

**VILLAGE OF TARRYTOWN  
BOARD OF TRUSTEES  
WORK SESSION 6:00 P.M.  
WEDNESDAY, DECEMBER 2, 2015  
Tarrytown Village Hall  
One Depot Plaza, Tarrytown, New York**

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6 p.m. – Presentation Scenic Hudson

6:30 p.m. – Glen Weinberg Sustainable Westchester – Update on Community Choice Aggregation Program

Board of Trustees Concerns

Open Session

1. Office Building and Mixed Use Districts Zoning Review
2. Water Rates
3. Moratorium – Tarrytown Station Study Area
4. Access to Soccer Field
5. Tarrytown Boat Club Property
6. Holiday Meter Parking
7. Fire Department Membership Changes

Executive Session

- 1A. Tax Certioraris
- 2A. Parks Personnel per Trustee McGovern
- 3A. Personnel
- 4A. Planning Board Member

2

**VILLAGE OF TARRYTOWN  
VILLAGE ADMINISTRATOR'S OFFICE  
MEMORANDUM**

TO: Mayor Fixell and the Board of Trustees  
FROM: Michael Blau, Village Administrator  
RE: Water Rates  
DATE: November 18, 2015

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Previously I had provided information to you regarding buildings in the central business district that have restaurants on the ground floor with apartments above the restaurant. Since the buildings in question have only one water meter, the purpose of the information was to develop estimated numbers associated with water consumption in the restaurants. At the time, I had a limited number of locations and was directed to provide information on additional locations for review by the Board. I have completed that analysis and it is included with this memo.

Please note that the restaurants that are highlighted are currently billed as commercial pursuant to the commercial tiered rate structure. These restaurants are billed monthly as are all commercial accounts. The restaurants with apartments are billed pursuant to the residential rate structure and are billed quarterly. Thus, any tiered system for these customers would need to address the quarterly billing of residential customers since the quarterly billing creates greater consumption amounts and would automatically move these water customers into the higher cost tiers. I would recommend that the Village bill these customers on a monthly basis to adjust for this situation.

I have also included all of the other information that I previously sent to you regarding the water rate increase so that you can refer back to these documents should you need to. I will be placing this matter on the December 2 Work Session agenda for discussion. It is my hope that a new rate structure will be established for the January billing cycle to address the deficit in the Water Fund. If you want me to research any other items relating to this matter prior to the December 2 meeting, please contact me.

C: James Hart, Village Treasurer

IMPACT OF WATER RATE INCREASE ON RESTAURANTS WITH APARTMENTS ABOVE THE RESTAURANTS							
Location	Use in Cubic Feet	Use in Gallons	Number of Apartments Above the Restaurant	Deduction in Consumption (8,600 cf/apartment)	Consumption Attributable to Restaurant	Current Annual Cost Based on Consumption	Proposed Annual Cost With Proposed Tiered Rate Structure (Option #7)
Horsefeathers	71,000	531,080	NA	NA	71,000	\$4,431.08	\$6,912.41
Bistro 12	22,400	167,552			22,400	\$1,291.36	\$2,014.44
Bellas	49,300	368,764			49,300	\$3,024.05	\$4,717.41
Sweet Grass Café	159,200	1,190,816	5	43,000	116,200	\$9,177.88	\$17,702.70
Tarry Tavern	86,000	643,280	2	17,200	68,800	\$4,957.90	\$9,023.37
Twisted Oak	36,900	276,012	2	17,200	19,700	\$2,127.29	\$3,367.00
No. 1 Chinese Food/Bella Roma	38,500	287,980	2	17,200	21,300	\$2,219.53	\$3,535.64
Mint	111,100	831,028	2	17,200	93,900	\$6,404.92	\$11,999.48
Taco Project	29,900	223,652	2	17,200	12,700	\$1,723.74	\$2,629.20
Taste of China	99,000	740,520	2	17,200	81,800	\$5,707.35	\$10,564.78
These restaurants are billed as commercial users. These are the only restaurants in the downtown commercial district that have a separate water meter for the restaurant. Commercial accounts are billed monthly and restaurants without apartments above are considered commercial accounts. Residential accounts are billed quarterly.							
These restaurants have apartments above the restaurant							

Location	Annual Consumption	Quarterly Consumption	Monthly Consumption	\$57.65/1,000cf for 2,000	\$64.84/1,000 for 5,000	\$72.96/1,000 for 5,000	\$83.89/1,000 thereafter	Total
Horsefeathers	71,000		5,916.67	\$115.30	\$253.96			\$4,431.08
Bistro 12	22,400		1,866.67	\$107.61				\$1,291.36
Bellas	49,300		4,108.33	\$115.30	\$136.70			\$3,024.05
				\$89.93/1,000cf for 2,000	\$101.15/1,000 for 5,000	\$113.82/1,000 for 5,000	\$130.87/1,000 thereafter	
Horsefeathers				\$179.86	\$396.17			\$6,912.41
Bistro 12				\$167.87				\$2,014.44
Bellas				\$179.86	\$213.26			\$4,717.41
				\$74.95/1,000cf for 2,365	\$93.69/1,000 for 5,000	\$105.40/1,000 for 5,000	\$118.57/1,000 thereafter	
Sweet Grass	159,200	39,800		\$177.26	\$468.45	\$527.00	\$3,252.97	\$17,702.70
Tarry Tavern	86,000	21,500		\$177.26	\$468.45	\$527.00	\$1,083.14	\$9,023.37
Twisted Oak	36,900	9,225		\$177.26	\$468.45	\$196.04		\$3,367.00
No. 1 Chinese Food/Bella Roma	38,500	9,625		\$177.26	\$468.45	\$238.20		\$3,535.64
Mint	111,100	27,775		\$177.26	\$468.45	\$527.00	\$1,827.16	\$11,999.48
Taco Project	29,900	7,475		\$177.26	\$468.45	\$11.59		\$2,629.20
Taste of China	99,000	24,750		\$177.26	\$468.45	\$527.00	\$1,468.49	\$10,564.78
Average	80,086	20,021		\$117.26	\$468.45	\$527.00	\$907.77	\$8,081.93

# ***VILLAGE OF TARRYTOWN***

## ***INTERNAL MEMORANDUM***

To: Mayor Fixell and the Board of Trustees

From: Michael Blau, Village Administrator

Date: November 16, 2015

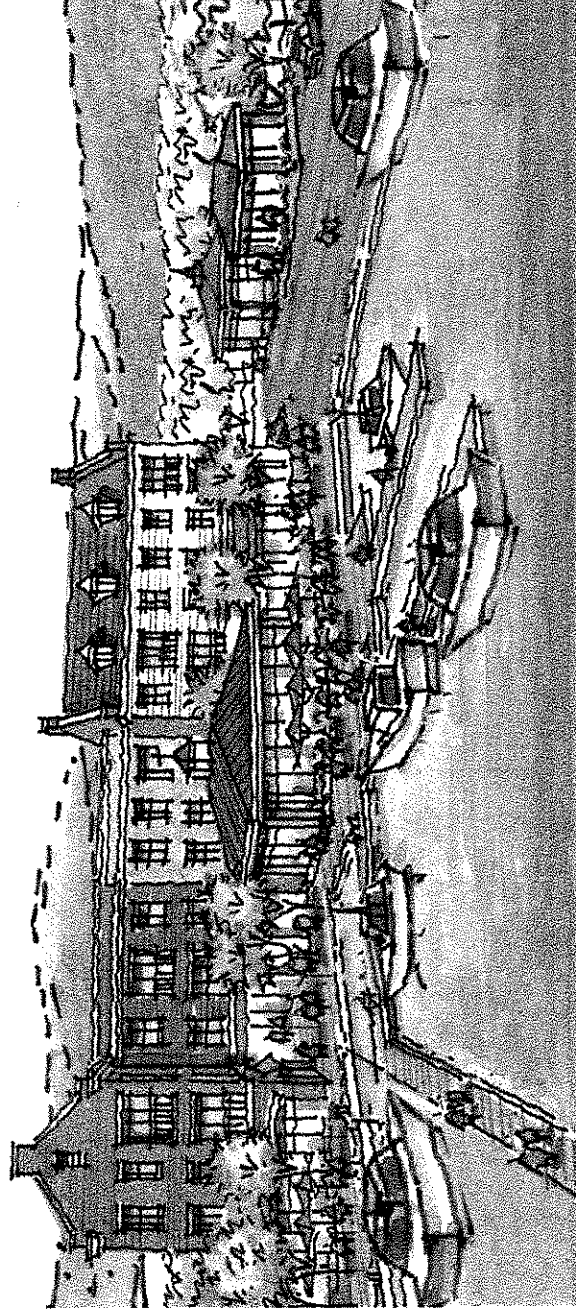
Subject: Development of Tarrytown Boat Club Property

Please be advised that at the Planning Board work session of 11/12/15 a proposal was submitted to the Planning Board for review by National Resources for the redevelopment of the Boat Club property. As you may recall, the Board of Trustees at your meeting of October 19 granted a variance for the Boat Club property. At the October 5 meeting of Board of Trustees which was the public hearing on the waiver from the moratorium request, the Boat Club representatives discussed the construction of a second story on an existing building to serve as a clubhouse and the replacement of the restaurant. As you may note from the site plan proposed by National Resources, they include retail space and residential space. The question that I need to discuss with the Board is the extent of the waiver granted by the Board of Trustees to the Tarrytown Boat Club. Specifically, was the waiver limited strictly to the clubhouse and restaurant or is it acceptable for National Resources to pursue a more expansive development on the property while the moratorium is ongoing? I would like to note that according to a statement made by Joe Cotter at the work session, National Resources needs the additional development on the site to make the project financially feasible.

I will be placing this on the December 2<sup>nd</sup> work session agenda for discussion by the Board of Trustees.

# DRAWING INDEX

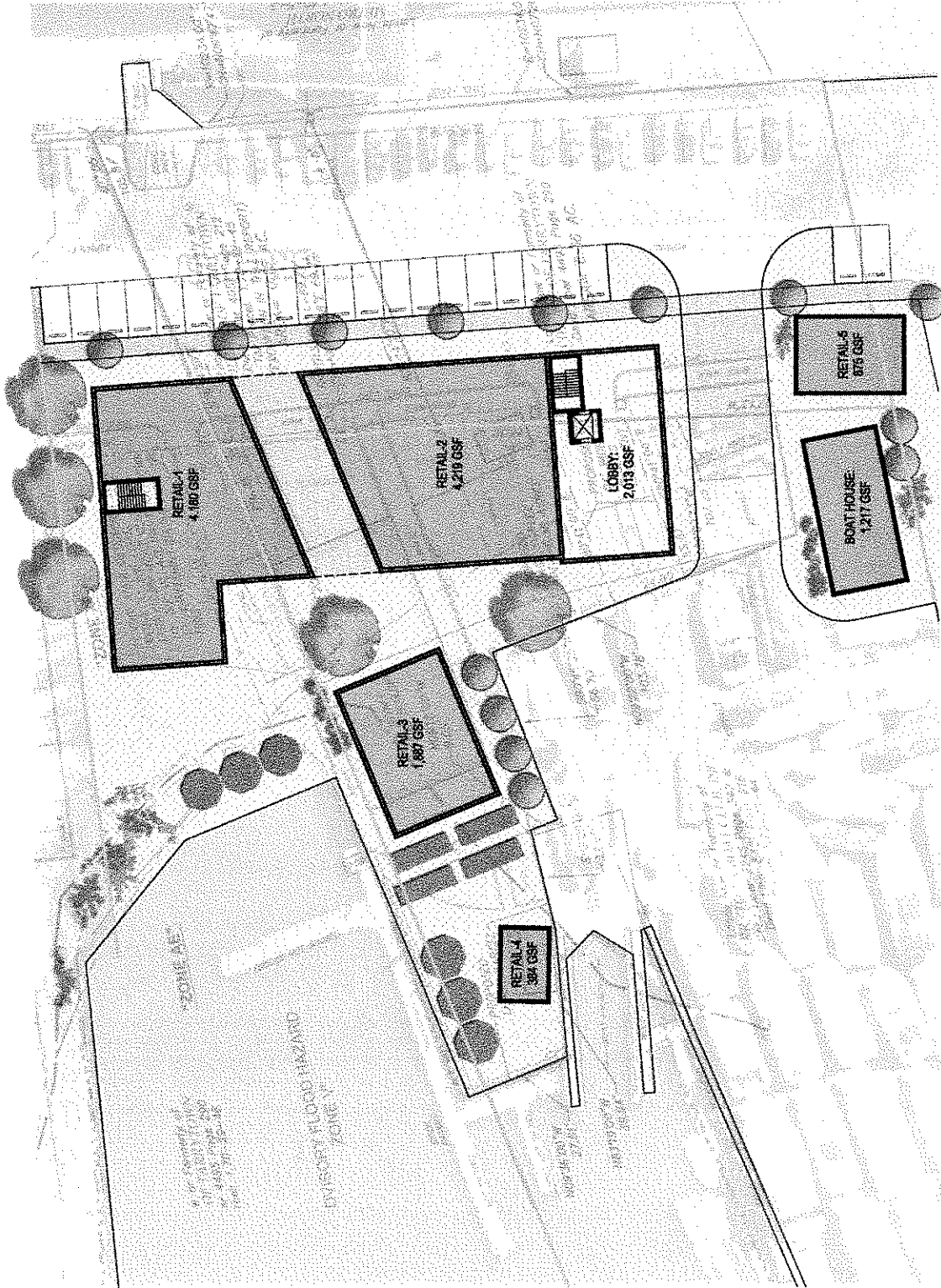
A.000	COVER SHEET
A.100	SITE PLAN
A.101	GROUND FLOOR PLAN
A.102	TYPICAL FLOOR PLAN
A.201	SITE ELEVATIONS





## SITE PLAN

ALL INFORMATION IS BASED ON THE INFORMATION PROVIDED BY THE CLIENT. THE DESIGNER ASSUMES NO LIABILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED. THE DESIGNER ASSUMES NO LIABILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED. THE DESIGNER ASSUMES NO LIABILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED.



TYPICAL FLOOR = 12,654 GSF

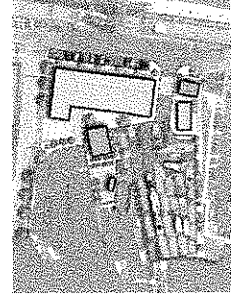
x2 FLOORS = 25,308 GSF

+ LOBBY = 2,013 GSF

TOTAL GSF = 27,321 GSF

@ 1,135 SF/UNIT = 24 UNITS

MIXED-USE	PARKING	RATIO	REQUIRED
RESIDENTIAL	24 DU	7 / DU	17
RETAIL-1	4,180 GSF	3 / 1000 GSF	12.54
RETAIL-2	4,219 GSF	3 / 1000 GSF	12.657
RETAIL-3	1,887 GSF	3 / 1000 GSF	5.661
RETAIL-4	384 GSF	3 / 1000 GSF	1.152
RETAIL-5	875 GSF	3 / 1000 GSF	2.625
TOTAL REQUIRED PARKING			51



KEY PLAN

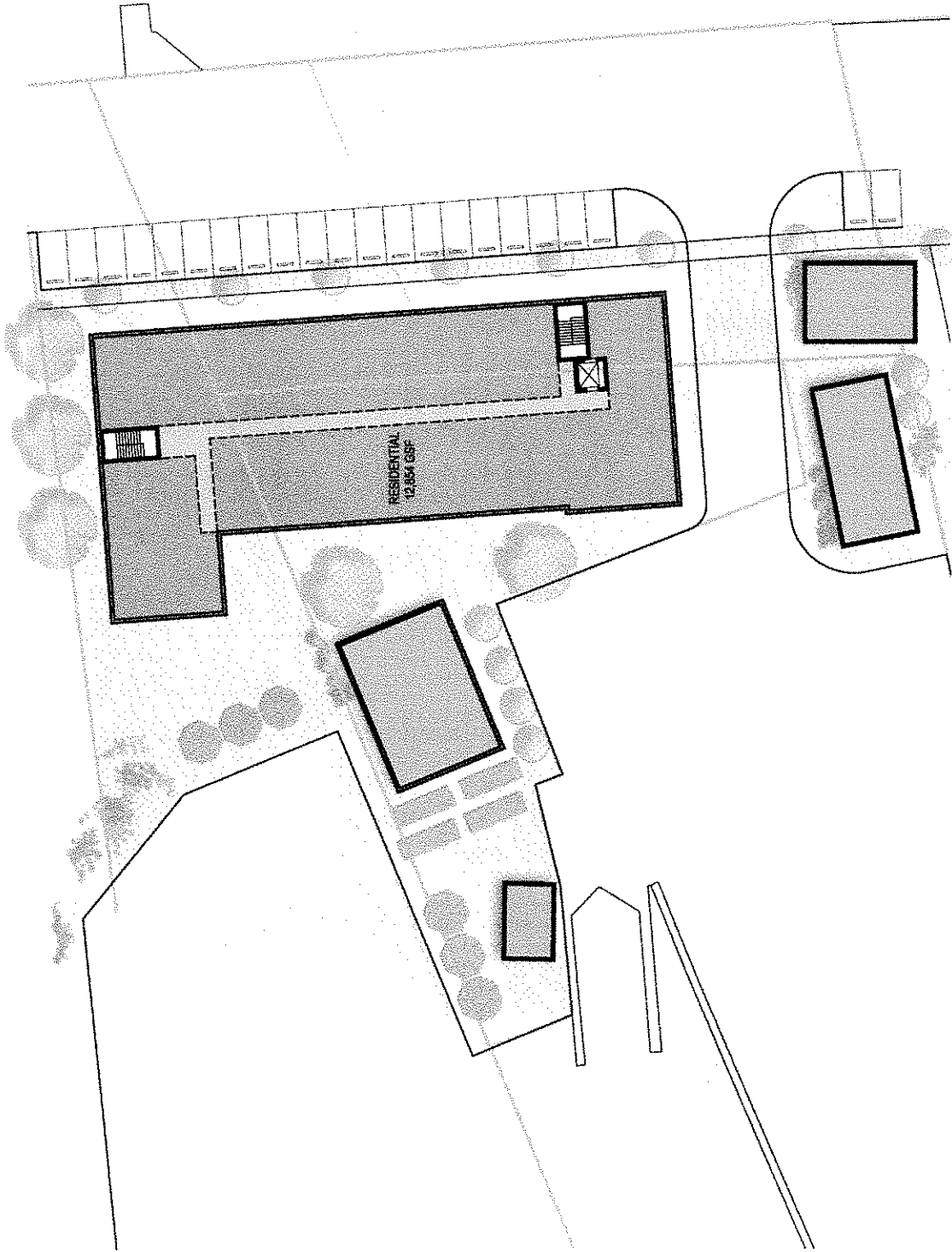
## GROUND FLOOR PLAN

THE WHARF A.101

OCT 28, 2015  
19PC 01-48  
TARRYTOWN, NY  
NATIONAL RESOURCES



lessard  
DESIGN INC. PC  
8521 LEEBURG PIKE, SUITE 100, VIENNA, VA 22182  
P: 703.532.1820 | F: 703.532.1821 | L@LESSARDDESIGN.COM



KEY PLAN

## TYPICAL FLOOR PLAN

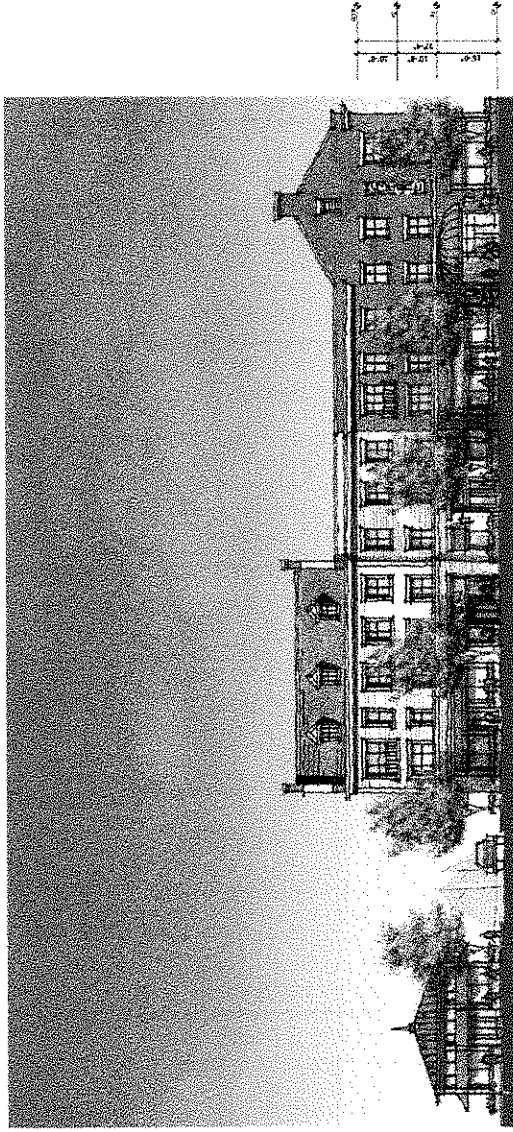
THE WHARF  
TARRYTOWN, NY  
NATIONAL RESOURCES

OCT 26, 2016  
IRC 0149  
A.102

0' 5' 10'  
SCALE: 1/16" = 1'-0"



NOT TO SCALE. ALL DIMENSIONS ARE APPROXIMATE. THE EXACT LOCATION OF THE BUILDING AND ITS FEATURES SHALL BE DETERMINED BY THE FIELD SURVEYOR. THE EXACT LOCATION OF THE BUILDING AND ITS FEATURES SHALL BE DETERMINED BY THE FIELD SURVEYOR. THE EXACT LOCATION OF THE BUILDING AND ITS FEATURES SHALL BE DETERMINED BY THE FIELD SURVEYOR.



## CONCEPT ELEVATION

THE WHARF  
TARRYTOWN, NY  
NATIONAL RESOURCES

OCT 26, 2016  
HRC 0148  
A.201

0' 15' 30'  
SCALE: 1/16" = 1'

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TARRYTOWN BOAT AND YACHT CLUB APPLICATION FOR A VARIANCE FROM  
THE INTERIM DEVELOPMENT MORATORIUM FOR TARRYTOWN STATION STUDY  
AREA WITHIN THE VILLAGE OF TARRYTOWN

Trustee Basher moved, seconded by Trustee Butler, and unanimously carried, that the following resolution be approved: Approved: 7-0

WHEREAS, the Tarrytown Boat and Yacht Club ("Applicant"), has applied for a variance pursuant to the provisions of section 9 of Local Law No. 4 of 2015, entitled Interim

Development Moratorium for Tarrytown Station Study Area within the Village of Tarrytown ("the Moratorium"), based upon a claimed hardship; and

WHEREAS, the Applicant has submitted two letters, dated September 15 and October 4, 2015, supporting the application; and

WHEREAS, a duly noticed public hearing was held before the Board of Trustees on October 5, 2015; and

WHEREAS, the Applicant, presented the grounds for granting a hardship variance; and  
WHEREAS, no one appeared in opposition to the application.

The Board of Trustees finds, based upon the uncontroverted record, as follows:

1. The Applicant owns the property located at 236 West Main Street (the "Property"), which suffered major damage in October, 2012 due to Superstorm Sandy.
2. As a result of the damage, the Applicant is having financial difficulties resulting from the loss of revenue generated from the restaurant that was located on the site and was rendered unusable.
3. The lack of a restaurant at the Property to attract boaters has also contributed to a significant reduction in the number of boat slips rented during the season.
4. The Applicant advises that there has been a 60% reduction in revenue since 2012.
5. The Applicant has an agreement which expires on or about October 31, 2015 for a developer to begin construction of a new meeting facility, which is required before reconstruction of the restaurant can begin and is a pre-condition in the Applicant's agreement with the developer to the processing of a proposal to rebuild the restaurant.
6. A building permit application has been submitted for the construction of the meeting facility but is being held up due to the Moratorium.

7. The timing associated with the Moratorium will prevent the issuance of a building permit before the agreement to reconstruct the meeting space expires and accordingly, will inhibit the Applicant from being able to move forward with reviving its business.
7. The Applicant has a hardship as contemplated by the provisions of section 9 of the Moratorium.
8. Due to the nature of the operation and the location of the Property, the granting of a hardship variance will not substantially undermine the land use review study nor will it adversely impact the health, safety or general welfare of the Village and its residents.

NOW THEREFORE, BE IT RESOLVED the within application is a Type II action pursuant to the State Environmental Quality Review Act that requires no further environmental review.

BE IT FURTHER RESOLVED that the application for a hardship variance from the Moratorium is hereby granted.

**PUBLIC HEARING – TARRYTOWN BOAT AND YACHT CLUB APPLICATION FOR  
A VARIANCE FROM THE INTERIM DEVELOPMENT MORATORIUM FOR  
TARRYTOWN STATION STUDY AREA WITHIN THE VILLAGE OF TARRYTOWN**

PLEASE TAKE NOTICE that the Board of Trustees of the Village of Tarrytown will hold a public hearing on the 5<sup>th</sup> day of October, 2015, at 8 PM, in the Municipal Building, One Depot Plaza, Tarrytown, New York 10591, to hear and consider the application of the Tarrytown Boat and Yacht Club, 236 Green Street, Tarrytown, New York ("Applicant"), which is seeking a hardship variance from the provisions of the Moratorium on Development within the study area designated as the Tarrytown Station Study Area. In enacting the Moratorium the Village determined that "to adequately address the deficiencies in the existing code, it is necessary and appropriate to place a moratorium on the issuance of all permits and approvals within the Study Area."

SECTION 9 of the Local Law establishing the Moratorium provides in part:  
"Should any owner of property affected by this Local Law suffer an unnecessary hardship in the way of carrying out the strict letter of this Local Law, then the owner of said property may apply to the Village Board, in writing, for a variation from strict compliance with this Local Law upon submission of proof of such unnecessary hardship.

Anyone wishing to be heard on the application may submit comments in writing prior to 4:00 P.M. on October 5, 2015 or appear at the above time and place to be heard by the Village Board. A copy of the application may be examined at the office of the Village Clerk, One Depot Plaza, Tarrytown, New York 10591.

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

Jerry Gregory, past Commodore of the Tarrytown Boat Club, stated that on behalf of the Tarrytown Boat Club, he is requesting a hardship waiver from the recent moratorium. In 2012, they were hit by Hurricane Sandy and hired a Public Adjuster to work with the insurance company on their insurance claim, which took a year to complete. The Boat Club tried to find a tenant to run the restaurant, but with the damage the restaurant building suffered from Hurricane Irene in 2011 and then Hurricane Sandy in 2012, they were unsuccessful in their attempt to find a tenant for the restaurant. Mr. Gregory noted that in 2008, the Tarrytown Boat Club had a relationship with National Resources, but due to the financial difficulties in 2008, the relationship with National Resources terminated. National Resources came back to the Tarrytown Boat Club after the economy turned around and they still saw an opportunity for the Tarrytown Boat Club property. Joe Cotter proposed a contract with the Tarrytown Boat Club to provide a first-class restaurant operation and to build a separate club house for the Tarrytown Boat Club. The Tarrytown Boat Club is asking the Village Board for consideration of a waiver of the provisions of the moratorium in order to allow Mr. Cotter to obtain approvals and permits, so the Tarrytown Boat Club doesn't lose another year or two in the construction of the club house and restaurant. The restaurant was a significant revenue source for

the Tarrytown Boat Club. Trustee Zollo asked if the Tarrytown Boat Club is requesting a waiver relating to Joe Cotter. Mr. Gregory stated that the Tarrytown Boat Club went into contract with Joe Cotter and put a lease together for him to rebuild the footprint of the Striped Bass restaurant, instead of trying to repair the existing building. He has already begun to file building permits with the Village for the club house where he will build a second story on the existing dockmaster building.

Trustee Zollo noted that in the Tarrytown Boat Club document presented to the Village Board tonight, it states that the Boat Club has a new lease to build a new building. Trustee Zollo asked if that involves Joe Cotter. Mr. Gregory responded, yes. Trustee Zollo asked if Joe Cotter is building an interim clubhouse until a larger deal is struck or until he rebuilds the whole facility. Mr. Gregory noted that for years, the clubhouse was always on the second floor of the restaurant area. When Joe Cotter takes down the restaurant, the Tarrytown Boat Club will not have a clubhouse. Joe Cotter is proposing to build a second story on the existing dockmaster building for the clubhouse. This will serve the Tarrytown Boat Club until Joe Cotter is ready to take the existing restaurant building down and rebuild a brand new restaurant which includes a new clubhouse. Trustee Zollo asked if Joe Cotter has applied for any building permits yet. Mr. Gregory responded that he has applied for permits for the second story clubhouse. Trustee Zollo asked if that is all the Boat Club is interested in tonight's request for a hardship variance.

Mr. Gregory stated that tonight's request for a hardship variance is for Joe Cotter to build our clubhouse on the second story of the dockmaster building and to follow through with the permits and approvals to build a new restaurant. If we get delayed by this moratorium, the developer may lose interest and walk away from the project. Trustee McGovern asked how many members the Tarrytown Boat Club has right now. Mr. Gregory responded 60 members and approximately 25 active members. That is the primary members. They have approximately 110 members this year. They used to be a 200-boat slip marina. They drastically lost membership because they haven't had a restaurant. They are currently an 80-boat slip marina. Mr. Gregory noted that there are two corporations on the waterfront; the Tarrytown Boat Club, which is a not for profit membership corporation and the Tarrytown Marina, which is a separate business entity. Trustee Zollo asked the size of the clubhouse that will be built on the second story of the locker house. Mr. Gregory responded 20' x 50' on top of the existing first floor of 20' x 50'.

Administrator Blau asked if the Tarrytown Boat Club were not granted the waiver, what happens with National Resources and Joe Cotter's commitment to the Tarrytown Boat Club and Yacht Club. Mr. Gregory responded that Joe Cotter would have to follow through with the building permits and approvals to build the Boat Club their boat club on the second story of the locker house. That is the first stage. Administrator Blau asked if the Tarrytown Boat Club were not granted the waiver, what would happen with Joe Cotter's commitment.

Mr. Gregory and Kevin McDermott responded that he can walk away from the entire

project. Mr. Gregory noted that the Tarrytown Boat Club has had problems with the insurance companies after Hurricane Sandy; the club lost approximately 60% of its revenue and could probably have lost the entire Boat Club entity itself. If they are not allowed to move forward with the new club house and restaurant, it will create a significant revenue problem and they will be forced to restructure the club or close a good portion of it down. Mayor Fixell asked if they feel the absence of the restaurant seriously affects the club membership and the use of the boat slips. Mr. Gregory responded that it has seriously affected membership. People have not returned in the past few years. Boating is recreational and without a restaurant, we have lost a significant number of members and boat slip revenue.

Trustee Zollo asked how many boat slips are available. Mr. Gregory responded that the boat club has capacity to provide approximately 200 boat slips. Some of the slips need to be repaired. They originally had an agreement with National Resources in 2008 that included dredging work; however that is not going to happen now as part of the new lease. In addition, recreational boating has changed to smaller type boats. Boat slips are rented by linear footage and due to smaller boat sizes, revenue is affected by this as well.

Mr. Gregory noted that historically there have been two corporations operating at the boat club. The parent company is the Tarrytown Boat Club. Most of the revenue for the Tarrytown Boat Club comes from the rental of the restaurant. The Tarrytown Marina business is a separate business and has been affected by diminished boat slip rentals. Trustee Zollo asked if the Tarrytown Boat Club was granted the waiver, when would the restaurant be built. Mr. Gregory stated that Joe Cotter is first committed to build the Tarrytown Boat Club a club house on the second floor of the locker house. Then he will be working with the Village to present proposed plans, get approvals and permits to build the restaurant. Trustee Zollo asked if Joe Cotter has any obligations to the Boat Club as it relates to the restaurant. Mr. Gregory stated that Joe Cotter will be paying the leases that the boat club has with the Village, the property taxes and a ground lease to the Boat Club. Right now the Boat Club is paying over \$100,000 a year, just in the Village's lease, property taxes and parking.

Trustee Butler asked if Joe Cotter will immediately build the second story club house. Mr. Gregory and Mr. McDermott responded, yes and they said that National Resources filed for building permits back in January. There were some issues with the permits, but all the issues have been corrected.

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

## HOLIDAY METER PARKING

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve a holiday parking meter program for the 2015 holiday season by designating certain parking meters to be covered to allow free parking subject to a two-hour time limit, from the period from Friday, December 4, 2015 through Saturday, December 26, 2015 at the following locations: all downtown business district street meters, municipal lots on South Washington Street East, South Washington Street West, McKeel Avenue, Neperan Road (Village portion of Citibank parking lot), South Broadway and the West Elizabeth Street (Junior League).