

**VILLAGE OF TARRYTOWN
BOARD OF TRUSTEES
WORK SESSION 6:15 P.M.
WEDNESDAY, DECEMBER 11, 2019
Tarrytown Village Hall
One Depot Plaza, Tarrytown, New York**

Executive Session

- A. Interview Police Transfer Candidates
- B. Discussion – Police Lieutenant Appointment (12/16/19)
- C. Winter Intern for GIS
- D. General Foreman
- E. Road Maintenance Foreman
- F. Motor Equipment Operator
- G. Library Board Appointment
- H. Board and Committee Appointments

Board of Trustees Concerns

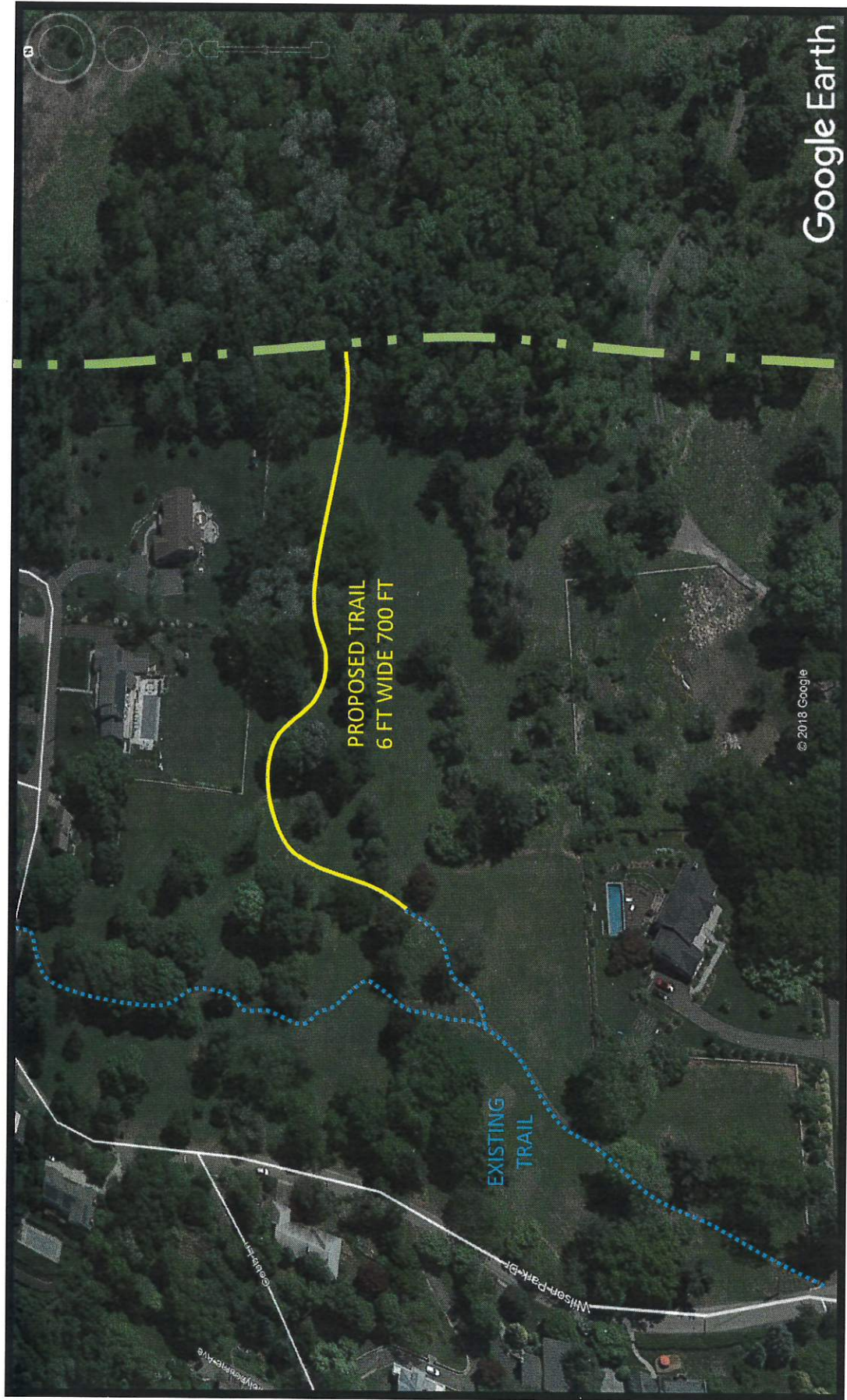
Open Session

- 1. Review of Village-Wide Snow Emergency Route Code
- 2. Amend Snow Removal Hours Chapter 215-2, H(2) - (Amend Snow Emergency to Snowfall)
- 3. Extension to Wilson Park Trail
- 4. No Turn on Red – N/E H-Bridge
- 5. Discussion – Station Area Overlay Zone
- 6. Discussion – ARB Law
- 7. Discussion – Backyard Chickens
- 8. Investment Policy
- 9. Procurement Policy

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reproducing of sound which is cast upon the public street for the purpose of commercial advertising or attracting the attention of the public to any building or structure.

- D. Yelling, shouting, etc.: yelling, shouting, hooting, whistling or singing on the public streets or any public place, particularly between the hours of 11:00 p.m. and 7:00 a.m., or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in the vicinity.
- E. Deliveries and pickups: the making of deliveries of supplies or merchandise of any store or other place of business between the hours of 9:00 p.m. and 7:00 a.m., Monday through Saturday, and all day Sunday, except in cases of emergencies. [Amended 6-22-1998 by L.L. No. 7-1998; 11-3-2008 by L.L. No. 17-2008]
- F. It shall be unlawful for any person to sound, or allow to be sounded, any vehicle alarm for any reason other than an emergency, on any vehicle parked on any street or public place within the Village of Tarrytown. For the purpose of this Code, the registered owner of the vehicle shall be deemed the person responsible for any violation involving an unoccupied vehicle. More than two instances of an alarm sounding on the same vehicle for any cause other than an emergency within an eight-hour period shall authorize the towing of the offending vehicle, at the owner's expense, from any public area or area accessible to the public. [Added 6-22-1998 by L.L. No. 7-1998]
- G. The use or operation or allowing the use or operation of any radio, tape player, disc player or other electronic sound reproduction device located within a motor vehicle being operated or parked on any public street or place accessible to the public, in such a manner as to disturb the peace and repose of persons in their homes, businesses or on the streets, or at any time with louder volume than is necessary for convenient hearing of the person or persons who are voluntary listeners within the vehicle. The operation of any such radio or electronic sound reproduction device within a motor vehicle in such a manner as to be audible to those outside the vehicle at a distance of 25 feet or more from the source, as best that point can be estimated without the use of any distance measuring device, regardless of the time of day, shall be prima facie evidence of a violation of this section. [Added 6-22-1998 by L.L. No. 7-1998]
- H. Commercial equipment. [Added 6-22-1998 by L.L. No. 7-1998; amended 4-16-2018 by L.L. No. 4-2018]
- (1) The operation of any machinery, commercial motor vehicle, truck refrigeration unit, generator, equipment, pump, exhaust fan, attic fan, air-conditioning apparatus or snow plow, in such a manner as to annoy person(s) in any dwelling after the hour of 9:00 p.m. and before the hour of 8:00 a.m. on any weekday and before 10:00 a.m. and after 5:00 p.m. Saturdays, Sundays and legal holidays.
- * (2) During the period of a Village-declared snow emergency, ^{and within 24 hours of a snowfall,} snow plows on public and private property, including parking lots, shall be exempt from this section. Municipal vehicles shall be exempt from this section at all times.



12/4/19

WILSON PARK TRAIL EXTENSION

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Tarrytown Police Department
Memorandum

To: Chief Barbelet
From: Lt. Gregory Budnar
Date: December 3, 2019
RE: Village Code Amendment
H-Bridge, Northeast Leg (No Right Turn on Red)

Currently the Village Code does not prohibit "no right turn on red" on the northeast leg of the H-bridge at the intersection of Cortlandt Street. At the request of the Village Board the following code should be implemented in order to increase safety for pedestrians and motorists at the above intersection (new language in underlined Bold Italic print);

§ 291-71. Schedule VI: Prohibited Turns at Intersections.

A. In accordance with the provisions of § 291-9, no person shall make a turn of the kind designated below at any of the following locations:

Name of Street	Direction of Travel	Prohibited Turn	Hours / Days	At Intersection of
<u>H-Bridge,</u> <u>Northeast Leg</u>	<u>North</u>	<u>Right on Red</u>	<u>All</u>	<u>Cortlandt Street</u>

Village of Tarrytown
Comprehensive Plan & Station Area Zoning

ARTICLE ___ STATION AREA OVERLAY

1. Intent and Purpose

The intent and purpose of the Station Area Overlay District (SAO) is to create a built environment that implements the goals and objectives for the station area as detailed in the Tarrytown Comprehensive Plan. Property owners with an eligible parcel(s) in this district can apply to receive an SAO designation which can be affixed to a qualifying parcel of land. Once a parcel receives an SAO designation, the parcel is governed by the use, dimensional and other provisions of the SAO zoning regulations, and SAO zoning replaces the existing zoning. The intent of the SAO is to enable and implement the goals and recommendations outlined in the Village of Tarrytown Comprehensive Plan. The SAO is designed to provide flexibility that will allow different types of uses and forms, while still protecting the interests of the Village. The intent is to allow exceptional and signature developments that are consistent with the Comprehensive Plan, while the specifics have not yet been imagined.

2. Definitions and Word Usage

Unless defined herein in the general definitions in Chapter 305, the following definitions apply.

Affordable Housing

Reference § 305-130.

Blue / Green Strategies

Refer to Blue Roofs and Green Infrastructure below.

Blue Roofs

Rooftop systems that control the discharge of stormwater into a municipal system by detaining stormwater on a roof and until the peak rate of discharge is reduced. (Source: adapted from New York State Department of Environmental Conservation)

Cooperative Housing, Collective Housing, Cooperative Living, or Share Housing

A shared living arrangement in a multi-unit building where certain facilities are shared between building occupants, for example kitchen, living, or toilet/bathing facilities.

Green Infrastructure

Green infrastructure includes a wide array of practices at multiple scales to manage and treat stormwater, maintain and restore natural hydrology and ecological function by infiltration, evapotranspiration, capture and reuse of stormwater, and establishment of natural vegetative features. On the local scale green infrastructure consists of site- and neighborhood-specific practices and runoff reduction techniques. (Source: NYSDEC, Stormwater Management Design Manual)

LEED

Leadership in Energy and Environmental Design (LEED) is a rating system devised by the United States Green Building Council (USGBC) to evaluate the environmental performance of a building and encourage market transformation towards sustainable design. (Source: U.S. Green Building Council)

LEED Certification

A designation given to projects that demonstrate adherence to prerequisites and earn credits across nine measurements for building excellence from integrative process to indoor environmental quality. Based on the number of credits achieved, a project earns one of four LEED rating levels: LEED Certified, LEED Silver, LEED Gold or LEED Platinum. The LEED rating systems work for all buildings at all phases of development and are meant to challenge project teams and inspire outside-the-box solutions. (Source: U.S. Green Building Council)

Live-Work Space or Live/Work Unit

A building or space within a building used jointly for commercial and residential purposes. (Source: American Planning Association / Planning Advisory Service)

Passive House Standards

Passive House building is an internationally recognized, performance-based energy standard in construction that comprises a set of design principles used to attain a quantifiable and rigorous level of energy efficiency within a specific quantifiable comfort level. A passive building is designed and built in accordance with these five building-science principles:

- 1) Employs continuous insulation throughout its entire envelope without any thermal bridging.
- 2) The building envelope is extremely airtight, preventing infiltration of outside air and loss of conditioned air.
- 3) Employs high-performance windows (typically triple-paned) and doors.
- 4) Uses some form of balanced heat- and moisture-recovery ventilation and a minimal space conditioning system.
- 5) Solar gain is managed to exploit the sun's energy for heating purposes in the heating season and to minimize overheating during the cooling season

(Source: Passive House Institute US)

Shared Parking

A land use/development strategy that optimizes parking capacity by allowing complementary land uses to share spaces, rather than producing separate spaces for separate uses. In effect, shared parking makes spaces publicly accessible rather than reserved for a particular tenant or property owner. Parking may be privately constructed and operated, depending on a contractual agreement, but should remain within the government's jurisdiction for long-term transport planning purposes. (Source: Institute for Transportation and Development Policy)

Transit-Oriented Development (TOD)

A land use strategy that focuses development around locations that are well served by transit, and that typically includes a mix of land uses, and a more dense development pattern. (Source: Westchester County Planning)

Workforce Housing

One or more dwelling units made available to households earning between 60 and 120 percent of Westchester Area Median Income. (Source: adapted from Urban Land Institute)

Acronyms

MDP Master Development Plan
MNR Metro-North Railroad
MHW Mean High Water
SAO Station Area Overlay
SLR Sea-Level Rise

3. Boundaries of the Station Area Overlay District

The boundaries of the SAO District are shown on the SAO District Map [REDACTED]

4. Authority

The Village Board has the authority to grant eligible parcel(s) an SAO designation as set forth below in §305-XX.E "Eligibility". A parcel located within the mapped SAO District must receive an SAO designation by the Village Board prior to the Planning Board determining whether to grant or approve a Site Development Plan.

5. Eligibility

This section sets forth standards under which parcels would be eligible for SAO designation by the Village Board. The criteria in this section are separate and distinct from site plan and subdivision requirements which address more specific site layout and design requirements.

1. The parcel is located within the SAO designated area as identified on the Village Zoning Map
2. The applicant states their intention to submit a Master Development Plan consistent with § 305-XX(9).
3. The decision to approve or decline a parcel for SAO designation is purely a legislative determination entirely within the legislative discretion of the Village Board. The Village Board shall have the right to reject any parcel for SAO designation at any stage of the process. As part of its decision to approve a parcel from SAO designation, the Village Board shall determine what the proposed site development plan is consistent with the following SAO objectives:
 - a. Promote sustainable development and growth; improve local mobility and regional access; reduce dependence on personal vehicles; connect all parts of the village; expand housing options for a diverse, multi-generational community; protect natural resources; connect and enhance open space resources; strengthen connections to the Hudson River; reduce greenhouse gas emissions; and, minimize local impacts of climate change.

6. Procedure for SAO Designation

An SAO designation can only be granted by the Village Board subject to the following procedure.

1. Pre-application conference. The applicant must, prior to formal submission of their SAO designation application, meet in a pre-application conference with the SAO review staff made up of Village Staff and one member of the Planning Board, to review the requirements and procedures and discuss the planning concepts for the proposed development. The Applicant will pay the pre-application meeting fee (as established by the Village Board).
2. Submission of an application package for a SAO designation to the Village Clerk: The application package shall contain the following required documents and fees:
 - a. an SAO Designation Application Form.
 - b. A conceptual plan.
 - c. Long-form Environmental Assessment Form.
3. Preliminary Village Board action. At its sole discretion, the Village Board will determine whether to consider or not consider the SAO designation application. If the Village Board decides to consider the SAO designation application, it shall refer it to the Planning Board for their recommendation and continuing review as set forth below.

4. Village Board Referral to the Planning Board. If the Village Board determines that the application may continue and refers it to the Planning Board, the Applicant is required to submit a Master Development Plan consistent with § 305-XX(9) and a site development application in accordance with Article XVI, including all required forms, plans and documents, as well as, required fees and escrow, but is not required to submit building permit fees at this stage.
5. Master Development Plan and Site Development Plan review by the Planning Board: The Planning Board shall begin the Site Development Plan review, review the Master Development Plan based upon the Performance Criteria set forth in § 305-XX(10), and schedule a public hearing on Master Development Plan and Site Development Plan application in accordance with the requirements set forth in Article XVI. During this step, the Village Board will receive periodic updates from the Planning Board as part of the coordinated review.
 - a. As soon as practicable, the Planning Board shall complete the scoring process and recommend a score based upon the Station Area Overlay Scorecard (SAO Scorecard), which is a programed spreadsheet that can be found on the Village's website. The SAO Scorecard will be used by the Planning Board in electronic form to provide any proposed development within the SAO area described in a Master Development Plan with a score. Upon completing the SAO Scorecard electronically, the Planning Board shall advise the Village Board of the total score. The Village Board can accept the Planning Board recommended score or modify the score as it deems appropriate. The Master Development Plan must receive a passing score to proceed. A passing score is 85.
 - b. Upon the Village Board assigning a passing score but prior to determining whether to grant or deny Site Development Plan approval, the Planning Board shall issue a written report to the Village Board recommending that the SAO designation be granted, with or without conditions, or denied and its reasons for such recommendation ("SAO Recommendation"). Before issuing its SAO Recommendation and/or taking any action, the Planning Board shall fully comply with SEQRA.
 - c. While the Village Board is considering the Planning Board's report, any public hearing before the Planning shall be adjourned and held open until such time as the Village Board makes a determination on the proposed SAO designation.
6. Decision of Village Board. Upon the Village Board's receipt of the Planning Board's SAO Recommendation, along with Master Development Plan, if the Village Board elects to proceed it shall schedule a public hearing on the proposed SAO designation and following said hearing, may by resolution, act either to approve, approve with modifications and/or conditions, or disapprove the SAO designation. The Village Board shall fully comply with SEQRA prior to issuing any designation.
7. Completion of Land Use Review Process. If the Village Board determines to approve the SAO designation (including to approve with modification and/or conditions), the Planning Board will place the application on its first available agenda and will continue with its Site Development Plan review and any other required land use approvals (such as preliminary and final subdivision review). The Applicant shall not be able to apply the SAO designation unless and until the Planning Board grants Site Development Plan approval.

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7. Use Regulations

A. Pre-existing Uses and Buildings.

Any building permit or Site Development Plan approval issued before the date of adoption of this Section shall remain in effect for the underlying zone that the parcel is located within until a project is granted an SAO designation by the Village Board as set forth in §305-XX E Eligibility. Buildings existing before the date of adoption, or subsequent amendment, of this Section are allowed to expand and modify as permitted under the underlying zoning unless they have previously received an SAO designation. Once a parcel receives an SAO designation, the parcel is governed by the use, dimensional and other provisions of the SAO zoning regulations, and SAO zoning replaces the existing zoning.

B. Permitted Uses

Any principal use permitted in any district in the Village of Tarrytown or any combination of such uses is a use permitted in the SAO provided the proposed use's Master Development Plan receives a receive a passing score by the Village Board on the SAO Scorecard as described in § 305-XX(9)(C).

8. Density/Development Regulations

A. Building Height Measurement in SAO

Building height for buildings permitted in the SAO district is measured from the average elevation of the existing (predevelopment) grade of the property, or from a plane formed by the Base Flood Elevation from the Federal Emergency Management Agency's 2014 preliminary Flood Insurance Rate Map (pFIRM), or subsequent revisions, plus three feet, whichever is higher. Building height is the vertical distance from the higher of these points to the highest point of the roof for flat roofs, to the deckline of mansard roofs and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

B. Maximum Building Height.

1. The maximum base height permitted for buildings east of the Metro North Railroad tracks is six stories or 72 feet, whichever is less. After six stories or 72 feet, a 40-foot setback is required, with the maximum tower height of ten stories or 120 feet, whichever is less. The maximum building height permitted west of the Metro North Railroad tracks is five stories or 60 feet, whichever is less. Reference Neighborhood Character below for a complete description of the Performance Criteria.

2. The rooftop obstructions are not permitted to exceed the maximum building height unless granted a waiver by the Planning Board. For the purpose of this provision, rooftop obstructions are defined as:

- Parapets less than four feet,
- Stair and elevator bulkheads,
- Cooling towers, water tanks, and other mechanical equipment which occupy less than 20% of the roof area,
- Skylights or other daylighting devices,
- Decking and other surfaces for recreational activities,
- Vegetation, planting boxes less than four feet, soil and drainage systems, arbors, trellises, water collection devices and sun control devices,
- Solar energy systems less than four feet.

- And other similar type items

In no case can rooftop obstructions exceed the maximum building height by more than 10 feet, west of the Metro North Railroad tracks, or 20 feet, east of the Metro North Railroad tracks.

9. Master Development Plan and SAO Scorecard

For any Applicant seeking SAO designation, the applicant shall prepare a Master Development Plan (MDP). The MDP shall be consistent with the adopted Tarrytown Comprehensive Plan and Tarrytown's adopted Local Waterfront Revitalization Plan (if applicable, currently N/A). The purpose of an MDP is to provide additional information so that the proposed use and development can be evaluated based upon the Performance Criteria set forth in § 305-XX(10) and assigned a score based upon the SAO Scorecard.

A. Master Development Plan.

At minimum, an MDP shall include the following drawings and materials: (a) site plan that complies with the requirements of Article XVI; (b) Landscape plan; (c) Streetscape plans and elevations; (d) Parking plan; (e) Visual Analysis including rooftop obstructions if applicable; (f) Preliminary Infrastructure Analysis; (g) Preliminary Fiscal Analysis; (h) Affordable Housing Plan (if applicable); and (i) Phasing plan, if the project is to be built in phases

The MDP must also include a discussion of required utilities and a plan for the supply of water and wastewater disposal, which must include a discussion of the current condition and capacity of all public utilities that the development will be required to use. The MDP must also show how any development in the SAO will be resilient to periodic storm events, long-term sea level rise, and how it incorporates energy, graywater, and other sustainability measures. The MDP must also include a viewshed analysis and photosimulations that demonstrate the development's impact on the viewpoints identified in section _____. The MDP shall also contain such other information as the Planning Board deems necessary to demonstrate how the proposed development performs against the Performance Criteria found in § 305-XX(10).

B. Review of MDP

The Planning Board shall review and evaluate the MDP according to Performance Criteria identified in § 305-XX(10). The Planning Board, may refer the Master Development Plan to a planner, attorney, engineer, landscape architect, environmental expert or other professional necessary to enable it to review such application. Fees for such services will be paid in accordance with § 305-138(B) and § 305-138(C).

C. Scoring the MDP

The Planning Board and the Village will use the SAO Scorecard to evaluate a MDP's performance against the Performance Criteria outlined in the SAO Scorecard. The scores an MDP receives on each component of the performance criteria will be determined by the Planning Board, as assisted by professional staff and experts working on their behalf. Using the SAO Scorecard and a 100-point scale, a score of 85 is a passing score. The SAO Scorecard also allows projects to earn bonus points, which are added to the score, so it is possible to exceed a score of 100. A passing score is a condition to the granting of Site Development Plan approval. An MDP that does not receive a passing score will not be eligible for SAO Designation and a failing MDP will not be referred from the Planning Board to the Village Board for further review.

10. Performance Criteria & Bonus Points

Master Development Plans are evaluated against eight Performance Criteria. Performance Criteria and their Components are categories of public concern identified in the Village of Tarrytown Comprehensive Plan against which all MDPs are evaluated. Performance Criteria are made up of Components, which are implemented through the SAO Scorecard. MDPs must receive a passing score from the SAO Scorecard to be eligible for an SAO designation by the Village Board. Low scores in one Performance Criterion may be offset by high scores in other Performance Criteria to achieve a passing score. There are eight Performance Criteria, each with their own Goals and Components as set forth below:

1. Land use

Goals:

East of the tracks, the mix of land uses in the Station Area will help create a dynamic, transit-oriented neighborhood that anchors the area around the Metro-North Railroad (MNR) Station. This land use mix will promote the village as a regional hub and destination, while serving Tarrytown's residential population through the provision of neighborhood amenities, as well as broadening the local economy and growing the tax base. Any residential component should include a mix of housing unit sizes and models that will serve the needs of a wide range of living needs and incomes. Office spaces may include co-working, incubator spaces, and live-work.

West of the tracks, the mix of land uses will prioritize public access and water-based recreational uses that enable the waterfront to become a year-round destination within the village.

Components:

- The MDP incorporates the mix of uses reflecting the goals of the area. Retail uses will be planned to support the other proposed uses of the SAO and not supplant the existing downtown retail.
- The MDP shows workspaces that are flexible and expand the range of offerings within Tarrytown.
- The MDP shows no uses that are contrary to the goals of the station area.

2. Mobility & Access

Goals:

All developments will enhance pedestrian safety and access within the SAO. All developments and their pedestrian, vehicle, and bicycle access will be coordinated with the street network, connect to each other and facilitate access to the waterfront, the Station, the adjacent downtown area, and encourage access to Tarrytown and nearby destinations beyond the Station Area.

Components:

- The MDP shows Complete Streets, defined as roadways planned and designed to consider the safe, convenient access and mobility of all roadway users of all ages and abilities.¹
- The MDP improves connections between new facilities and all transit modes at Depot Plaza.
- The MDP provides access to new and existing parks.
- The MDP demonstrates that every unit has a direct pedestrian route to the MNR station, including through a building, provided public access is maintained, or to an intersection that has a direct pedestrian route to the train station.
- The MDP provides features to alleviate congestion in the Station Area specially and Tarrytown in general.
- Where applicable, the MDP improves the connection between the MNR Station and downtown.

3. Transportation & Parking

Goals:

All developments will support the transit-oriented goals for the Station Area while providing parking types and levels sufficient for the land uses proposed.

Components:

- The MDP demonstrates how all parking needed by residents, workers, customers, and visitors will be provided. Solutions may be shared or separate, structured on-site, off-site, above ground, or below ground. Any parking facilities must include car share, bicycle parking, and electric vehicle / electric bike charging infrastructure.
- All parking solutions should minimize surface parking lots.
- The MDP demonstrates how it will accommodate different modes of transportation, which may include bicycles, bike share, ride share, and transit.
- Any commuter parking that is displaced will be replaced in a structure within the SAO.

4. Affordable Housing

Goals:

Any residential component of developments within the SAO will expand the supply of permanently affordable housing and offer alternative models of housing within Tarrytown in order to serve a range of resident incomes and household types. The minimum requirement for the affordable component will follow § 305-130, although it is highly desirable to exceed the quantity and/or level of affordability provided by the code minimums.

This criteria is not applicable for projects with fewer than 10 dwelling units. For non-residential development, the SAO Scorecard proportionally increases the importance of the remaining seven criteria

Components:

¹ As discussed in Chapter 398 of the Laws of the State of New York. Information about Complete Streets is distributed by NYS DOT here: <https://www.dot.ny.gov/programs/completestreets>. The Planning Board may update or replace these guidelines as necessary.

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- The MDP includes a mix of unit types, sizes, and price points. These may include workforce housing, live/work units, and cooperative housing.
- The MDP includes residential units for both renters and owners.
- The MDP should include units that are managed as permanently affordable housing.² All affordable units should be integrated within mixed-income buildings.
- The MDP includes a provision for senior housing in the Station Area. Innovative siting of senior housing, such as it being located near or within the same building as day-care or other intergenerational uses, is encouraged.

5. Neighborhood Character

Goals:

Development in the SAO will create a sense of place and arrival at the train station, completing the waterfront neighborhood. Development east of the tracks will maintain a scale and block structure that supports street-level activities and enhances the transition from the waterfront, to the Station Area, and to the village downtown. Development in the SAO will not impact public scenic views of the Hudson River and Palisades.

Components:

- The Visual Analysis, included with the MDP, must demonstrate no significant impact on public scenic viewsheds, including views to the Hudson River and Palisades. The technique for photosimulations is described in § 305-XX(11). This impact will be demonstrated with verifiable digital photomontages of the proposed development from the following viewpoints:
 - View along Wildey St at N Broadway – toward the Hudson River
 - View from Neperan Rd at Grove St – W/NW toward the Hudson River
 - View along Altamont Ave – W toward the Hudson River
 - View along Benedict at Rosehill Ave – toward the Hudson River
 - View along Main St at Broadway – toward the Hudson River
- The MDP shows development that respects Tarrytown's architectural legacy.
- The MDP shows uses that are consistent with residential and recreational uses (e.g. MDP demonstrates no impacts to air quality, water quality; the MDP does not describe uses that introduce significant noise and vibrations).
- The MDP contains active and transparent ground floor uses designed for pedestrian access and circulation with building orientation planned to improve wayfinding, access, and contribute to a sense of arrival at the train station.
- The MDP shows a development that is designed primarily around the pedestrian and not the automobile.
- The MDP's landscape plan is complete and includes native plantings, street trees and full-cutoff, non-polluting light fixtures to encourage dark sky lighting. The landscape plan must be coordinated with any village street furniture.

Methods:

The photosimulations required to demonstrate the impact on the viewpoints listed in the Neighborhood Character Performance Criteria must be performed as follows.

1. The photosimulations must be produced using a technique that merges an existing conditions photograph with an elevated 3D computer model of the Master

² Reference § 305-130.

Development Plan and references. The existing photograph and the 3D computer model must be merged using references that exist in both the photograph and the 3D model. The photosimulations should accurately represent the MDP using photorealistic textures that portray the facades and building colors proposed. Streets, sidewalks, landscaping, and anything placed on a roof are a part of the MDP and should be shown in the photosimulations. The lighting used in the photosimulation should be set to the time of day and time of year of when the photographs were taken.

2. The existing condition photographs should be taken from the viewpoints identified from the location that provides the best view toward the project. They must show leaf-off, no snow conditions and must be taken when atmospheric conditions are clear. Photographs should be taken with at least a 50mm equivalent (normal) lens or telephoto lens. Wide angle lens may only be used when they are necessary to include all elements of the MDP within the frame of the photograph.
3. The Planning Board may require an audit of the photosimulations to ensure that the proper methods have been used and that they accurately reflect all of details of the MDP. The applicant must provide reasonable access to the data used to produce the visual simulations, and the personnel who produced the visual simulations must be granted to auditors identified by the Planning Board, should the Planning Board believe that such audit is required.

6. Infrastructure

Goals:

All developments will minimize their impact on existing infrastructure.

Components:

- The MDP includes an infrastructure plan providing for stormwater capture as per code and incorporates blue / green strategies, including for example: green roofs, blue roofs, detention tanks, green infrastructure, and permeable surfaces within or under the development site inclusive of roads and sidewalks. At a minimum, all streetscapes must include green infrastructure.
- The development shall not result in a net increase in infrastructure costs to the Village.
- The MDP utilizes onsite renewable sources to meet its energy requirements
- The MDP places new infrastructure below grade *as feasible and necessary* for resiliency plans.

7. Open Space

Goals:

All developments will improve access to and continuity between existing public open spaces and the Hudson River.

Components:

- The MDP identifies public and private open spaces within all developments.
- The open space provided should be programmed for active uses.

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- Where applicable, the MDP preserves public view corridors and respects a development buffer of 50 feet from shoreline as measured by the Mean High Water (MHW) line along the Hudson River, except where the use of water is an integral part of such structure.
- Riverfront facades shall not exceed 150 feet in length.
- The MDP provides public access to the water, including points where the public may reach the river. This may include one or more kayak and/or boat launches with adjacent storage racks.

8. Sustainability & Resiliency

Goals:

All developments will promote human health and safety and minimize resource consumption, including water and energy, waste, and greenhouse gas emissions. Development should incorporate renewable energy systems, adaptability to a changing climate, and resiliency to extreme weather events.

Components:

- The MDP demonstrates holistic consideration for the environmental performance of sites and buildings, which may be satisfied through building and site design that achieve LEED Silver or higher ratings,³ or conform to / exceed Passive House Standards,⁴ or equivalent standards in effect at the time of application.
- The MDP is designed to account for sea level rise, as described in 6 NYCRR Part 490, and to be adaptable to changing projections. The MDP must demonstrate that it does not worsen the potential for flooding within the SAO. The base level(s) of any building must be designed to enable adaptation for sea level rise, including retrofit for wet flood proofing.
- The MDP site and buildings are designed to moderate the impacts of extreme heat and rain events.
- Greywater is captured to irrigate landscaping, gardens or parks.

9. Bonus Points

Goals:

MDPs that do not receive a passing score on the eight Performance Criteria scored by the SAO Scorecard may receive bonus points that are added to its score to allow it to achieve a passing score. Up to 25 bonus points are available.

Components:

- The MDP provides a contribution to an infrastructure fund that benefits the Station Area, or provides a developer performed public amenity. The score for this component is based upon the amount of the contribution, or provided public amenity, relative to the overall project cost.
- The MDP benefits Tarrytown's municipal finances.

³ <https://new.usgbc.org/leed-v4>

⁴ https://www.passivehouse-international.org/index.php?page_id=150

11. Expiration, Revocation, and Enforcement

An SAO designation shall expire if the SAO designated use or uses cease for more than 24 consecutive months for any reason, if the applicant fails to obtain the necessary Building Permits or fails to comply with the conditions of the site development plan approval as described in § 305-143.

An SAO designation may be revoked by the Village Board of Trustees if the permittee violates the conditions of the site development plan approval or engages in any construction or alteration not authorized by the site development plan. Any such unauthorized or unapproved construction or alteration will immediately trigger a suspension of all work on site and fines as determined by the Village Board of Trustees.

Tarrytown Station Area Overlay Scorecard Summary

Criteria	Maximum	
	Possible Score	Actual Score
Land Use	12.5	8.3
Mobility & Access	12.5	7.5
Transportation & Parking	12.5	0.0
Affordable & Senior Housing	12.5	5.6
Neighborhood Character	12.5	6.9
Infrastructure	12.5	8.3
Open Space	12.5	8.3
Sustainability & Resiliency	12.5	9.0
Subtotal Performance	100	54.0 Fail
Bonus points	25	25.0
Total Score	125	79.0 Fail

Passing score = 85

Notes:

The minimum passing score is 85
 Except where noted, and in the Bonus tab, a score of zero for any component will result in a criteria score of zero
 Where a component does not apply, enter "NA," and change the valid number of components
 Only change values in cells so highlighted: All other cells are calculated

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VILLAGE OF TARRYTOWN
PUBLIC HEARING NOTICE

Chapter 9 – Architectural Review Board

PLEASE TAKE NOTICE that the Board of Trustees of the Village of Tarrytown will hold a public hearing on the 2nd day of December, 2019, at 8:00 p.m. in the Municipal Building, One Depot Plaza, Tarrytown, New York 10591, to hear and consider enacting an amendment to Chapter 9 of the Code of the Village of Tarrytown entitled Architectural Review Board.

A local law to amend Chapter 9 of the Code of the Village of Tarrytown entitled Architectural Review Board to amend the review of certain building permit applications by the Architectural Review Board

Section 1. Be it enacted by the **Board of Trustees** of the **Village of Tarrytown** as follows (Language in **Bold and Underlined** to be added, language in ~~**Strikethrough and bold and underlined**~~ to be deleted):

Section 2. Chapter 9, Section 4. (A) “Referral of applicants for building permits” shall be amended to read as follows:

Chapter 9, Section 4. (A) shall be re-titled – Referral of applicants for building permits or other work for Architectural Review.”

Section 3. Chapter 9, Section 4. (A) “Referral of applicants for building permits or other work for Architectural Review” shall be amended to read as follows:

Section 4. (A) Referral of applicants for building permits or other work for Architectural Review:

Except where an application for a certificate of appropriateness must be submitted to the Architectural Review Board pursuant to the Landmark and Historic District Act (Chapter 191, Historic Districts and Landmarks), every application for a building permit shall be referred by the Building Inspector to the Architectural Review Board, provided that:

- ~~(1) There will be construction, reconstruction or alteration of any building or structure that affects the exterior appearance of the building or other structure and is visible from any public street;~~
- ~~(2) The proposed plans include construction, reconstruction or alteration of any deck or uncovered porch that affects the exterior appearance of the building or other structure, is visible from any public street and exceeds 25 square feet, including steps;~~
- ~~(3) The proposed plans include construction, reconstruction or alteration of existing/new windows or security grills that affect the exterior appearance of the building or other structure and are visible from any public street; or~~
- ~~(4) The proposed plans include construction, reconstruction or alteration of any fence or wall exceeding three feet in height or 20 feet in length that is visible from any public street. **involving**~~

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any of the following shall be referred by the Building Inspector to the Architectural Review Board:

ARB review is required for applications requiring Planning Board approval, as well as other projects which are detailed as follows:

1. Construction of a new building
2. Reconstruction or rehabilitation of buildings with prior Architectural Review Board approval, which differs from that prior ARB approval;
3. Rehabilitation of buildings that involves more than replacement with materials (windows, doors, siding, or garage doors and roofing) that are not of the same kind, and which are visible from a public street. For example, while replacement of wood double-hung windows with vinyl double hung windows would not require ARB approval, replacement of double-hung windows with casement windows would.
4. All additions of any size for buildings built before 1929. For buildings built in 1929 or later, additions that increase the existing building footprint by 25% or more-.
5. Fences that are in the front yard (See Schematic Plan (1) or within the required minimum front yard setback (See Schematic Plan (2) and higher than thirty inches (30")).
6. Walls, including retaining walls, that are in a front yard or within the required minimum front yard setback and are visible from a public street.
7. Walls, including retaining walls that are over 30 inches (30") and that are within the required minimum side yard or rear yard setback.

8. **Applications for signage or awnings;**
9. **Applications for a property within the Restricted Retail RR Zone or commercial properties outside the RR Zone involving:**

(a) Construction, reconstruction or alteration of any building or structure that affects the **portion of the** exterior appearance of the building or other structure that is visible from any public street, **except applications involving only fences, retaining walls, steps, and /or sidewalks;**

(b) Construction, reconstruction or alteration of any deck or uncovered porch that affects the exterior appearance of the building or other structure, is visible from any public street and exceeds 25 square feet **(such size calculation shall include any steps);** or

(c) Construction, reconstruction or alteration of existing/new windows or security grills that affect the exterior appearance of the building or other structure and are visible from any public street.

(d) Painting using different colors than those that exist on the building, that affect the exterior appearance of the building or other structure and are visible from any public street.

4. B. Exceptions that apply in every zoning district except for the RR Zone, historic districts and historic designated structures– **Since it is the intent of the Board of Trustees to provide a process for routine maintenance or changes and upgrades to buildings that do not result in major, detrimental departures from the original construction and design of a structure,** applications that are excepted from ARB review include:

1. **Additions that increase the existing building footprint by less than 25% for buildings built after 1929 (see section 4. A. 45.)**
2. **Fences that are only in the rear yard or side yard setback, less than 48" and not fronting on a street. (Finish of the fence must face the adjoining property.)**
3. **Walls with Planning Board approvals. ~~under Planning Board Review.~~**
4. **Walls that are less than 30 inches (30") in height but not within the required minimum side yard or rear yard setback.**

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~~a. less than thirty inches (30") in height and not in the side and rear yard setbacks; and~~

~~within a required minimum front yard, side yard or rear yard setback.~~

5. Steps, and/or sidewalks

6. Painting a building or structure the same colors

7. Painting a building or structure and changing colors from the existing colors, provided that the colors are in the Benjamin Moore Historical Color Chart, and the Benjamin Moore White and Off-White Color Charts, as they may be updated from time to time, maintained in the Building Department, or an equivalent color palette that has only slight variations in color hues.

8. Adding storm widows to existing windows without making further changes.

9. Replacement in kind of structures or fences that obtained prior building permit with ARB approvals.

Section 4: The current Section 9-4 (B), (C), and (D) should be renumbered to 9-4 (C), (D) and (E).

Section 5: Supersession of other laws.

All laws, ordinances, rules and regulations of the Village are modified and superseded by this article with respect to their application to parking and enforcement.

Section 6: 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 7: 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.

VILLAGE OF TARRYTOWN
PUBLIC HEARING NOTICE

Chapter 125, Dogs and Other Animals

PLEASE TAKE NOTICE that the Board of Trustees of the Village of Tarrytown will hold a public hearing on the 2nd day of December, 2019, at 8:00 p.m. in the Municipal Building, One Depot Plaza, Tarrytown, New York 10591, to hear and consider enacting an amendment to Chapter 125 of the Code of the Village of Tarrytown entitled Dogs and Other Animals.

A local law to amend Chapter 125 of the Code of the Village of Tarrytown entitled "Dogs and Other Animals", to amend the code provisions to allow for the keeping of chickens subject to certain restrictions.

Section 1. Be it enacted by the Board of Trustees of the Village of Tarrytown as follows (Language in **Bold and Underlined** to be added, language in ~~**Strikethrough and bold and underlined**~~ to be deleted):

Section 2. Amending Existing Provision. Chapter 125, Section 1. Entitled "Definitions" is hereby amended as follows:

A used in this chapter the following terms shall have the meanings indicated:

CHICKEN

An egg-producing mature female chicken or hen.

DOMESTIC ANIMAL

Any domesticated sheep, horse, cattle, swine, fowl **(but not including chickens maintained in accordance with this Chapter)**, duck, goose, turkey, goat, hare, skunk, fox, pigeon (including homing or racing pigeons), pheasant or other bird which is raised in confinement but not normally considered a household pet.

Section 3. New Provision. A new Chapter 125, Section 3 shall be added as follows:

§ 125-3. Keeping of Chickens.

- A. **The keeping of 12 or fewer chickens is permitted as an accessory use in all single-family residential zones (the R-80, R-60, R-40, R-30, R-20, R-15, R-10, R-7.5 and R-5) subject to the following restrictions:**
- (1) All structures used for the housing and feeding of chickens and all exercise yards, pens or other areas used for their maintenance shall be located so as to comply with minimum setback requirements governing accessory buildings as set forth in Chapter 305.**
 - (2) Chickens must be confined at all times to a chicken coop and/or fenced-in enclosure and shall not be permitted to roam freely on any property in the Village of Tarrytown.**

- (3) Any chicken coop or similar-type structure for housing or enclosing chickens shall not exceed 8 feet in height nor be greater than 25 sq. feet in building coverage and shall not be constructed or erected prior to obtaining a building permit.**
- (4) All feed shall be housed in rodent proof containers.**
- (5) All structures used for the housing and feeding of chickens and all exercise yards, pens or other areas used for their maintenance shall be kept clean and free of noticeable odors across property lines.**
- (6) No roosters shall be permitted in any building or on any property within the Village of Tarrytown.**
- (7) No commercial sale of chickens or their eggs shall be permitted.**

Section 4. Amending Existing Provision. Chapter 125, Section 2. Entitled "Restrictions" is hereby amended as follows:

H. No person owning or possessing any household pet **or chicken** shall suffer or allow it to disturb the comfort, peace or repose of persons in the vicinity by long, continued, frequent or repetitive noise.

Section 5. Renumbering.

The current Chapter 125, Section 3 entitled "Penalties for offenses" shall be renumbered as Chapter 125, Section 4.

Section 6: 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 7: 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.

VILLAGE OF TARRYTOWN INVESTMENT POLICY

1 Scope.

This Investment Policy applies to all moneys and other financial resources available for investment on its own behalf or on behalf of any other entity or individual.

2 Objectives.

The primary objectives of the local government's investment activities are, in priority order:

A. To conform with all applicable federal, state and other legal requirements.

B. To adequately safeguard principal.

C. To provide sufficient liquidity to meet all operating requirements.

D. To obtain a reasonable rate of return.

3 Delegation of authority.

The governing board's responsibility for administration of the investment program is delegated to the Treasurer, who shall establish written procedures for the operation of the investment program consistent with these investment guidelines. Such procedures shall include an adequate internal control structure to provide a satisfactory level of accountability based on a database or records incorporating description and amounts of investments, transaction dates and other relevant information and regulate the activities of subordinate employees.

4 Prudence.

A. All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the Village of Tarrytown to govern effectively.

B. Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the safety of the principal as well as the probable income to be derived.

C. All participants involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

5 Diversification.

It is the policy of the Village of Tarrytown to diversify its deposits and investments by financial institution, by investment instrument and by maturity scheduling.

6 Internal controls.

A. It is the policy of the Village of Tarrytown for all moneys collected and deposited by any officer or employee of the government to report those funds to the Treasurer within three days of deposit or within the time period specified by law, whichever is shorter.

B. The Treasurer is responsible for establishing and maintaining an internal control structure to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management's authorization and recorded properly and are managed in compliance with applicable laws and regulations.

7 Designation of depositories.

The banks and trust companies authorized for the deposit of moneys are based on the designation of depositories that may be authorized at least annually and updated from time to time by the Board of Trustees .

8 Collateralizing of deposits.

In accordance with the provisions of General Municipal Law § 10, all deposits of the Village of Tarrytown, including certificates of deposit and special time deposits, in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured:

A. By a pledge of eligible securities with an aggregate market value as provided by General Municipal Law § 10, equal to the aggregate amount of deposits from the categories designated in Appendix A to the policy.

Editor's Note: Appendix A is on file in the Village offices.

B. By an eligible irrevocable letter of credit issued by a qualified bank other than the bank with the deposits in favor of the government for a term not to exceed 90 days with an aggregate value equal to 140% of the aggregate amount of deposits and the agreed-upon interest, if any. A qualified bank is one whose commercial paper and other unsecured short-term debt obligations are rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization or by a bank that is in compliance with applicable federal minimum risk-based capital requirements. Excluded from eligible securities for collateralization are letters of credit issued by the Federal Home Loan Bank.

C. By an eligible surety bond payable to the government for an amount at least equal to 100% of the aggregate amount of deposits and the agreed-upon interest, if any, executed by an insurance company authorized to do business in New York State, whose claims-paying ability is rated in

the highest rating category by at least two nationally recognized statistical rating organizations.

9 Safekeeping and collateralization.

A. Eligible securities used for collateralizing deposits shall be held by the designated depository and/or a third-party bank or trust company subject to security and custodial agreements.

B. The security agreement shall provide that eligible securities are being pledged to secure local government deposits together with agreed-upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon default. It shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released and the events which will enable the local government to exercise its rights against the pledged securities. In the event that the securities are not registered or inscribed in the name of the local government, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the Village of Tarrytown or its custodial bank.

C. The custodial agreement shall provide that securities held by the bank or trust company, or agent of and custodian for the local government, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposits or other liabilities. The agreement should also describe that the custodian shall confirm the receipt, substitution or release of the securities. The agreement shall provide for the frequency of revaluation of eligible securities and for the substitution of securities when a change in the rating of a security may cause ineligibility. Such agreement shall include all provisions necessary to provide the local government a perfected interest in the securities.

D. The Village Treasurer, is hereby authorized to execute the Third-Party Custodian Agreement and that he be named as "authorized persons" as the term applies to the Third-Party Custodian Agreement.

10 Permitted investments.

A. As authorized by General Municipal Law § 11, the Village of Tarrytown authorizes the Treasurer to invest moneys not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments:

- (1) Special time deposit accounts.
- (2) Certificates of deposit.
- (3) Obligations of the United States of America.
- (4) Obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United States of America.
- (5) Obligations of the State of New York.
- (6) Obligations issued pursuant to Local Finance Law § 24.00 or 25.00 (with approval of the State Comptroller) by any municipality, school district or district corporation other than the Village of Tarrytown.
- (7) Obligations of public authorities, public housing authorities, urban renewal agencies and industrial development agencies where the general state statutes governing such entities or

whose specific enabling legislation authorizes such investments.

(8) Certificates of participation (COPs) issued pursuant to General Municipal Law §109-b.

(9) Obligations of this local government, but only with any moneys in a reserve fund established pursuant to General Municipal Law § 6-c, 6-d, 6-e, 6-g, 6-h, 6-j, 6-k, 6-l, 6-m or 6-n.

B. All investment obligations shall be payable or redeemable at the option of the Village of Tarrytown within such times as the proceeds will be needed to meet expenditures for purposes for which the moneys were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable at the option of the Village of Tarrytown within two years of the date of purchase.

11 Authorized financial Institutions and dealers.

The Village of Tarrytown shall maintain a list of financial institutions and dealers approved for investment purposes and establish appropriate limits to the amount of investments which can be made with each financial institution or dealer. All financial institutions with which the local government conducts business must be creditworthy. Banks shall provide their most recent Consolidated Report of Condition (Call Report) at the request of the Village of Tarrytown. Security dealers not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank, as primary dealers. The Treasurer is responsible for evaluating the financial position and maintaining a listing of proposed depositories, trading partners and custodians. Such listing shall be evaluated at least annually.

12 Purchase of investments.

A. The Treasurer is authorized to contract for the purchase of investments:

- (1) Directly, including through a repurchase agreement, from an authorized trading partner.
- (2) By participation in a cooperative investment program with another authorized governmental entity pursuant to Article 5G of the General Municipal Law where such program meets all the requirements set forth in the Office of the State Comptroller Opinion No. 88-06, and the specific program has been authorized by the governing board.
- (3) By utilizing an ongoing investment program with an authorized trading partner pursuant to a contract authorized by the governing board.

B. All purchased obligations, unless registered or inscribed in the name of the local government, shall be purchased through, delivered to and held in the custody of a bank or trust company. Such obligation shall be purchased, sold or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the Village of Tarrytown by the bank or trust company. Any obligation held in the custody of a bank or trust company shall be held pursuant to a written custodial agreement as described in General Municipal Law § 10.

C. The custodial agreement shall provide that securities held by the bank or trust company, as agent of and custodian for the local government, will be kept separate and apart from the general

assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement shall describe how the custodian shall confirm the receipt and release of the securities. Such agreement shall include all provisions necessary to provide the local government a perfected interest in the securities.

13 Repurchase agreements.

Repurchase agreements are authorized subject to the following restrictions:

A. All repurchase agreements must be entered into subject to a Master Repurchase Agreement.

B. Trading partners are limited to banks or trust companies authorized to do business in New York State and primary reporting dealers.

C. Obligations shall be limited to obligations of the United States of America and obligations guaranteed by agencies of the United States of America.

D. No substitution of securities will be allowed.

E. The custodian shall be a party other than the trading partner.

PROCUREMENT POLICY
VILLAGE OF TARRYTOWN

1. Every purchase to be made must be initially reviewed to determine whether it is a purchase contract, public works contract or service contract. Once that determination is made, a good faith effort will be made to determine whether it is known or can reasonably be expected that the aggregate amount to be spent on the item of supply or service is not subject to competitive bidding, taking into account past purchases and the aggregate amount to be spent in a fiscal year. The following items are not subject to competitive bidding pursuant to Section 103 of the New York State General Municipal Law:

- a. purchase contracts under \$20,000 (amended 9/20/10)
- b. public works contracts under \$35,000 (amended 3/1/10)
- c. emergency purchases
- d. certain municipal hospital purchases
- e. goods purchased from agencies for the blind or severely handicapped
- f. goods purchased from correctional institutions
- g. purchases under State and County contracts
- h. surplus and second-hand purchases from another governmental entity (note: purchases over \$10,000 of used, surplus or second-hand materials and equipment should be subject to public bid and advertised as such.)

The decision that a purchase is not subject to competitive bidding will be documented in writing by the individual making the purchase. This documentation may include written or verbal quotes from vendors, a memo from the purchaser indicating how the decision was arrived at, a copy of the contract indicating the source which makes the item or service exempt, a memo from the purchaser detailing the circumstances which led to an emergency purchase, or any other written documentation that is appropriate.

2. All goods and services will be secured by use of written requests for proposals, written quotations, or any other method that assures that goods will be purchased at the lowest price and that favoritism will be avoided, except in the following circumstances:

- a. purchase contracts over \$20,000 and public works contracts over \$35,000
- b. goods purchased from agencies for the blind or severely handicapped pursuant to Section 175-b of the State Finance Law
- c. goods purchased from correctional institutions pursuant to Section 186 of the Correction Law
- d. purchases under State contracts pursuant to Section 104 of the General Municipal Law
- e. purchases under County contracts pursuant to Section 103(3) of the General Municipal Law
- f. purchases pursuant to Subdivision 6 of this policy

3. The following method of purchase will be used when required by this policy in order to achieve the highest savings: (amended on 7/15/2002)

Estimated Amount of Purchase Contract

Method

\$1,000 - \$1,999

A minimum of 2 written/fax/emailed quotations, which shall be recorded by the Department Head and maintained in a separate purchasing file

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\$2,000 - \$19,999 (amended 9/20/2010)

A minimum of 3 written/fax/emailed quotations or responses to a Request for Proposals issued by the Village

\$20,000 and above (amended 9/20/2010)

Subject to publicly advertised bid. The bid shall be circulated to a minimum of 3 prospective bidders. Award of bid and contract associated with the bid must be approved by the Board of Trustees.

The Village may require electronic bid submission for technology contracts (amended 9/20/2010).

Estimated Amount of Public Works Contract

Method

\$1,000 - \$1,999

A minimum of 2 written/fax/emailed quotations, which shall be recorded by the Department Head and maintained in a separate purchasing file

\$2,000 - \$34,999

A minimum of 3 written/fax/emailed quotations or responses to a Request for Proposals issued by the Village

\$35,000 and above

Subject to publicly advertised bid. The bid shall be circulated to a minimum of 3 prospective bidders. Award of bid and contract associated with the bid must be approved by the Board of Trustees.

A Purchase Order shall be issued for any purchase of a single item or the same items with a total value of \$2,000 or more. The Purchase Order must be approved by the respective Department Head for purchases between \$2,000 and \$5,000. The Purchase Order must be approved by the Village Administrator or the Village Treasurer for purchases over \$5,000. The signature of the Village Administrator or the Village Treasurer and the date of the signature shall be included on the Purchase Order. Should the purchase of an item(s) from a State or County contract meet these thresholds, a Purchase Order shall be issued which shall clearly note the specific contract number from the State or County contract.

A good faith effort shall be made to obtain the minimum number of proposals or written/fax/emailed quotations. If the purchaser is unable to obtain the required number of proposals or quotations, the purchaser will document the attempt made at obtaining the proposals or quotations. In no event shall the failure to obtain the proposals be a bar to the procurement.

4. Documentation is required of each action taken in connection with each procurement. Documentation shall be maintained either in a separate purchasing file in each department or attached to the paperwork associated with the purchase in the Treasurer's Office. The documentation retained in a file in the respective department shall be maintained in a manner where it is easy to distinguish the purchase with the invoice/bill in the Treasurer's Office.

5. All Fire Department building and vehicle maintenance and repairs will be the responsibility of the Fire Chief. All Fire Department purchases and contracts totaling one-thousand (\$1,000.00) or more must be pre-approved prior to purchase by requisition authorized by the Village Administrator or the Village Treasurer. All purchases and contracts shall be fully compliant with this Procurement Policy. (Amended on 12/2/2002) (Amended on 10/15/12) (Amended on 9/3/13)

6. Documentation and an explanation are required whenever a contract is awarded or a purchase made to a vendor/offeree other than the lowest responsible offeror. This documentation will include an explanation of how the award will achieve savings or how the lowest offeror was not responsible. A determination that the offerer is not responsible shall be made by the purchaser and may not be challenged by the offeror under any circumstance.

7. Pursuant to General Municipal Law Section 104-b(2)(f), the procurement policy may contain circumstances when, or types of procurements for which, in the sole discretion of the Board of Trustees, the solicitation of alternative proposals or quotations will not be in the best interest of the Village. In the following circumstances it may not be in the best interests of the Village of Tarrytown to solicit quotations or document the basis for not accepting the lowest responsible bid:

- a. Professional services or services requiring special or technical skill, training or expertise. The individual or company must be chosen based on accountability, reliability, responsibility, skill, education and training, judgment, integrity, and moral worth. These qualifications are not necessarily found in the individual or company that offers the lowest price and the nature of these services are such that they do not readily lend themselves to competitive procurement procedures.

In determining whether a service fits into this category the Board of Trustees shall take into consideration the following guidelines: (a) whether the services are subject to State licensing or testing requirements; (b) whether substantial formal education or training is a necessary prerequisite to the performance of the services; and (c) whether the services require a personal relationship between the individual and municipal officials. Professional or technical services shall include but not be limited to the following: services of an attorney; services of a physician; technical services of an engineer engaged to prepare plans, maps and estimates; securing insurance coverage and/or services of an insurance broker; services of a certified public accountant; investment management services; printing services involving extensive writing, editing or art work; management of municipally owned property; and computer software or programming services for customized programs, or services involved in substantial modification and customizing of pre-packaged software.

- b. Emergency purchases pursuant to Section 103(4) of the General Municipal Law. Due to the nature of this exception, these goods or services must be purchased immediately and a delay in order to seek alternative proposals may threaten the life, health, safety or welfare of the residents. This section does not preclude alternate proposals if time permits.
- c. Purchases of surplus and second-hand goods from any source. If alternate proposals are required, the Village is precluded from purchasing surplus and second-hand goods at auctions or through specific advertised sources where the best prices are usually obtained. It is also difficult to try to compare prices of used goods and a lower price may indicate an older product.
- d. Goods or services under \$1,000. The time and documentation required to purchase through this

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policy may be more costly than the item and would therefore not be in the best interests of the taxpayer. In addition, it is not likely that such de minimis contracts would be awarded based on favoritism.

8. This policy shall go into effect immediately upon adoption by the Board of Trustees and will be reviewed annually.

Dates of Amendments

March 18, 2002

July 15, 2002

December 2, 2002

March 1, 2010

September 20, 2010

July 18, 2011

October 15, 2012

September 3, 2013