale or conveyance of the single family residence.
- 11) Adequacy of Septic System: If the lot is serviced by a septic system the owner must demonstrate that the existing septic system can handle the addition of any ADU by securing the necessary permits from the Westchester County Department of Health.
- 12) Land Use Board Review. No land use board review is necessary for an ADU permit that complies with the requirements in this subparagraph (b) except if: (i) (a) a new addition to an existing one-family dwelling is created for the ADU and the addition increases footprint, square footage or FAR triggering the requirement for Planning Board site plan approval under § 305-132(A)(1); (b) an existing garage is converted to an ADU resulting in the need for on-site parking triggering the requirement for Planning Board site plan approval under § 305-132(A)(2); and/or (c) there is a change, addition or modification to land or buildings designated as an historic district or historic landmark by the Village Board triggering the requirement for Planning Board site plan approval under § 305-132(A)(3); and/or (ii) Architectural Review Board approval under § 9-4(A)(4).

(c) Penalties for offenses.

- 1) Any owner or builder, or any agent of either of them, who fails to secure a permit for the construction of creation of ADU, who allows occupancy of an ADU without a certificate of occupancy for the ADU, or who constructs or causes to be constructed an ADU in violation of the provisions of this chapter shall be in violation of this chapter and subject to penalties under § 305-115 of this chapter.
- 2) It shall be unlawful to use, establish, maintain, operate, occupy, rent or lease any portion of any premises as an ADU in the Village of Tarrytown without first having obtained a permit and certificate of occupancy for the ADU from the Village of Tarrytown Building Department.
- 3) All ADU owners who have not previously obtained a permit and certificate of occupancy for an ADU located on their lots shall apply to the Building Department within six months following the effective date of this section (and if necessary, the Zoning Board of Appeals). If application is so made within said six-month period, the owner of the ADU shall not be deemed in violation of this section. If application is not made within said six-month period, the owner of the ADU shall be deemed in violation of this chapter and shall be subject to the penalties provided herein.

Section 3: Amending § 305-15 entitled “Residential R-60 Zone” Section “B” entitled “Permitted Accessory uses” to add a new subsection:

(15) Accessory Dwelling Unit in compliance with § 305-14(B)(15).

Section 4: Amending § 305-16 entitled “Residential R-40 Zone” Section “B” entitled “Permitted Accessory uses” to add a new subsection:

(15) Accessory Dwelling Unit in compliance with § 305-14(B)(15).

Section 5: Amending § 305-17 entitled “Residential R-30 Zone” Section “B” entitled “Permitted Accessory uses” to add a new subsection:

(15) Accessory Dwelling Unit in compliance with § 305-14(B)(15).

Section 6: Amending § 305-18 entitled “Residential R-20 Zone” Section “B” entitled “Permitted Accessory uses” to add a new subsection:

(15) Accessory Dwelling Unit in compliance with § 305-14(B)(15).

Section 7: Amending § 305-19 entitled “Residential R-15 Zone” Section “B” entitled “Permitted Accessory uses” to add a new subsection:

(15) Accessory Dwelling Unit in compliance with § 305-14(B)(15).

Section 8: Amending § 305-20 entitled “Residential R-10 Zone” Section “B” entitled “Permitted Accessory uses” to add a new subsection:

(15) Accessory Dwelling Unit in compliance with § 305-14(B)(15).

Section 9: Amending § 305-21 entitled “Residential R-7.5 Zone” Section “B” entitled “Permitted Accessory uses” to add a new subsection:

(15) Accessory Dwelling Unit in compliance with § 305-14(B)(15).

Section 10: Amending § 305-22 entitled “Residential R-5 Zone” Section “B” entitled “Permitted Accessory uses” to add a new subsection:

(15) Accessory Dwelling Unit in compliance with § 305-14(B)(15).

Section 11. Amending 305 Attachment 3 regarding list of “Permitted Accessory Uses” to add the following under Single-Family Residence Districts:

P. Accessory Dwelling Unit in compliance with § 305-14(B)(15).

Section 12: Severability

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this local law shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this local law.

Section 13: Effective Date

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.