

Board of Trustees  
Village of Tarrytown  
Regular Meeting No. 5  
One Depot Plaza  
Tarrytown NY 10591  
February 8th 2023  
7:00 p.m.

PRESENT in person: Mayor Brown presiding; Trustees: Hoyt; Kim: McGovern; Mitchell; Rinaldi and Phillips-Staley; Village Administrator Slingerland; Village Attorney Zalantis; Village Treasurer Morales; Village Clerk Gilligan and Deputy Clerk Fasman

REGULAR MEETING: 7:00 P.M.

The meeting began with the Pledge to the Flag.

#### BOARD MISCELLANEOUS AND LIAISON REPORTS

Mayor Brown thanked everyone for attending, and noted that engagement with the community is always a good thing even when it is contentious. Since we have a full house tonight, Mayor Brown wished to remind everyone of the rules and procedures that are adopted annually at our Organizational Meeting. The rules help ensure that everyone who wants to speak has an opportunity to do so in a reasonable amount of time, and help keep us focused on the topic. Administrator Slingerland then read the rules of the meeting which were adopted at the December 5<sup>th</sup>, 2022 Organizational Meeting. She also noted that we have now introduced a public facing timer in order to ensure fairness and equity. If you have additional comments you may email them to the Village Clerk at [kgilligan@tarrytownny.gov](mailto:kgilligan@tarrytownny.gov). Mayor Brown raised concerns about the personal attacks that were lodged at the last meeting at towards the Chair of the Housing Affordability Task Force Sadie McKeown. She has devoted countless hours to the Village trying to make it better for all. You may disagree with her perspective, and may have problems with her processes and procedures, but we cannot tolerate the kind of attacks on a volunteer's integrity and her family. We take factual claims seriously and we investigate, however looking into insinuations made at the last meeting against Sadie we have found no merit to the claims. If people who volunteer for our Village are attacked in this way, we will be left without the critical engagement that helps make Tarrytown a wonderful place to live. If you have concerns, consider submitting them to the Village Administrator so that facts can be investigated, rather than damaging a person's reputation publicly before the facts are known. Mayor Brown concluded her report by reviewing the process that has already taken place in regards to the ADU legislation, listing the public hearings that have already been held as well as amendments to the legislation that were made.

Trustee Rinaldis foremost concern is about the truth regarding the ADU process as it has been questioned. We have heard your concerns and made significant changes to the proposed law. In regards to your concerns about the Public Hearing process, we will work towards making that information more accessible. The majority of folks have expressed their views in strong, passionate ways, however a few people have chosen to speak in loud disruptive ways and have refused to respect the time limit and repeating things that are false. Just because someone speaks the same lie over and over does not make it the truth. There have been some people who have publically maligned fellow residents who volunteer their incredible knowledge. Ms. McKeown was singled out. Her ethics, reputation and volunteerism should be celebrated. The brand of personal mean spirited behavior that has been previously expressed doesn't represent the values of the Tarrytown he knows and loves. He challenges us to be different. These are just a few people amongst us, and as we proceed this evening he asks that whether we agree or disagree we all respect the process to our Village, to each other, and to the truth.

Deputy Mayor McGovern reported that yoga is now available at the Recreation Center and an open house will be held this Saturday if you wish to gather more information. In addition, there is now a basketball clinic for kindergarteners through second grade at Washington Irving. Additional information can be found on our website.

Trustee Kim reported that the Route 9 Transportation Study has finished phase one and we are now entering phase two. This study focuses on making Broadway safer for pedestrians, vehicles and bicyclists. The study involves not only Tarrytown, but also Sleepy Hollow, Irvington, Dobbs Ferry and Hastings since we are all connected by Route 9. NYS DOT has awarded the next phase of the project, and this summer they will be launching public workshops in each community.

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#### CHANGES AND/OR ADDITIONS TO THE AGENDA

There were no additions or changes to the agenda.

#### ADMINISTRATOR'S REPORT

Administrator Slingerland read into the record the Action Item Minutes from the Wednesday January 25<sup>th</sup> Work Session which are attached to this set of minutes.

#### PUBLIC HEARING – LOCAL LAW #2-2023 TO AMEND THE VILLAGE CODE CHAPTER 305 – ZONING TO ENACT NEW PROVISIONS TO ALLOW AND REGULATE ACCESSORY DWELLING UNITS (ADUS) IN THE VILLAGE OF TARRYTOWN (FULL LANGUAGE OF THE PROPOSED LAW ATTACHED TO THIS AGENDA).

Mayor Brown noted that this is the fifth Public Hearing that is being held on ADUs. The ADU Legislation was one of the actions recommended in the Comprehensive Plan. Two years ago the Board of Trustees tasked the members of the Housing Affordability Task Force with investigating this for Tarrytown. Based upon extensive research and review, they put together draft legislation that they felt would work well in Tarrytown. The legislation was opened for public review, and we have spent the last five months hearing from residents. After the January 3<sup>rd</sup> meeting we took a pause to consider the comments we received. The legislation is better as a result, so thank you to everyone who has taken the time to reach out. Mayor Brown then read the various changes that were made from the initial legislation that was presented and also read the proposed Local Law regarding the ADU Legislation. Administrator Slingerland also read the letter from the Westchester County Planning Board regarding the ADU Legislation and their comments on the parking regulations. In addition, Mayor Brown advised that she met with the Assessor of Greenburgh, and the Assessor advised that if an ADU was installed in a home it would affect the property value, but if your neighbor installed an ADU it would not impact the neighboring properties value. Vacancy rates for rental properties in Greenburgh are at three percent. This is a way to give people options for properties that they already own while getting new rental units.

A motion was made by Deputy Mayor McGovern to open the public hearing which was seconded by Trustee Mitchell.

Elizabeth from Crest Drive stated something has gone awry with the democracy in Tarrytown. This proposal will alter 60 percent of the Village. You have failed to adequately inform, survey and answer the most basic questions of the residents in addition to having a

balanced Task Force. There is strong opposition to this law in which you have ignored. Tarrytown already has more density than the other villages in the comparison chart. In the three square miles of Tarrytown we have nearly 5000 housing units. What will this do to traffic, safety, water pressure etc.? By definition ADUs add housing which means increased density and density is one of the top three reasons why property values decrease. We ask for a moratorium on this law and go back to the drawing board.

Peter Feroe a resident and member of the Housing Affordability Task Force stated he is a planner by trade and believes that is why he was asked to serve on the task force. He is in favor of ADUs as they increase housing supply, and benefit both residents and new residents, and ADUs are among the easiest and cheapest way to add housing supply. He believes the potential impact of ADUs will be small, and it's a great balance. Mr. Feroe is also in favor of lowering taxes, and pedestrian improvements for safer neighborhoods. He feels we can all agree to disagree but he is not for hitting pause on this legislation and keeping things the way they are. That is not reality.

Haydee McCarthy feels there is a transparency issue. Why are there people on the Housing Affordability Task Force who could potentially stand to profit because the ADUs will require multifamily lending or going to get grants? Why didn't Sadie's daughter represent herself when she spoke? There is nothing wrong with seeking the truth and making sure things are done ethically. There is no requirement for notification of your neighbors regarding ADUs. It's ok to go to the ARB for things happening to the front of your home, but nothing that could impact neighbors on both sides? Three or four can be affected by one ADU. A lot of work still needs to be done and there is no need to rush this.

Trustee Kim asked Attorney Zalantis what are the notification requirements for land use boards and Attorney Zalantis replied that any dwelling within 250 feet requires notification.

Sadie McKeown from Orchard Place who is the Chair of the Housing Affordability Task Force stated that Maggie Singman is her daughter and she is an independent thinker. She came to the meeting in January and made her own independent comments. The fact that she is my daughter has nothing to do with what she said. As for her work with the Community Preservation Corporation, and they finance multifamily housing across the state and country. Because she is a volunteer on this committee she has not nor will she ever finance a project that has anything to do with her volunteerism. It is a true conflict of interest. She is on many other boards throughout the state, and has been vetted for her ethics and behavior. She would never take any benefit, financial or otherwise from anything she does here as a volunteer. People have been questioning her character which is upsetting. She has done great work volunteering for this Village, and has a deep commitment to affordable housing and our neediest residents. Anyone who wishes to question her character should question her directly outside of this forum.

Tom Tomino from Benedict Ave. wished to address the false premises that this legislation has been put forward to help homeowners, when in reality no part of the legislation discusses income limits, or wealth limits. This legislation you envision applying to homeowners who need an extra buck or to renters who can't find affordable housing doesn't apply unless you put it in the legislation. Since there is a sunset clause in the legislation, and it would have to be reintroduced, why not wait until the Governor starts acting. If the Governor brought it up again, you could reintroduce it then. The Board is under the impression there is a split opinion, and he believes that the majority are against this bill. What level of opposition would you have to see to abandon this?

Craig Singer from Hudson Harbor has been in the housing industry since he graduated Columbia Law School. He still works in the industry and volunteers on the Tarrytown Housing Affordability Task Force. The task force mission is to provide the Village with a better understanding of existing housing conditions and suggest ways to generate more housing affordability. They have no authority to execute anything, they only act as a resource. The task force deliberated for over two years on ADUs, and debated many approaches before making its recommendations. Public Hearings were held, and revisions were made. Several members of the task force including himself have received threatening, provocative and defamatory communications which is unacceptable. The Chairperson has been publicly attacked. He's implores that people stop. Unless there are real hard facts to

back up the claims that the BOT has been less than forthcoming, Mr. Singer feels these are diversionary tactics to distract. Experts like those of us on the task force are not unlimited. Everyone is entitled to his own opinion, but not his own facts. There is much more at stake here than ADUs. Our common interest in the Village we love is at stake.

Tina Bellino stated that Tarrytown is starting to feel like a Village of hills where nothing is on the level. Transparency, honesty and public service are waning. Democracy never works when there is a one party rule like we have here. Even Stanley Friedlander has been silenced, whose services are no longer welcomed. That speaks volumes about the willingness to entertain opposition to the preplanned agendas. This Board has chosen to shun inclusivity and shun opposing views. Growing political polarization and distrust in government is on an upswing. Rumors are going around regarding Asbury Terrace and Franklin Courts. Are we going to displace low income residents? Do we want what happen in White Plains in the 1950's to happen here in Tarrytown? Do we want our small town to resemble White Plains urban look? Term limits: No one should serve longer than four years as it creates a situation ripe with nepotism. As for ADUs a county in California went from 71 permits to over 6700 in five years. This will forever overburden our taxpayers, and schools. Lastly, the claim that you did not participate in the article regarding the Fire Department is another attempt at duping residents. The Hudson Independent lists the Mayors husband as being on the editorial board. Our one party Board is weaponizing the one local dissemination of information we have. Is alienating, criticizing and antagonizing and all volunteer fire department who save taxpayers approximately five to six million a year what residents want from the Board?

Sonia from Tarrytown stated this is a big deal for her. A lot of questions she had were cleared up for her and she understands the pressure the Board is under. Sonia did ask if you created an ADU does the property become multi-family. Mayor Brown responded no, it does not. It must be sold as one building and must be owner occupied and it is still a one family. Sonia then inquired if all the civil areas were consulted such as police, sewers, plumbing, and Con Edison? How would it impact infrastructure? Mayor Brown replied that numbers suggest that ADUs will not tax the systems. If we add ten or twenty ADU units, it would not have an impact. Sonia stated that we are not Greenburgh, we are the Village of Tarrytown and we are different. WE are not one and the same. She enjoyed all of the commentary this evening, and asked the Board to take their time in making a decision.

Janice Becker from Sunnyside Ave. stated there is a lot of divisiveness regarding this and why go through this for five or ten ADUs. She doesn't feel the Board has done their due diligence in regards to the cost, and the time and money spent on this already is becoming exorbitant. We have real issues that need to be dealt with, and it seems we should rethink this and not do this now. It's causing too much antagonism. In her 25 years here she has never felt this type of negativity and it does not seem to be worth it for five or ten ADUs.

Benjamin Zara from 23 Independence Street is in support of ADUs. People at previous meetings have said that the housing is affordable here, and that is true if you only want wealthy people here. He thinks about his neighbors as well as himself and realizes that they would be unable to move here today as it would be completely unaffordable. The revisions in the proposal would probably reduce the number of ADUs created. Giving people the opportunity to move here would be a good thing. Being hyper focused on housing values should not be the all we center our attention on. His neighbor's biggest fear is a parking apocalypse. Anything the Board can do to alleviate that fear will make this go easier.

Alan Green from Bridge Street moved here five years ago and has seen building improvements all around the Village. When he moved here friends were asking why Tarrytown? He replied that he wanted a smaller house, it's convenient. Mr. Green is against ADUs. The state will probably mandated this someday, but not yet. Our proposal does not cover the sewer system, and congestion is already getting worse. Let's wait for the Governor and not pull the trigger right now. We will have time to work on the infrastructure and improve upon what is going up. There are tiny properties here, and it will not look good.

Lester Jacobs stated it appears that the Board has already made up its mind to approve this massive change to zoning without a clear mandate to do so. It is not need in this town as we already provide a tremendous amount of affordable housing, second best in Westchester. Opposition is growing. If the Governor had any votes, she would have gone forward with it

already. It's never going to happen in NY. When he voted for the Mayor and current Board, he does not recall ADUs being part of the platform. He urges the Board to put it to referendum as that will tell whether the opposition is 50/50 or not. You claim this is a trial, but there is no sunset provision for this change. This is bureaucracy speak. Administrator Slingerland noted that there is a sunset provision which is one year or ten units whichever comes first. Mayor Brown stated that it is a trial and will be reviewed after one year and see how it's going. Mr. Jacobs said if it was truly a trial there would be a sunset provision. Take the word out, it is not a trial.

Heidi Bartolacci from Crest Drive is neither for or against ADUs she would like to learn more. She encourages the Board to think about the statement that they will measure success by the number of ADUs created. She does not think that is a great success measure. If the Board is concerned with enabling seniors to stay in Tarrytown, the Board should focus on that. Who benefits does matter. You might consider setting a metric to have 100 percent of ADUs be built by those that receive government subsidy. The risk here is that the wealthy will benefit and that is not a good outcome. Ms. Bartolacci then asked why this is being called a piolet when it is not a piolet. We are changing the zoning for all single family houses when you have the capacity in the variance process to simply grant them. If you do it that way you can control the number and we can learn from that process. You might have stronger support once people have more experience.

Arroyo from Crest Drive stated that the question of a referendum was discussed by the Board at the January 3<sup>rd</sup> meeting. Trustee Mitchell had questions, and Deputy Mayor McGovern was shushing everyone. What kind of government is this? You can be better than that. You are sitting there because you represent the people not for any other reasons. You can have different opinions. You listen to and speak for people. That is when you earn respect.

Mayor Brown noted that NYS does not allow referendum on zoning issues. The cannabis zoning was subject to it because it was ordered per state law. Attorney Zalantis noted that this Board has no authority to submit the law to the electors for approval as there is no mechanism for it under the law.

Bob Foreman from Sunset Drive asked about a non-binding referendum so the Board and get a feel from the community. Poll the community as it would express the community's issues. Per the regulations regarding homeowner occupancy, what is to stop the homeowner from moving out? There are illegal units now not being enforced. As for the Assessor's comments from Greenburgh regarding the property values, this would only apply to the assessed value, but if you have an ADU next door, it will certainly affect the resale value of your property.

Luke Gruber from 91 Riverview Avenue has heard a lot of concerns from his neighbors and he thinks fear is a great motivator to show up at 7:00 on a Wednesday. His neighbors are anxious and afraid. He feels a lot of fears have been addressed such as the parking, architectural change or density. The concern is there will be renters. He encourages everyone in this room to reflect on why they are concerned about renters. Tarrytown is changing. He is afraid that in five years \$40,000 property taxes will be normal. At that point who can live here? Super rich people. Will people in their 60's be able to afford the high taxes? If they have the opportunity to put extra money in their pocket that is worthwhile. He is not hearing public safety concerns, he is hearing concerns about more renters. He hopes the Board votes tonight. He is afraid that the community is spending so much effort trying to avoid change that they aren't spending any effort trying to adapt.

Trustee Kim asked how the Village usually finds out about illegal housing. Administrator Slingerland replied usually a resident or neighbor reports a complaint. In addition, our Building Inspector or Code Enforcement Officer drives through the Village looking for construction that is not permitted. It's very helpful when we receive a complaint since there are over 4500 parcels in the Village.

Dan Hanover from Park Avenue talked about the online petition that went around and its intent to create awareness. Most folks hadn't heard of this bill. There are over 500 signatures on the petition that are verified Tarrytown residents. It seems there are not a lot of people in favor of this. He saw something on television where it was said that Governor Hochul's ADU legislation was for one acre parcels. They also discussed keeping Home Rule so they can

keep their own people in charge of their neighborhoods. He would like the Board to consider their feelings and thoughts regarding ADUs and see if we can get some equilibrium. There are a lot of things missing in this process. He presented a copy of the petition, and hopes the Board looks at it because it is worth considering.

Joe Nevins from Hanford Place stated that over the last few years he has lost a lot of good neighbors. They were renters who were driven out by the rising cost of housing, and this is one reason why he is a strong supporter of this proposal. This is an important step in the right direction. Thank you for working on this and he hopes it passes soon.

Kathy Green from Bridge Street stated there is one home on her street that has a constant turnover of renters. It's been a very destabilizing experience. She loves Tarrytown but hates living next to that house. There are many homes in her neighborhood who are renting out rooms or apartments and she wonders if any research has been done. We may have hundreds of ADUs already. This is a congested town already with many houses on small lots. If a property has a detached garage will they be able to turn it into an ADU? Mayor Brown replied that they would have to go to the Zoning Board and get approval. Ms. Green stated there are many properties with detached garages and she cannot imagine them all becoming ADUs. People who stay here for six months or a year are not neighbors. They are here for a purpose and then move on. This is not helping neighborhoods or the community. It needs to be looked into a little bit more. Most people are afraid and against it.

Attorney Zalantis noted that any ADU must conform to the code.

Maryann from Leroy Avenue who is also a realtor stated that renting is not a solution to the housing problem. We need a way to come up with more affordable housing. Instead of building multi-million dollar condo on the waterfront, let's find a way that people can actually buy and become members of the community. Homes themselves are often the biggest investment we make and have an important effect on the value of our currencies and the levels of debt in our economy. This is not an industry that can be exported. It is a rock in our economy and we need to foster more homeownership and get away from renting.

John Stiloski from Wildey Street asked if we were going for the plus one grant. Mayor Brown stated that we did not apply for that grant. Mr. Stiloski asked if any non for profit applied for a grant administered by the Village. Mr. Stiloski then inquired if someone will be applying for a grant when the ADU legislation is passed. Mayor Brown replied we haven't looked into that. Mr. Stiloski stated that Rose Noonan of the Housing Action Council had already passed grants in other places and she will benefit if we apply for the plus one grant as she takes a direct salary from that situation. In regards to affordable housing, Mr. Stiloski talked about exhibit O regarding the sale of Asbury Terrace. If this is a hearing about ADUs, and the public is here to talk, why is the law already written? Are you going to pass the law this evening? Mayor Brown replied they might close the public hearing tonight. Mr. Stiloski feels like the grant is why the Board is pushing the law to go through so that the Tarrytown Housing Committee would benefit directly from the grant being applied to her organization.

Mayor Brown noted for the record that there are grants communities can get if they have ADUs. This is a new thing in the State budget, and Tarrytown has not applied for it.

Patricia Lancaster from Half Moon Lane stated she is against ADUs as there is not enough information to make a decision. There are unanswered questions about the schools, police, fireman and infrastructure. The cost will be passed onto the taxpayer. She is a senior, and an ADU in her home will not help her. Her house would be reassessed and her taxes would increase. She voted for the whole Board because she thought they would be open and forthcoming and listen to opposition. A lot more time and effort needs to be put into this, and questions need to be answered. Ms. Lancaster does not understand the parking requirements. Mayor Brown replied that all single family dwellings have to have two off street spaces. If you add an ADU a third parking space would need to be added. Ms. Lancaster would like more information before the Board votes.

Rose from Bridge Street was reading the agenda for this evening, and would appreciate economic health. Tarrytown is vibrant and diverse. The extra income from an ADU to pay her taxes would be welcome. She is on a fixed income and could use the help. She does not



want to move and she loves it here. If everyone in the room who was planning on putting an ADU in their home, she bets that she is the only one who would do it.

Dolf Beil from White Plains is troubled that the Board voted for a tax exemption for seniors and the time the Board has spent promoting that is zippo. The Tarrytown link promoted the number of units that would be expected, and there were different numbers for different communities. Other people pointed out this was somewhat disingenuous. He put together a table that shows public hearings, neighborhood mailings, parking requirements and no garages. Everyone else requires all of that. He has requested that he be allowed to attend the HATF meetings and was refused several times. He has two suggestions. If you feel you have to have a law, copy the one from Briarcliff. The second is to send this back to the committee to do the job they should have done with public input.

John Callahan from Crest Drive stated that he had an offline interaction with a task force member and received a bizarre communication in response. As for decorum, as the January 17<sup>th</sup> meeting I was accused of hatred towards Rockland County and he resents that and demands an apology. Mayor Brown replied that she thought bringing up Rockland County had no relationship to the Tarrytown of today. Bringing them up was to incite prejudice and she stands by her comments. Mr. Callahan asked how many illegal ADUs there are in the Village. Administrator Slingerland replied that Building Department stated they are not aware of any existing illegal ADUs that are in one family dwellings. There may be multi-family homes that have an additional unit we are not aware of. If people wish to come forward and report that they can. There are probably illegal dwellings in the Village but we do not know specifically where they are. Mr. Callahan asked if those would count towards the 10 units and Mayor Brown replied no. Administrator Slingerland stated that if there is a preexisting non-conforming house that has illegal units it is allowed as it predated zoning. Nonconforming means it may have several units but it is allowed by law because it predated the zoning law. Are they eligible for legalization, no if it's in excess of two units? In a single family home, with one ADU that would count as one towards the ten. Mr. Callahan asked how many seniors have expressed interest in an ADU. Mayor Brown replied they have not been polled. Mr. Callahan asked about the YMCA and Mayor Brown replied it is for low income seniors 55 and over and they do not need to be Tarrytown residents. Administrator Slingerland noted that the county is party a law that's suing for affordable, and Tarrytown adopted the law. WE are seeking to comply with the federal order to prevent some kind of harm coming to the Village in terms of fines and penalties for non-compliance. Mr. Callahan stated that he spoke with a firefighter and he told him that the Fire Department had not been consulted on this. Has the Police or EMT's been consulted? Mayor Brown advised that it was discussed at a Warden's Meeting and they asked that they be notified as the applications were approved. Mr. Callahan said the school district in Rockland County said ADUs are a disaster. Mr. Callahan then volunteered to be a member of the Affordable Housing Task Force in Tarrytown as he feels there is a different opinion needed on this. Mayor Brown replied that there is a portal on our website for volunteers and she encourages everyone to fill it out. Trustee Phillips-Staley stated that spoke with the school district administration and they have no stand on the ADU legislation.

Peter Bartolacci from Miller Avenue stated that while there might be experts on the committee there are also experts in this room on their neighborhoods. You have heard a lot of people who are not in favor and you should listen to them. One ADU is too many if it's across the street or next door and you don't want it. Once it's there it can't be unbuilt. If we are looking at 10 units why are we changing the entire zoning code? We know the Zoning and Planning Boards want this. It sounds like applications will be rubber stamped if they have to go to a land use board. Why not just let people get a variance? Let it stand. The cost benefit analysis on this you get an F on. Mr. Bartolacci asked Trustee Rinaldi what data he was looking at when stating parking wasn't going to be an issue. Go down Bridge Street, it gets very tight there. He couldn't make a U-turn on Tappan Landing. Attorney Zalantis stated it's virtually impossible to get a use variance under the standard in New York because you have to prove that you cannot get a reasonable return on your property if you use it for a use that is allowed in the zone. A variance would not be a way to get an ADU.

John Naughton from Independence Street noted that if you went for an ADU now you'd know who the property owner is, but if it's sold a corporation or LLC might purchase it and how will you tell who the owner is? How do we enforce that? Mayor Brown replied the

owner has to sign an affidavit. The penalties are in the existing village code. Mr. Naughton stated that it's disconcerting when you don't know who's living in a house. Think about the owners. It's all well and good now, but when they sell or die it's going to go awry. Mayor Brown noted that multifamily home in single family neighborhoods will not be eligible for ADUs.

Bonnie from Hudson Harbor stated that we should try to change the NYS variance law. There is a vacant lot next to where she lives, that could be used for affordable housing as it is now being used as a dump. There are plenty of sites in this town you could put in affordable housing such as 119 and along the river.

Mary Drake suggests that we tighten our documents. Hasting on Hudson's documents on ADUs are much stronger. In Hastings, the owner of the house has to be an individual. In addition Hastings requires permit renewal every three years and a site visit has to be done. They also only allow one border or one roomer, and require public notice. Irvington will not allow more than 50 ADU permits at any given time.

Mark Solomon from McKeel Avenue thanked the Board for examining this over several years and coming up with this legislation. He is in favor of this legislation and is in favor of anything that can increase the liberty of what he can do to his property and cut through the red tape. We have a lot of legislation regarding noise ordinances, garbage that should take care of most people's concerns. He asks that both sides listen to what their neighbors are saying. WE should pass this tonight and don't let emotional outbursts further gum up the important work of the Village. He does ask that the parking restriction be eliminated as we have enough parking as it is.

Jonathan Gleit from Barnes Road thanked the Board for working on this over a long period of time and he is in support of ADUs. As far as he understands there would be no property in the Crest area that would allow separate units, and they are large properties to begin with. There really aren't going to be that many and the cost may be prohibitive. There seems to be much ado about nothing and there really is a need for it. Kimberly Gleit stated that years ago they were looking for a mother/daughter home and were unable to find anything. This would have been a beautiful solution and she wishes it was an option back then. She hopes it passes and that everyone can take a step back from one another and let people do on their properties what they wish to do.

Shelly Colley from Riverview Avenue asked that if this is for affordable housing, would an owner be allowed to charge market rent. Mayor Brown replied that these units would not have to be that. There are incentives offered by NYS to make them so, but most likely these will be market value. These units will be on the less expensive side than what is available because of their smaller size. This is to help the people who already live here, and possibly have their family live here. This also helps with workforce housing as well. It's not the answer to affordable housing and we aren't making claims this will solve the problem of true affordable housing.

Liz Thrall from Riverview Avenue is in support of ADUs. There is an affordable housing crisis in Tarrytown, and there is a lot of upside to ADUs. This will not magically solve the housing crisis, but every little bit of housing stock increases affordability. It's a good first step. One of Tarrytown's appeals is its density and walkability. Some of our cutest street you have to really look to see if it's a single family or multi-family home. They blend in. New York City is one of the densest places in the country, and they have some of the highest property values. If you want to live in suburban sprawl you have your pick of a lot of places, but that isn't what Tarrytown is. This law is just building upon what makes Tarrytown special already. The law has been watered down, but the same people are still objecting to it. Now, fewer people can take advantage of this provision. Has this law been carefully considered and is it a step in the right direction. The answer to both questions is yes. She encourages the Board to pass this amendment.

Clarice from 19 South Broadway who is the President of Tarrytown Seniors stated that some people asked where all of the senior are and Clarice said many of them do not go out in the evening or drive at night. If this meeting was held during the day there would be at least 50



in attendance. As for the mandatory parking space in the law it is discriminatory as there are many areas in the Village where that is not feasible.

David Barnett from Main Street agrees with the concept of ADUs in theory but he has several problems with how this is proceeding. Why is there no neighborhood notification, and no architectural oversight? Administrator Slingerland replied that it would still be required for an ADU. If it was an addition, it would trigger Architectural review. ADUs are not exempt for anything. The same trigger for Planning Board would apply as well and including notification.

Ian Colley stated that he neither for or against ADUs, but what troubles him the most is he does not understand the objective. This doesn't seem like the most effective way to build the affordable housing stock. He thinks it's naïve to think that market rate even on a small apartment is affordable. There are also more effective ways of dealing with high property taxes then asking people to put tenants in their homes. If the Board would write down what their objective is, it would give him more clarity as to whether the policy pays off that objective.

Gary Bartolacci from Crest Drive stated Mr. Colley had a good point. What is the objective? It's not fully clear we are setting the objective and what are we measuring it against. He feels there are a lot more people against it than for it. It seems the Board has already made up their minds and you're going to pass it. It does not make sense to him.

Kyle Crawford from Warren Avenue stated that having an ADU to help the elderly pay their taxes is probably not reasonable. Many elderly have the enhanced STAR which is based upon income. If their income goes up, they will lose that tax benefit. They are going to spend money they don't have to earn income to lose their tax credits. These are single family homes, but when you have two families in them, they are two family. You're turning one family homes into two family. Theoretically, you could make any new home being built a two family or ADU house. We let Toll Brothers build at the river for the condo tax rate instead of them being built a 210. Administrator Slingerland replied that the builder was supposed to file that as fee simple and he did not. There is no legal recourse the Village has today. This is something we should think about a lot more. These are not affordable and are not going to be the desired effects the Board wants.

Mayor Brown stated that the objective is not to bring a lot of affordable housing such as Franklin Towers and Franklin Courts. This is a way for people to have more options on how to use their own property. Maybe the reasons for seniors are not as good as the math won't work out. There will be a small handful that can do this. If you can help a small group of people with little to no impact, that's a good tradeoff. Anything you read about ADUs states that it is a low impact zoning change. The only negatives to ADUs is if you want one. Taxes will go up, you become a landlord. It was identified in the Comprehensive Plan, and that is part of the reason that brought us here. The County Planning Department, other municipalities Building Departments, and people in other villages have not had a problem with them. We are not going to solve the affordable housing crisis or help all the seniors who cannot afford their home, but it will help some people. We have listened to all opinions and made significant changes to the law. When we close the Public Hearing and vote everyone will bring their integrity, conscience and love of Tarrytown to the table. Sitting at this dais is over 100 years of community service to this Village along with thousands of hours spent trying to help the people of Tarrytown. We have opinions, and our integrity should not be questioned.

Ann who lives in the Crest noted that the public was not informed and that other towns that have caps on the number of ADUs and parking restrictions or how one Village just legalized the ones that already existed. It's a bit disingenuous to call us liars and to say we're fear mongering when you have been doing the exact same thing. She understands making laws to help people, but if we make laws to help a few people where does it end? Do we need more cars here? She lives in the Crest and it is not walkable. Buses are crowded, now we're going to add more kids to the buses. You have not demonstrated a profound need for this. Why right now? Why not go back to the drawing board? Why isn't there a cap on the number of ADUs? She cannot fathom why anyone thinks this is a good idea. Why is it Tarrytown's responsibility to fix the housing crisis? We've done our part.

Trish from Sunnyside Avenue realized that the subject of ADUs has been around since 2016. This is the federal government intruding on our local government. Villages are being rewarded for passing these laws. You were asked earlier if you could apply for a grant and you said not until the law has passed. That answers her question. She does not feel the Board has answered her question on why we have to do this now. You didn't answer the question about the grant. If the answer is yes, that's what's pushing this tonight. She is not impressed. You have been asked specific questions and have not answered them. Who are you representing, a task force or a village?

Nick from Miller Avenue has seen a lot of changes over the years and ADUs are not a good change. His kids will never know what it's like to ride a bike in the street. New developments on the waterfront have only increased traffic. The fact that the whole board agrees on something that has so much concern is alarming. This Board needs to listen to its constituents concerns and alleviate them before making a decision. He encourages the Board to get more community feedback and additional information on infrastructure. Allowing ADUs in a single family neighborhood is a direct attack on our suburban community and the quality of life. Neighborhoods will turn into overcrowded urban center and make people flee. He hope the Board listens, and takes time before making a decision. The majority does not believe this is the right move to make.

Eric from Tappan Landing was on the Police Reform Committee, and what made it a great Board was the diversity of opinion and thought. He commends the work the Housing Board did, but he feels they are pushing their own agenda. They are all experts in their field, and he commends them for it, but there was no pushback. No one got to voice their opinion. This should have been modeled after the Police Reform Board where the whole community was there. He doesn't think everyone's opinion was taken into consideration on this, and it's going to affect the whole community.

Trustee Kim stated that he lives in Miller Park and he moved to Tarrytown because he felt that people were welcoming. One of the reasons he moved to his neighborhood is because he was looking for a two family. He lives in a two family so he basically lives in an ADU. As an architect he has designed neighborhoods where 85 percent of the homes had ADUs. ADUs offer flexibility. As families change and evolve the house can change with them. The AARP has been advocating for this for the last 20 years because ADUs are good for people and places. They are an affordable housing option offering options that are not on the marketplace. They are adaptive of all ages. They fit into an existing neighborhood and infrastructure. This is about allowing all of us to have choices.

Denise from the Crest stated that she feels that having a single family home in a single family neighborhood is frowned upon. You are taking away my choice to live in a single family neighborhood. We do have diverse housing and there are other options to take. You are taking an option away from me. You say low impact, but if you're a homeowners with three ADUs around you there is an impact. When talking about the piolet, how do you know when to stop? You said when too many are in an area. What are you going to do? Are you going to rezone the ADUs are will it persist forever. Why not take some more time to consider this.

Judy from Crest Drive feels that more discussion needs to be had on this issue. Her back round is in affordable housing and changing the zoning across the board is reckless. It would be more prudent to continue to have more discussions in a planned way. The Housing Task Force should not be the conduit for developing this policy. The single family homeowners should be part of the discussion. She urges that they do not vote and have more conversations.

Carlo from the Crest asked is someone wants to build an ADU can your neighbor have input? Mayor Brown reported that if you were only doing interior work and you have the parking, neighbors would not have to be notified. He has a big garage in the back of his property and he does not think it's fair to subject the neighbors to an unknown tenant. It's just not fair. It will change the dynamic of where we live.

Mark Frey from Ossining he feels things have improved with the changes, but more questions were brought up tonight. There is more that needs to be learned and there are some

unintended consequences that need to be addressed. He does not think the third parking space should be required in an area where the parking is most severe. Land use boards have served us well, and notifying your neighbors is part of the democratic process. He thinks it's a mistake to close the public hearing and vote tonight. A lot has been learned and a lot more needs to be learned.

Deputy Mayor McGovern stated that she is not comfortable with closing the hearing tonight. There is more to be learned and she doesn't think she is ready to say yes to this as it stands. She encourages some type of consensus with people who are not in favor, as everyone has legitimate concerns. We have to listen to each other and try to get to a point where everyone can live with it. Personally she is not ready to stop listening or move forward. Trustee Phillips-Staley stated that the purpose of the pilot is so that they can continue to assess and they can continue to have dialogue. Deputy Mayor McGovern replied that it is still important to look into this further and answer all the additional questions. There is no rush on this. It's so contentious and it's about listening and getting answers. Trustee Kim stated that he respects Becky and Bobby's opinions, but he is ready to vote. He doesn't see any benefit to continue the public hearing.

Anthony from Independence Street asked if there could be another meeting on a Saturday so that seniors may attend.

Trustee Phillips-Staley stated that she truly believes that this law will have no impact in the way that you fear. It's not easy to look at people who disagree with her and say this, but she was elected to take a stand. This process has been going on since 2018 and an immense amount of deliberation has been had. She wishes it weren't so polarized, but it is. She is going to go with her conscience and move forward.

Trustee Phillips-Staley made a motion to close the Public Hearing which was seconded by Trustee Kim.

Roll Call: Trustee Mitchell; Yes, Trustee Rinaldi; Yes, Deputy Mayor McGovern; No, Mayor Brown; Yes, Trustee Hoyt; No, Trustee Kim; Yes, Trustee Phillips-Staley; Yes

The motion to close the Public Hearing was passed with five in favor and two opposed.

On a motion made by Trustee Phillips-Staley, and seconded by Trustee Rinaldi the following resolution was approved with four in favor, two opposed with one abstaining. Approved: 4-2-1

Roll Call: Trustee Phillips-Staley; Yes, Trustee Kim; Yes, Trustee Hoyt; No, Deputy Mayor McGovern; No, Trustee Rinaldi; Yes, Trustee Mitchell; Yes

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

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

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

WHEREAS, a public hearing was held on the proposed action on October 17, 2022, November 7, 2022; November 21, 2022, January 3, 2023, and February 8, 2023; and

WHEREAS, the Board of Trustees of the Village of Tarrytown is the only agency which has approval authority over the Proposed Action, and is therefore the Lead Agency for the Proposed Action; and

WHEREAS, the proposed local law has been on the desks of the members of the Board of Trustees for seven days, exclusive of Sunday.

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

BE IT FURTHER RESOLVED that in accordance with Article 8 of the State Environmental Conservation Law and 6 NYCRR Part 617, including without limitations the criteria set forth in 6 NYCRR Part 617.7(c), the Village Board of Trustees hereby determines that the Proposed Action will not have a significant adverse environmental impact as its purpose is to diversify housing options while ensuring single family residential zones maintain their community character, and the mitigation measures built into the legislation to that end include limiting the size of the units to less than 1,000 sf or no more than 50% of the floor area of the principal dwelling and allowing only one per lot; limiting the height of detached units to 25' or the height of the principal single-family dwelling; and requiring a minimum 6 month-rental among other limiting factors; and therefore the Board of Trustees hereby adopts a Negative Declaration for the proposed action as set forth in the full EAF Part 3, a copy of which is attached to the minutes; and

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

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

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD ONLY ON ITEMS LISTED ON THE AGENDA, OTHER THAN PUBLIC HEARING ITEMS. SPEAKERS SHALL HAVE THREE (3) MINUTES EACH TO ADDRESS THE BOARD OF TRUSTEES

Kate Hopkins from Croton Avenue stated that everyone since 2009 has done a great job on this Board. She has noticed that over the last several years the amount of hostility and divisiveness. This room is your house, and your house is opened to the public. You've done a phenomenal job. Keep doing it. There shouldn't be commentary from the peanut gallery in the back. Maybe we should start enforcing the rules. The amount of disrespect that has been shown is disgusting. A lot of got you questions are being asked. The Board is phenomenal. Thank you.

STIPULATION OF AGREEMENT – VILLAGE OF TARRYTOWN AND THE CSEA  
APPROVAL OF AGREEMENT BETWEEN THE CIVIL SERVICE EMPLOYEE  
ASSOCIATION AND THE VILLAGE OF TARRYTOWN.

On a motion made by Trustee Hoyt, and seconded by Trustee Mitchell, the following resolution was unanimously approved. Approved: 7-0

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

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

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

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

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

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

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

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

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

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

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

RESOLUTION TO AUTHORIZE AN INTER-MUNICIPAL AGREEMENT (IMA)  
BETWEEN THE VILLAGE AND THE MUNICIPAL EMPLOYEE BENEFITS  
CONSORTIUM (MEBCO)

On a motion made by Deputy Mayor McGovern, and seconded by Trustee Kim, the following resolution was unanimously approved. Approved: 7-0

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

RESOLUTION TO AUTHORIZE THE ORDER FOR A POLICE VEHICLE AND A  
POLICE MOTORCYCLE

On a motion made by Trustee Hoyt, and seconded by Trustee Mitchell, the following resolution was unanimously approved. Approved: 7-0

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

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

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

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

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

RESOLUTION TO DECLARE COURT METAL DETECTOR AS SURPLUS

On a motion made by Deputy Mayor McGovern, and seconded by Trustee Phillips-Staley, the following resolution was unanimously approved. Approved: 7-0

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

APPROVAL OF THE MINUTES OF THE BOARD OF TRUSTEES MEETING OF JANUARY 17, 2023

On a motion made by Trustee Mitchell, and seconded by Trustee Rinaldi, the following resolution was unanimously approved. Approved: 7-0

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

APPROVAL OF THE ACTION MINUTES OF THE BOARD OF TRUSTEES WORK SESSION MEETING OF JANUARY 25, 2023

On a motion made by Trustee Hoyt, and seconded by Trustee Kim, the following resolution was unanimously approved. Approved: 7-0

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

APPROVAL OF THE MINUTES OF THE BOARD OF TRUSTEES MEETING OF JANUARY 17<sup>th</sup>, 2023

On a motion made by Trustee Mitchell, and seconded by Trustee Rinaldi the following resolution was approved. Approved: 7-0

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

APPROVAL OF AUDITED VOUCHERS

On a motion made by Deputy Mayor McGovern, seconded by Trustee Mitchell the following resolution was unanimously approved. Approved: 7-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve Abstract No. 14 of Audited Vouchers in the total amount of \$1,090,614.75 as presented by the Village Treasurer, to be paid in the following amounts:

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



Roll Call: Trustee Hoyt; Yes, Trustee Kim; Yes, Trustee Mitchell; Yes, Trustee Rinaldi; Yes, Trustee; Phillips-Staley; Yes. Deputy Mayor McGovern; Yes, Mayor Brown; Yes.

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD ON ITEMS NOT INCLUDED ON THE AGENDA. SPEAKERS HAVE THREE (3) MINUTES BEFORE YIELDING TO THE NEXT SPEAKER

Haydee McCarthy apologized for her behavior earlier as some of the things she has written about that the Board has done, she did as well. She has spoken before this Board the past few weeks, because she feels that some of the comments made by the Mayor and some Board members seemed to insult the intelligence of our residents. Administration and Board members could benefit from leadership training, especially in the area of self-awareness, communication emotional intelligence and politics. You have made a commitment to represent all of the people of Tarrytown, not just the ones that agree with your policy. At a previous work session you stated there were suggestions for stricter rules and everyone was in favor of the law. As you can see tonight, not everyone is in favor. Some comments made at a work session were that people are overdramatized, we need to figure out how to manage people and you don't anticipate parking to be a problem. Most people have expressed that parking is their main issue and it has been in Tarrytown for over 30 years. When members of the community are offended, you roll your eyes, make faces and you make no responses to questions. There is the appearance of professional impropriety and dissemination of the facts regarding speakers. She congratulates Deputy Mayor McGovern and Trustee Hoyt for showing their conviction. She knows that she runs the risk of retaliation the next time she goes before a board for her personal home. Mayor Brown replied that that is an unfair, untrue statement.

Peter Bartolacci from Miller Avenue would like to contradict everything that was just said as he is the poster child for retaliation and retribution. It happens, it's real and people are afraid of it. He has experienced it as well as others. People don't come to meetings because they don't want to speak about things. Mr. Bartolacci then asked about the telephone pole in front of his house which has been there for two and a half years. When will it get removed? Administrator Slingerland replied that we have approached the utilities and asked them to take action. There is one utility that still has wires on the pole that our DPW has contacted several times without a response. We are still working on it. Mr. Bartolacci asked that Con Edison and Verizon be contacted so that this can be taken care of.

John Stiloski from Wildey Street stated that he has spoken about Asbury Terrace before and the sale. There is a faith based building that does not want to get screwed. Mr. Stiloski read from "Exhibit A" a statement which said: In the event of a dissolution of the company or the winding up of its affairs, the company property shall not be conveyed or distributed only to an organization created and operated for non for profit purposes. Shall be contained or distributed only to an organization created and operated for no for profit purposes similar to those in a corporation provided. However, the company at times shall have the power to convey any and all its property to the Federal Housing Commission or a nominee. The building is sold for profit. What are you going to do about it? Mayor Brown replied these are very specific questions, and we cannot answer without seeing the documents. Administrator Slingerland replied that the sale of Asbury Terrace is not something the Village is party to. This was approved by the Attorney General's Office and we can give you the contact information for Nixon Peabody. Mr. Stiloski then played an unnamed recording which sounded like Administrator Slingerland saying there is no proposal for sale as far as the Village is aware. Mr. Stiloski said the for profit has raised the rent 100 percent. He continued by talking about "Exhibit O" where they petition for more rent and it was approved. Deputy Clerk Fasman explained that the way Section 8 rents work is that tenants only pay 30% of their income as rent. Mr. Stiloski said there are people who are not Section 8 whose rent has doubled. He the talked about "Exhibit K" which states that the agency shall establish a committee to advise the HJC Board of Directors regarding expenditures through the advisory committee. The advisory committee shall consist of members of the Tarrytown Affordable Housing Committee. Mayor Brown stated that he may have legitimate concerns, but he is bringing it up in a forum by surprise and we cannot answer him without documents. Attorney Zalantis stated that Asbury Terrace is a non for profit private corporation that is not in the Villages control at all in any way. That private corporation sold their asset and according to

their attorney they had to get approval from the AG's Office. If there was an issue with that sale, that is the private corporations problem. The Village has no control or authority over this. Mr. Stiloski stated that our Housing Affordability Task Force has a member who is also on the Housing Authority.

Carlo stated that he lives on Union and people are speeding, particularly in the morning. We need a stop sign there. People go into other lanes and there are no sidewalks. This is on Union heading east. Trustee Kim stated that he will talk with the Transportation and Mobility Council as it is not just his stop sign it's a system wide thing. We will figure out how to make that intersection safe and look at short term and long term fixes.

Elizabeth has been to Board meetings before, and had watched the January 11<sup>th</sup> work session and it is appalling that you are laughing and being dismissive of your constituents. The group thinking is just appalling. There is a strong opposition and the majority want a further discussion. Many of us would have said no, let's talk about illegal units or seniors and their adult children. There is room for discussion and she applauds Trustee Hoyt and McGovern for voting no. What about the rest of you? It's about representing. Trustee Phillips-Staley said she understands and if she were allowed to have an ADU in her neighborhood she would love to have her mother live with her. A lot of people support this law. Many people have come and said please pass it. Elizabeth said it is not about you, it's about representing all of us. Do an unofficial referendum. Come up with something that is truly a consensus and not where the majority is concerned. You are not doing your duty to your constituents. Trustee Phillips-Staley feels that we need new microphones for the work sessions and she feels there is misinterpretation of what is being said sometimes.

Logan Spector property manager for the Tarrytown Marina asked Administrator Slingerland if he had an answer from his questions about the misuse of grant money. Mr. Spector said he spoke with George Paschalis from the NY Thruway Authority who stated he found an email from Administrator Slingerland asking him to repurpose the dredging money for the baseball field lights. Mr. Spector continued by stating that Administrator Slingerland said in one of the meetings that the Village had to put three million dollars. Administrator Slingerland replied that was what he was told at the time. The Mayor and Board at that time only wanted to spend \$300,000 on dredging, The Thruway Authority said we could not spend just \$300,000 that we had to spend the entire amount that was included in the grant.

Administrator Slinger continued by stating that if he needed to call Mr. Paschalis and remind him of that conversation he would do so. Mr. Spector said there was no mention of that in his email to the Thruway Authority and Administrator Slingerland stated that the Fire Department did not have the required estimates. Administrator Slingerland replied that any quotes provided could not be used as something like that would have to be publically bid, performance bonds would need to be issued, in addition to proof of prevailing wages being paid. Any public project over \$35,000 has to be publically bid and subject to additional requirements. Mr. Spector replied none of that was mentioned in the email to the Thruway Authority. He has submitted a FOIL request for the email, but has not received it yet. Mr. Spector then read the resolution he said that Tarrytown approved at the August 21, 2017 meeting. Administrator Slingerland again stated that in his conversation with Mr. Paschalis, the Thruway Authority would not allow Tarrytown to do only \$300,000 worth of dredging. The Village was not willing to fund a project with a 90% Village match and a 10% State match. Mr. Spector continued by stating that also in the email it said the Fire Department did not have the permit application or the permit that was given out, but a permit was issued in 2015 and it was good until the end of 2017. In addition Mr. Spector has an email in which Administrator Slingerland extends the permit by two years. Mayor Brown commented that you can't ask Administrator Slingerland to remember exactly what happened six years ago. Mr. Spector replied that is why he brought it up at the last meeting. He has come back with the facts. Mayor Brown stated while she apologizes that they don't have the facts at this moment, this is not the place to bring up something that happened six years ago if you want the right answers. You have to allow people time to look back on their notes, and you can have a meeting with Administrator Slingerland if you wish. Administrator Slingerland is unsure what the point of this is as he believes the Board is in support of extending the docks out into the area that the Fire Department needs to have access. Mr. Spector stated that at an April 2022 meeting someone brought up that that is only a temporary solution to a long term problem that is well overdue. The Village did not use that money and decided to get it repurposed instead of using it for dredging. It's now six years later and you want to put a

band aide on it. He got the dredging permit for the marina, and now the price of dredging has doubled. Back when the permit was first issued there were no requirements for contaminated soil. Now there are which has increased the price. Mayor Brown stated that he brought up a lot of interesting points, and if he would like to schedule a meeting with the Administrator and some Trustees he may do so. Mr. Spector noted that he is here this evening on behalf of National Resource's, not the Tarrytown Fire Department. This wasn't done when it could have been done, and it is now affecting the Fire Department.

John Callahan from Crest Drive asked who owns the YMCA building. Administrator Slingerland replied that it is owned by Wilder Balter. Mr. Callahan said that according to his research it was not to be sold to a for profit company. In addition, Mr. Callahan would like to know who he can speak to regarding the disturbing email he received from a Housing Task Force member. Administrator Slingerland replied to send it to him. Mr. Callahan then inquired about how to join the Housing Task Force and he was directed the Village website where you can apply online.

Dolf Beil from White Plains stated that the website is not up to date and there are four inconsistencies in the volunteer section of the website which have been repeatedly pointed out. Take the time and fix it. Dr. Stanley Friedlander has a PHD from MIT and he has advised Lyndon Johnson and has served in the position for 48 years. He offered a minority opinion on 29 South Depot Plaza and as a result in many people's opinions he was demoted as Chairperson of the Planning Board. His term expired in December and he is currently in carryover status. His qualifications are unrivaled and he understands our environmentally sensitive waterfront, and he knows that his ideas run afoul of the build at any cost mentality which is currently in vogue. Paul Birgy was canned as a result of the same problem. This is a way to get him out without having a public vote. Kick the can down the road and maybe something will change. Mayor Brown stated she has been in contact with Dr. Friedlander, and we are working out a situation. When it is time to reappoint him, you will know.

Trish from Sunnyside Avenue asked why our speaking had to stop tonight in regards to ADUs. Now you are left with a great deal of this community that is angry at you and doesn't trust you. She didn't know anything about these meetings, and everyone trusts you will make the right decision. That was a mistake. She thinks the Board heard tonight that is not how they feel. That's what you're faced with, and the residents are faced with problems between each other because of this. This is a terrible mistake. Will these applications be noted anywhere in public? Mayor Brown replied that they will be keeping track of them, and all Building Permits are a public record. Trish asked if they could be published as that is the only way our community is going to know what's going on. Mayor Brown said we can make it noted where ADUs have been approved, and neighbors will receive a notice if any application has to go before a land use board. Many ADUs will end up going before a land use board. Trish concluded that she feels this was a big mistake. Mayor Brown stated that the people who voted yes on this in front of people who they knew disagreed with them took bravery and gumption, but they did so with conviction. They voted with the same motivation which is they love Tarrytown. Did people all agree? No. We are trying to do the best that they can, and everyone on this Board has the highest integrity

Mr. Herm thanked the Board for lowering the speed limit and putting the slow down sign on Benedict. It has made a difference, and people have really slowed down. We would still like to have a crosswalk on Grove near Benedict as traffic is still an issue. Thank you to the Police Department for helping his son get to school. The officers are friendly and supportive. Other neighbors including himself are looking to slow down traffic on Benedict near the Franklin Side of Grove Street. Thank you for all of your work and your service and he is thankful that everyone gets to share their opinions whatever side they are on. He hopes everyone can get to a place where we can talk to each other and not at each other. He's thankful for everyone and he loves living in this community.

Patrick Derivan thanked Trustee Hoyt and Deputy Mayor McGovern for standing with the people tonight. If you had taken more time, you might have gotten more people who understood what is going on. He hasn't seen too many people in favor at the last meeting or this meeting. You're the leaders and are supposed to help the people out, help them understand. He is not representing the Fire Department tonight, but when Mike Blau was the Administrator he helped obtain a grant for the fire boat. He asked what else does the fire

department need, and they said we need to dredge. The estimated cost was \$300, 00 and Mike Blau got the Thruway Authority to say we have the \$300,000, get your three prices. We got one for around \$299,000, Mike retires and now it becomes \$2.3 million. He doesn't know where that number came from, as they were only looking to dredge that little area. Mike had \$300,000, we had the permits, and we were ready to go. That just went away.

#### ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 11:36 pm on a motion made by Trustee Hoyt, and seconded by Trustee Kim with all voting aye: 7-0

Kristine Gilligan  
Village Clerk

Board of Trustees  
Village of Tarrytown  
Work Session – Action Items  
Village Hall, 1 Depot Plaza, Tarrytown  
Wednesday, January 25, 2023 6:00 pm

PRESENT: Mayor Brown, Trustees Hoyt, Kim, McGovern, Mitchell, Rinaldi and Phillips-Staley. Staff present included Village Administrator Slingerland, Village Attorney Zalantis, Treasurer Morales and Deputy Village Clerk/Assistant Administrator Fasman.

These minutes capture the portions of the meeting when action items were addressed, with the first at the beginning of the meeting, which started at approximately 6:05 p.m.

**First Action Item – Resolution for submission of a letter regarding the Fireboat McKean**

On the motion of Mayor Brown, seconded by Trustee Rinaldi, the following resolution was adopted by vote of seven in favor, none opposed.

WHEREAS on November 7, 2022, the Village received a letter of notification from the State Historic Preservation Office indicating that the Fireboat McKean had applied for historic preservation status with a home port listed at the Tarrytown Marina; and

WHEREAS the State Historic Preservation Review Board was scheduled to approve or deny the application on December 8, 2022, and the Village was presented with the opportunity of commenting on the application; and

WHEREAS the Board of Trustees adopted a resolution on December 5, 2022 authorizing the Village Administrator to submit a letter requesting that review of the application be postponed to give the Village time to consider and submit comment on the matter; and

WHEREAS on December 8<sup>th</sup>, the State Historic Review Board Review voted to grant historic preservation status to the McKean Fireboat without receiving comment from the Village of Tarrytown, but agreed to reserve the submission of the application to the National Historic Preservation Review Board for 60 days to allow the Village additional time to review the matter and submit comment; and

WHEREAS, the Board of Trustees requested that the McKean Fireboat Preservation Project demonstrate public support for the boat's presence on the Tarrytown waterfront and two community meetings were held at the Senior Center on January 10<sup>th</sup> at 2pm and 7pm, and information was published in the Village newsletter and on the Village website; and

WHEREAS after receiving many comments from residents both for and against having the boat docked on the Tarrytown waterfront, and after investigating many of the questions that remain regarding the future plans for the Fireboat McKean;

NOW THEREFORE BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby authorize the Village Administrator to submit a letter expressing objection to the Fireboat McKean Preservation Project's application for historic preservation status with Tarrytown Marina listed as its home port.

**Second Action Item – Adopting an amended resolution for the Eastview Pump Station Grant application.**

**Post-Public Hearing - Grant application to the New York State Empire State Development Restore NY Round 7 for funding the Village of Tarrytown's Adaptive Reuse of Eastview Pump Station Rehabilitation project.**

On the motion of Deputy Mayor McGovern, seconded by Trustee Mitchell, the following resolution was adopted by vote of seven in favor, none opposed.

WHEREAS the Village of Tarrytown is eligible for grant funding under Round 7 of the Restore NY Communities Initiative Municipal Grant Program, and

WHEREAS the Board of Trustees has considered proposals that qualify for funding under the program and selected one project to be included in an application that will be submitted to Empire State Development Corporation (ESDC) as follows:

Rehabilitation of Eastview Pump Station, located adjacent to the Tarrytown Lakes along Neperan Rd Tax Map Id 1.61-28-1.SP. The project will restore the untended 15,000 square foot building and convert it for commercial use in partnership with Duncan's Abbey.

WHEREAS this project was included in the Implementation Action chapter (p.120) of the Comprehensive Plan (2018) to help achieve the goal "to preserve and enhance historical resources and institutions"; and

WHEREAS over the past ten years several major steps have been taken by the Village toward the restoration of the building including a Phase I Environmental Site Assessment, the partial removal of hazardous materials and asbestos, and the issuance of an Economic Development Request for Proposals (RFP) to identify a private partner willing to work with the Village on the building's revitalization; and

WHEREAS as the result of the RFP, the chosen respondent to the request for proposals, Duncan's Abbey, a private developer/craft beer manufacturer based in Tarrytown and led by Justin DiNino, a civil engineer by training, remains committed to the transformation of the historic structure into a lakefront brewery and destination featuring New York-sourced and crafted beer, while also providing important amenities including public restrooms for visitors to the Empire State and North County trailways; and

WHEREAS the restoration of the historic structure requires additional removal of hazardous materials and asbestos, as well as a replacement of the roof and structural stabilization; and



WHEREAS the Village seeks grant funds from the Restore NY program in the amount of \$2,000,000 to fund the proposed \$2,450,000 restoration projects including roof replacement, stabilization, and the removal of hazardous materials from the Eastview Pump Station; and

WHEREAS the Village is committed to supplying the 10% match of \$200,000 in accordance with program guidelines through cash or in-kind contributions, and additionally, will provide the \$250,000 needed to complete the defined scope of work, bringing the Village's total commitments to \$450,000 of cash and in kind contributions; and

WHEREAS, a notice of public hearing was published in the Journal News on January 8th 2023, January 9th, 2023 and January 10th, 2023, and a public hearing was held on January 17th, 2023; and

WHEREAS this project is consistent with all existing local plans, the proposed financing is appropriate for the project, the project will facilitate effective and efficient use of existing and future public resources so as to promote both economic development and preservation of community resources and the project develops and enhances infrastructure and/or other facilities in a manner that will attract, create, and sustain employment opportunities in the Village of Tarrytown.

NOW THEREFORE BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby supports and will sponsor an application for Restore NY funding for the Eastview Pump Station, Tax Map Id 1.61-28-1.SP for the amount of \$2,000,000 in grant funds toward a total project cost of \$2,450,000 for the roof restoration, structural stabilization and the removal of hazardous materials, and will administer the grant in accordance with all applicable rules and regulations established by the ESDC; and

BE IT FURTHER RESOLVED that the Village Administrator is authorized to sign the applications and any agreements required by ESDC for grant funding that results from the application.

**Third Action Item – Resolution authorizing an extension of the Washington Irving Boat Club (WIBC) License.**

The Village Administrator and Attorney explained that the previous monthly payment was \$2,500, and the new monthly payment will be \$4,000 per month, and the extension agreement includes a commitment by the WIBC to pay the property taxes incurred during the term of the license.

On the motion of Trustee Phillips Staley, seconded by Mayor Brown, the following resolution was adopted by vote of seven in favor, none opposed.

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby authorize and direct the Village Administrator to execute an extension license

agreement between the Village of Tarrytown and the Washington Irving Boat Club for twelve (12) months, at a rate of four thousand dollars (\$4,000) per month for a term running from January 1, 2023, expiring on December 31, 2023, in a form acceptable to the Village Administrator and the Village Attorney.

Upon completion of the Action Items the Meeting continued on with remaining Work Session items and business.

Respectfully submitted,

Richard Slingerland, Village Administrator and Kristine Gilligan, Village Clerk

LOCAL LAW \_\_ - 2022

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

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

**ACCESSORY DWELLING UNIT or ADU**

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

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

(15) Accessory Dwelling Unit

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

(b) Required standards. The Building Department shall grant a permit for the creation, legalization or construction of an accessory dwelling unit (ADU): (a) within or as an addition to an existing one-family dwelling in all single-family residential zones (~~R-80~~, R-60, R-40, R-30, R-20, R-15, R-10, R-7.5 and R-5); (b) within an existing detached building in all single-family residential zones; (c) within a new detached building that meets the district’s requirements for accessory buildings in the ~~R-80~~, R-60, R-40, R-30, R-20, R-15 residential zones; and (d) within an existing detached building on a lot in the R-10, R-7.5 and R-5 residential zones, but there shall be no construction of a new building for an ADU in the R-10, R-7.5 and R-5 residential zones, subject to any applicable building and fire code standards and subject to these standards:

- 1) Number of ADUs per lot: There shall be no more than one ADU per lot.
- 2) Owner-occupancy. The owner of the single-family residence lot must reside as the owner’s primary residence in either the main dwelling unit or the ADU.

- 3) Floor area: An ADU shall have a minimum habitable floor area of 300 square feet and a maximum habitable floor area of 1,000 square feet. Notwithstanding the foregoing, an ADU shall not have a habitable floor area of more than 50% of the habitable floor area of the lot's primary dwelling.
- 4) Bedrooms. The maximum number of bedrooms in an ADU shall be two.
- 5) Setbacks and Building Coverage. Notwithstanding any other provision of this Chapter, an existing building that is legally non-conforming with current dimensional or coverage regulations may be legally changed in use, in whole or in part, to an ADU provided that the dimensional non-conformity is not increased and provided the height of an existing building that fails to meet setback requirements is not increased.
- 6) Entrances. No new entrances to the street-facing façade of a main building may be added for the purpose of creating an ADU
- 7) Height of ADU. Notwithstanding any other provisions of this Chapter, the maximum building height shall be the lesser of: (1) 25 feet; or (2) the height of the one-family dwelling principal building.
- 8) Minimum term of rental: The rental term of an ADU shall be for at least six months.
- 9) Parking. No additional parking is required for an ADU provided that existing off-street parking is not reduced below that which is otherwise required through the creation of the ADU.
- 10) Adequacy of Septic System: If the lot is serviced by a septic system the owner must demonstrate that the existing septic system can handle the addition of any ADU by securing the necessary permits from the Westchester County Department of Health.
- 11) Land Use Board Review. No land use board review is necessary for an ADU permit except if: (i) (a) a new addition to an existing one-family dwelling is created for the ADU and the addition increases footprint, square footage or FAR triggering the requirement for Planning Board site plan approval under § 305-132(A)(1); (b) an existing garage is converted to an ADU resulting in the need for on-site parking triggering the requirement for Planning Board site plan approval under § 305-132(A)(2); and/or (c) there is a change, addition or modification to land or buildings designated as an historic district or historic landmark by the Village Board

triggering the requirement for Planning Board site plan approval under § 305-132(A)(3); and/or (ii) Architectural Review Board approval under § 9-4(A)(4).

(c) Penalties for offenses.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **Section 12: Severability**

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

#### **Section 13: Effective Date**

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



**Full Environmental Assessment Form**  
**Part 1 - Project and Setting**

**Instructions for Completing Part 1**

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

**A. Project and Applicant/Sponsor Information.**

<b>Name of Action or Project:</b> Permitting Accessory Dwelling Units within Single-Family Zoning Districts		
<b>Project Location (describe, and attach a general location map):</b> Village of Tarrytown		
<b>Brief Description of Proposed Action (include purpose or need):</b> The Village of Tarrytown proposes to allow well-controlled accessory dwelling units (ADUs) to be occupied within the Village's Single-Family Zoning District.		
<b>Name of Applicant/Sponsor:</b> Village of Tarrytown	<b>Telephone:</b>	
	<b>E-Mail:</b>	
<b>Address:</b> One Depot Plaza		
<b>City/PO:</b> Tarrytown	<b>State:</b> NY	<b>Zip Code:</b> 10591
<b>Project Contact (if not same as sponsor; give name and title/role):</b> Richard Slingerland, Village Administrator	<b>Telephone:</b> 914-631-1785	
	<b>E-Mail:</b> rslingerland@tarrytowngov.com	
<b>Address:</b>		
<b>City/PO:</b>	<b>State:</b>	<b>Zip Code:</b>
<b>Property Owner (if not same as sponsor):</b>	<b>Telephone:</b>	
	<b>E-Mail:</b>	
<b>Address:</b>		
<b>City/PO:</b>	<b>State:</b>	<b>Zip Code:</b>

**B. Government Approvals**

**B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)**

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	Board of Trustees (Zoning Text Amendment)	
b. City, Town or Village <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Planning Board or Commission		
c. City, Town or <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Village Zoning Board of Appeals		
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. County agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
<b>i. Coastal Resources.</b> <i>i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <i>ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <i>iii. Is the project site within a Coastal Erosion Hazard Area?</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

**C. Planning and Zoning**

<b>C.1. Planning and zoning actions.</b>	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No • If Yes, complete sections C, F and G. • If No, proceed to question C.2 and complete all remaining sections and questions in Part 1	
<b>C.2. Adopted land use plans.</b>	
a. Do any municipally-adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway, Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, identify the plan(s): _____ _____ _____	
c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, identify the plan(s): _____ _____ _____	

<b>C.3. Zoning</b>	
a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. If Yes, what is the zoning classification(s) including any applicable overlay district?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
All Single Family Zoning Districts within the Village of Tarrytown	
b. Is the use permitted or allowed by a special or conditional use permit?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
c. Is a zoning change requested as part of the proposed action?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes, i. What is the proposed new zoning for the site? No Zoning Map Change is proposed.	
<b>C.4. Existing community services:</b>	
a. In what school district is the project site located?	Tarrytown
b. What police or other public protection forces serve the project site?	Tarrytown
c. Which fire protection and emergency medical services serve the project site?	Tarrytown
d. What parks serve the project site?	Village, State, and County Parks throughout Village

#### D. Project Details

<b>D.I. Proposed and Potential Development</b>	
a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)?	
b. a. Total acreage of the site of the proposed action?	_____ acres
b. Total acreage to be physically disturbed?	_____ acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?	_____ acres
c. Is the proposed action an expansion of an existing project or use?	<input type="checkbox"/> Yes <input type="checkbox"/> No
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____	
d. Is the proposed action a subdivision, or does it include a subdivision?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)	
ii. Is a cluster/conservation layout proposed?	<input type="checkbox"/> Yes <input type="checkbox"/> No
iii. Number of lots proposed?	_____
iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____	
e. Will the proposed action be constructed in multiple phases?	<input type="checkbox"/> Yes <input type="checkbox"/> No
i. If No, anticipated period of construction: _____ months	
ii. If Yes:	
• Total number of phases anticipated _____	
• Anticipated commencement date of phase 1 (including demolition) _____ month _____ year	
• Anticipated completion date of final phase _____ month _____ year	
• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____	

f. Does the project include new residential uses? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes, show numbers of units proposed.				
	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes,	
i. Total number of structures: _____	
ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length	
iii. Approximate extent of building space to be heated or cooled: _____ square feet	

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes,	
i. Purpose of the impoundment: _____	
ii. If a water impoundment, the principal source of the water: <span style="float: right;"> <input type="checkbox"/> Ground water <input type="checkbox"/> Surface water streams <input type="checkbox"/> Other specify: _____       </span>	
iii. If other than water, identify the type of impounded/contained liquids and their source. _____	
iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres	
v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length	
vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____	

**D.2. Project Operations**

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) If Yes:	
i. What is the purpose of the excavation or dredging? _____	
ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?	
• Volume (specify tons or cubic yards): _____ • Over what duration of time? _____	
iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____	
iv. Will there be onsite dewatering or processing of excavated materials? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If yes, describe: _____	
v. What is the total area to be dredged or excavated? _____ acres	
vi. What is the maximum area to be worked at any one time? _____ acres	
vii. What would be the maximum depth of excavation or dredging? _____ feet	
viii. Will the excavation require blasting? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
ix. Summarize site reclamation goals and plan: _____	

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes:	
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____	

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

iii. Will the proposed action cause or result in disturbance to bottom sediments? ☐ Yes ☐ No  
If Yes, describe: \_\_\_\_\_

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? ☐ Yes ☐ No  
If Yes:

- acres of aquatic vegetation proposed to be removed: \_\_\_\_\_
- expected acreage of aquatic vegetation remaining after project completion: \_\_\_\_\_
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): \_\_\_\_\_
- proposed method of plant removal: \_\_\_\_\_
- if chemical/herbicide treatment will be used, specify product(s): \_\_\_\_\_

v. Describe any proposed reclamation/mitigation following disturbance: \_\_\_\_\_

\_\_\_\_\_

c. Will the proposed action use, or create a new demand for water? ☐ Yes ☐ No  
If Yes:

i. Total anticipated water usage/demand per day: \_\_\_\_\_ gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☐ Yes ☐ No  
If Yes:

- Name of district or service area: \_\_\_\_\_
- Does the existing public water supply have capacity to serve the proposal? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No
- Do existing lines serve the project site? ☐ Yes ☐ No

iii. Will line extension within an existing district be necessary to supply the project? ☐ Yes ☐ No  
If Yes:

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_
- Source(s) of supply for the district: \_\_\_\_\_

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☐ No  
If Yes:

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- Proposed source(s) of supply for new district: \_\_\_\_\_

v. If a public water supply will not be used, describe plans to provide water supply for the project: \_\_\_\_\_

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: \_\_\_\_\_ gallons/minute.

d. Will the proposed action generate liquid wastes? ☐ Yes ☐ No  
If Yes:

i. Total anticipated liquid waste generation per day: \_\_\_\_\_ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): \_\_\_\_\_

\_\_\_\_\_

iii. Will the proposed action use any existing public wastewater treatment facilities? ☐ Yes ☐ No  
If Yes:

- Name of wastewater treatment plant to be used: \_\_\_\_\_
- Name of district: \_\_\_\_\_
- Does the existing wastewater treatment plant have capacity to serve the project? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No

<ul style="list-style-type: none"> <li>• Do existing sewer lines serve the project site? _____</li> <li>• Will a line extension within an existing district be necessary to serve the project? _____</li> </ul>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes: <ul style="list-style-type: none"> <li>• Describe extensions or capacity expansions proposed to serve this project: _____</li> </ul>	
<hr/>	
iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? _____ If Yes: <ul style="list-style-type: none"> <li>• Applicant/sponsor for new district: _____</li> <li>• Date application submitted or anticipated: _____</li> <li>• What is the receiving water for the wastewater discharge? _____</li> </ul>	<input type="checkbox"/> Yes <input type="checkbox"/> No
v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans): _____ _____ _____	
vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____ _____ _____	
<hr/>	
e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? _____ If Yes: <ul style="list-style-type: none"> <li>i. How much impervious surface will the project create in relation to total size of project parcel?                  _____ Square feet or _____ acres (impervious surface)                  _____ Square feet or _____ acres (parcel size)</li> <li>ii. Describe types of new point sources. _____</li> <li>iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)? _____                  _____                  _____</li> <li>• If to surface waters, identify receiving water bodies or wetlands: _____                  _____                  _____</li> <li>• Will stormwater runoff flow to adjacent properties? _____</li> </ul>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? _____	
f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? _____ If Yes, identify: <ul style="list-style-type: none"> <li>i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles) _____</li> <li>ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers) _____</li> <li>iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation) _____</li> </ul>	
<hr/>	
g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? _____ If Yes: <ul style="list-style-type: none"> <li>i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) _____</li> <li>ii. In addition to emissions as calculated in the application, the project will generate:             <ul style="list-style-type: none"> <li>• _____ Tons/year (short tons) of Carbon Dioxide (CO<sub>2</sub>)</li> <li>• _____ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)</li> <li>• _____ Tons/year (short tons) of Perfluorocarbons (PFCs)</li> <li>• _____ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)</li> <li>• _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)</li> <li>• _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)</li> </ul> </li> </ul>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No



<p>h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Estimate methane generation in tons/year (metric): _____</p> <p>ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____</p>			
<p>i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____</p>			
<p>j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. When is the peak traffic expected (Check all that apply): <input type="checkbox"/> Morning <input type="checkbox"/> Evening <input type="checkbox"/> Weekend  <input type="checkbox"/> Randomly between hours of _____ to _____</p> <p>ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____</p> <p>iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease: _____</p> <p>iv. Does the proposed action include any shared use parking? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____</p> <p>vi. Are public/private transportation service(s) or facilities available within 1/2 mile of the proposed site? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p>			
<p>k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Estimate annual electricity demand during operation of the proposed action: _____</p> <p>ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____</p> <p>iii. Will the proposed action require a new, or an upgrade, to an existing substation? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p>			
<p>l. Hours of operation. Answer all items which apply.</p> <table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>i. During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul> </td> <td style="width: 50%; vertical-align: top;"> <p>ii. During Operations:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul> </td> </tr> </table>		<p>i. During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>	<p>ii. During Operations:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>
<p>i. During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>	<p>ii. During Operations:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>		

<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration:</p> <p>_____</p>	
<p>ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>Describe: _____</p>	
<p>n. Will the proposed action have outdoor lighting? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:</p> <p>_____</p>	
<p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>Describe: _____</p>	
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____</p> <p>_____</p>	
<p>p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Product(s) to be stored _____</p> <p>ii. Volume(s) _____ per unit time _____ (e.g., month, year)</p> <p>iii. Generally, describe the proposed storage facilities: _____</p> <p>_____</p>	
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Describe proposed treatment(s):</p> <p>_____</p> <p>_____</p>	
<p>ii. Will the proposed action use Integrated Pest Management Practices? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p>	
<p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> <li>• Construction: _____ tons per _____ (unit of time)</li> <li>• Operation : _____ tons per _____ (unit of time)</li> </ul> <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> <li>• Construction: _____</li> <li>• Operation: _____</li> </ul>	
<p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> <li>• Construction: _____</li> <li>• Operation: _____</li> </ul>	

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☐ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): \_\_\_\_\_

ii. Anticipated rate of disposal/processing:

- \_\_\_\_\_ Tons/month, if transfer or other non-combustion/thermal treatment, or
- \_\_\_\_\_ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: \_\_\_\_\_ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☐ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: \_\_\_\_\_

ii. Generally describe processes or activities involving hazardous wastes or constituents: \_\_\_\_\_

iii. Specify amount to be handled or generated \_\_\_\_\_ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: \_\_\_\_\_

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No

If Yes: provide name and location of facility: \_\_\_\_\_

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: \_\_\_\_\_

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

☐ Urban ☐ Industrial ☐ Commercial ☐ Residential (suburban) ☐ Rural (non-farm)

☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): \_\_\_\_\_

ii. If mix of uses, generally describe: \_\_\_\_\_

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____			

c. Is the project site presently used by members of the community for public recreation? ☐ Yes ☐ No  
i. If Yes, explain: \_\_\_\_\_

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? ☐ Yes ☐ No  
If Yes,  
i. Identify Facilities: \_\_\_\_\_  
\_\_\_\_\_

e. Does the project site contain an existing dam? ☐ Yes ☐ No  
If Yes:  
i. Dimensions of the dam and impoundment:  
• Dam height: \_\_\_\_\_ feet  
• Dam length: \_\_\_\_\_ feet  
• Surface area: \_\_\_\_\_ acres  
• Volume impounded: \_\_\_\_\_ gallons OR acre-feet  
ii. Dam's existing hazard classification: \_\_\_\_\_  
iii. Provide date and summarize results of last inspection: \_\_\_\_\_  
\_\_\_\_\_

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? ☐ Yes ☐ No  
If Yes:  
i. Has the facility been formally closed? ☐ Yes ☐ No  
• If yes, cite sources/documentation: \_\_\_\_\_  
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: \_\_\_\_\_  
\_\_\_\_\_

iii. Describe any development constraints due to the prior solid waste activities: \_\_\_\_\_  
\_\_\_\_\_

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? ☐ Yes ☐ No  
If Yes:  
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: \_\_\_\_\_  
\_\_\_\_\_

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☐ Yes ☐ No  
If Yes:  
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☐ Yes ☐ No  
☐ Yes – Spills Incidents database Provide DEC ID number(s): \_\_\_\_\_  
☐ Yes – Environmental Site Remediation database Provide DEC ID number(s): \_\_\_\_\_  
☐ Neither database  
ii. If site has been subject of RCRA corrective activities, describe control measures: \_\_\_\_\_  
\_\_\_\_\_

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☐ Yes ☐ No  
If yes, provide DEC ID number(s): \_\_\_\_\_  
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): \_\_\_\_\_  
\_\_\_\_\_



<p>m. Identify the predominant wildlife species that occupy or use the project site:</p> <p>_____</p> <p>_____</p> <p>_____</p>	
<p>n. Does the project site contain a designated significant natural community? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Describe the habitat/community (composition, function, and basis for designation): _____</p> <p>_____</p> <p>ii. Source(s) of description or evaluation: _____</p> <p>iii. Extent of community/habitat:</p> <ul style="list-style-type: none"> <li>• Currently: _____ acres</li> <li>• Following completion of project as proposed: _____ acres</li> <li>• Gain or loss (indicate + or -): _____ acres</li> </ul>	
<p>o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Species and listing (endangered or threatened): _____</p> <p>_____</p> <p>_____</p>	
<p>p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Species and listing: _____</p> <p>_____</p>	
<p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If yes, give a brief description of how the proposed action may affect that use: _____</p> <p>_____</p>	
<p><b>E.3. Designated Public Resources On or Near Project Site</b></p>	
<p>a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes, provide county plus district name/number: _____</p>	
<p>b. Are agricultural lands consisting of highly productive soils present? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>i. If Yes: acreage(s) on project site? _____</p> <p>ii. Source(s) of soil rating(s): _____</p>	
<p>c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature</p> <p>ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____</p> <p>_____</p> <p>_____</p>	
<p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. CEA name: _____</p> <p>ii. Basis for designation: _____</p> <p>iii. Designating agency and date: _____</p>	

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
If Yes: <ul style="list-style-type: none"> <li>i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District</li> <li>ii. Name: _____</li> <li>iii. Brief description of attributes on which listing is based: _____</li> </ul>	
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
g. Have additional archaeological or historic site(s) or resources been identified on the project site? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
If Yes: <ul style="list-style-type: none"> <li>i. Describe possible resource(s): _____</li> <li>ii. Basis for identification: _____</li> </ul>	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
If Yes: <ul style="list-style-type: none"> <li>i. Identify resource: _____</li> <li>ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____</li> <li>iii. Distance between project and resource: _____ miles.</li> </ul>	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
If Yes: <ul style="list-style-type: none"> <li>i. Identify the name of the river and its designation: _____</li> <li>ii. Is the activity consistent with development restrictions contained in 6 NYCRR Part 666? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></li> </ul>	

**F. Additional Information**

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

**G. Verification**

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Village of Tarrytown

Date: 11/18/2022

Signature Richard Slingsland

Title Village Administrator

PRINT FORM





Full Environmental Assessment Form  
Part 2 - Identification of Potential Project Impacts

Agency Use Only (if applicable)
Project: Permitting ADUs in SF Zones
Date: 12/16/2022

Part 2 is to be completed by the lead agency. Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency’s reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency and the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

Tips for completing Part 2:

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer “Yes” to a numbered question, please complete all the questions that follow in that section.
- If you answer “No” to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box “Moderate to large impact may occur.”
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the “whole action”.
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

<b>1. Impact on Land</b> Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) <i>If “Yes”, answer questions a - j. If “No”, move on to Section 2.</i>			
	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES	
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

2. Impact on Geological Features

The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g)

☒ NO
☐ YES

If "Yes", answer questions a - c. If "No", move on to Section 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____	E2g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

3. Impacts on Surface Water

The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h)

☒ NO
☐ YES

If "Yes", answer questions a - l. If "No", move on to Section 4.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	<input type="checkbox"/>	<input type="checkbox"/>

1. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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<b>4. Impact on groundwater</b> The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) <i>If "Yes", answer questions a - h. If "No", move on to Section 5.</i>			
	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES	
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>5. Impact on Flooding</b> The proposed action may result in development on lands subject to flooding. (See Part 1. E.2) <i>If "Yes", answer questions a - g. If "No", move on to Section 6.</i>			
<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may result in development in a designated floodway.	E2i	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input type="checkbox"/>	<input type="checkbox"/>
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	<input type="checkbox"/>	<input type="checkbox"/>

g. Other impacts: _____			<input type="checkbox"/>	<input type="checkbox"/>
<b>6. Impacts on Air</b> The proposed action may include a state regulated air emission source. <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. D.2.f., D.2.h, D.2.g) <i>If "Yes", answer questions a - f. If "No", move on to Section 7.</i>				
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur	
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels: i. More than 1000 tons/year of carbon dioxide (CO <sub>2</sub> ) ii. More than 3.5 tons/year of nitrous oxide (N <sub>2</sub> O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF <sub>6</sub> ) v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions vi. 43 tons/year or more of methane	D2g D2g D2g D2g D2g D2h	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input type="checkbox"/>	<input type="checkbox"/>	
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	<input type="checkbox"/>	<input type="checkbox"/>	
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	<input type="checkbox"/>	<input type="checkbox"/>	
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input type="checkbox"/>	<input type="checkbox"/>	
f. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>	

<b>7. Impact on Plants and Animals</b> The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <i>If "Yes", answer questions a - j. If "No", move on to Section 8.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<input type="checkbox"/>	<input type="checkbox"/>

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	<input type="checkbox"/>	<input type="checkbox"/>
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	<input type="checkbox"/>	<input type="checkbox"/>
j. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

8. Impact on Agricultural Resources

The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.)

☒NO
☐YES

If "Yes", answer questions a - h. If "No", move on to Section 9.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

9. Impact on Aesthetic Resources

The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.)

☒ NO

☐ YES

If "Yes", answer questions a - g. If "No", go to Section 10.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

10. Impact on Historic and Archeological Resources

The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.)

☒ NO

☐ YES

If "Yes", answer questions a - e. If "No", go to Section 11.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places.	E3e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input checked="" type="checkbox"/>	<input type="checkbox"/>

d. Other impacts: <u>any change, modification or addition to land or buildings designated as historic district or landmarks would trigger site plan review by the Planning Board</u>		<input checked="" type="checkbox"/>	<input type="checkbox"/>
If any of the above (a-d) are answered "Moderate to large impact may occur", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	<input type="checkbox"/>	<input type="checkbox"/>
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>

<b>11. Impact on Open Space and Recreation</b> The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. (See Part 1. C.2.c, E.1.c., E.2.q.) <i>If "Yes", answer questions a - e. If "No", go to Section 12.</i>	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES
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	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input type="checkbox"/>	<input type="checkbox"/>
e. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>12. Impact on Critical Environmental Areas</b> The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) <i>If "Yes", answer questions a - c. If "No", go to Section 13.</i>	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES
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	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>13. Impact on Transportation</b> The proposed action may result in a change to existing transportation systems. <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. D.2.j) <i>If "Yes", answer questions a - f. If "No", go to Section 14.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. Projected traffic increase may exceed capacity of existing road network.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action will degrade existing transit access.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>14. Impact on Energy</b> The proposed action may cause an increase in the use of any form of energy. <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. D.2.k) <i>If "Yes", answer questions a - e. If "No", go to Section 15.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	<input type="checkbox"/>	<input type="checkbox"/>
e. Other Impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>15. Impact on Noise, Odor, and Light</b> The proposed action may result in an increase in noise, odors, or outdoor lighting. <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. D.2.m., n., and o.) <i>If "Yes", answer questions a - f. If "No", go to Section 16.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in routine odors for more than one hour per day.	D2o	<input type="checkbox"/>	<input type="checkbox"/>



d. The proposed action may result in light shining onto adjoining properties.	D2n	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

16. Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part I.D.2.q., E.1. d. f. g. and h.)

☒ NO
☐ YES

If "Yes", answer questions a - m. If "No", go to Section 17.

	Relevant Part I Question(s)	No,or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	<input type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

17. Consistency with Community Plans
The proposed action is not consistent with adopted land use plans.  
(See Part 1. C.1, C.2. and C.3.)  
If "Yes", answer questions a - h. If "No", go to Section 18.

☒ NO
☐ YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	<input type="checkbox"/>	<input type="checkbox"/>
h. Other: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

18. Consistency with Community Character
The proposed project is inconsistent with the existing community character.  
(See Part 1. C.2, C.3, D.2, E.3)  
If "Yes", answer questions a - g. If "No", proceed to Part 3.

☒ NO
☐ YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

Full Environmental Assessment Form

Part 3 - Evaluation of the Magnitude and Importance of Project Impacts

and

Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

Description of Proposed Action

The proposed action is a text change to the Village Zoning Ordinance to legalize and control accessory dwelling units in single-family residential zones and regulate new conversions or new construction of accessory dwelling units in these zones. All of the single-family residential zones are included as eligible zones for accessory ADU uses. The R-80 zone which is the lowest density single-family zone is mapped around the Tarrytown Lakes area and located within the watershed Critical Environmental Area. Much of the district's land is owned by the Village. The highest density single-family zone, R-5, is mapped in a very small area in the downtown. The EF School (former Marymount) occupies a significant portion of the R-20 district. The Belvedere Estate and Westchester County Park occupy a large portion of the R-40 district in the southwest area of the Village. An Accessory Dwelling Unit (ADU) is a second, smaller dwelling unit on the property of an existing home. An ADU can be attached within the property's primary building, added to the same building or detached in a separate garage or new cottage. An ADU will be treated the same as other accessory uses requiring a building department administrative review and building permit. An existing building that is legally non-conforming with current dimensional or coverage regulations may be legally changed in use to an ADU provided that the dimensional non-conformity and the non-conforming height is not increased. Site plan approval would only be required in cases where a building addition increases building coverage, square footage or floor-area ratio to the extent where it triggers a site plan approval that would ordinarily be required, or if a building is designated as part of a historic district or as a historic landmark. Site plan approval would also be required in cases where an existing garage is converted to an ADU and the need to provide additional parking triggers a site plan review.

Legislative Purpose

The intent of the proposed legislation is to diversify housing while ensuring single-family residential zones maintain their character; to ease homeowners' financial burden by allowing a means of rental income, and to provide for the health, safety and welfare of the Village of Tarrytown's residents and the occupants of accessory dwelling units. The proposed legislation on ADU represents the implementation of the recommendation of the Tarrytown Connected Comprehensive Plan "allowing accessory unit strategies could enable more efficient use of existing resources and an additional source of monthly income".

Housing Need

Based on the Westchester County Housing Needs Assessment, Pattern for Progress (November 2019), the number of owner households in the Village of Tarrytown paying 50% or more of monthly income on mortgages or housing maintenance (Severely Cost Burdened) was 350 households or 13% while renter households paying more than 50% of monthly income toward rent (Severely Cost Burdened) was 295 households or 19.3%.The Assessment Study provided a Projection of Current Housing Need for 65 households. (Source: Decennial Census, 2000 and 2010; American Community Survey 5-year Estimates, 2017). Several Westchester County municipalities have enacted legislation allowing Accessory Dwelling Units in their codes. Based on information from Westchester County Planning, we have provided data on the following Villages' experience in producing ADUs as well as the date legislation was enacted: Briarcliff Manor - 26 (2014), Buchanan - 25 (1989), Croton on Hudson - 10 (2015), Hastings on Hudson - 23 (1997 - updated 2019), Irvington - 2 (2016), and Pleasantville - 5 (2020). These Villages have comparable housing needs to Tarrytown as profiled in the County's Housing Needs Study. It is anticipated that the Village of Tarrytown will experience similar ADU results in the range of 20 to 30 units. (Continued)

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: ☐ Type 1 ☒ Unlisted

Identify portions of EAF completed for this Project: ☒ Part 1 ☒ Part 2 ☒ Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information  
Accessory Dwelling Units Infrastructure & Statement of Support, Tarrytown Housing Committee (Powerpoint Presentation at Public Hearing), 10/17/22;  
Tarrytown Housing Committee, ADU Summary for Village Board of Trustees, 5/2/22; ADU legislation, 11/2/22; Westchester County Housing Needs  
Assessment, Patterns for Progress, 11/19; Westchester County Planning GML Letter, 11/21/22; Tarrytown Connected Village Comprehensive Plan, 11/18.

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the  
Village of Tarrytown Board of Trustees as lead agency that:

- ☒ A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.
- ☐ B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).
- ☐ C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: Permitting Accessory Dwelling Units within Single-Family Zoning Districts	
Name of Lead Agency: Village of Tarrytown Board of Trustees	
Name of Responsible Officer in Lead Agency: Karen Brown	
Title of Responsible Officer: Mayor	
Signature of Responsible Officer in Lead Agency:	Date:
Signature of Preparer (if different from Responsible Officer) Robert Galvin, AICP Village Consulting Planner	Date:

**For Further Information:**

Contact Person: Richard Slingerland, Village Administrator

Address: One Depot Plaza, Tarrytown, NY 10591

Telephone Number: 914 631-1885

E-mail: [rslingerland@tarrytowngov.com](mailto:rslingerland@tarrytowngov.com)

**For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:**

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

## **Legislation - Permitting ADUs in Single-Family Zones**

### **Mitigation Measures**

To reduce any possible density impact, the proposed legislation limits ADUs to no more than two bedrooms and limits their floor area to a maximum of 1,000 sf. which cannot be greater than 50% of the primary structure. ADUs are oriented to smaller households (singles, younger, and older) and support senior residents aging in place. The legislation is designed to be a low-density tool to create more affordable housing options which do not change the overall appearance of the single-family neighborhoods. The ADU legislation provides additional design standards to allow the creation of well-controlled ADUs while maintaining the single-family character of the area. Design standards include the following: a) that there shall be no construction of a new building for an ADU in the R-10, R-7.5 and R-5 residential zones. This is due to concern of the properties' smaller lot sizes and yard dimensions; b) limit of one ADU per lot; c) the height of new detached ADU shall be the lesser of 25' or the height of the existing single-family principal building. d) no new entrances added to the street-facing facade of the main building; e) minimum six-month rental; f) owner-occupancy - owner must reside as the primary resident in either the main dwelling unit or the ADU; g) parking not required for the ADU but remains for the existing single-family residence; h) If lot is serviced by a septic system, owner must demonstrate that system is adequate to support ADU and obtain necessary County Health permits; i) ADU limited to a minimum of 300 sf and a maximum of 1,000 sf and, in no case, larger than 50% of the floor area of the lot's main house.

### **GML Review**

The proposed legislation was referred to Westchester County Planning on November 8, 2022, which reviewed the revised proposed Local Law. County Planning provided a GML review dated November 21, 2022, which found the project to be responsive to *Westchester County's Housing Needs Study* and encouraged the Board of Trustees to adopt the proposed ADU regulations. The GML referral was similar to the County Planning GML review on October 21, 2022 supportive of allowing accessory dwelling units, as such units expand the range of housing types available in Westchester's communities, which is consistent with the County Planning Board's long-range planning policies set forth in *Westchester 2025—Context for County and Municipal Planning and Policies to Guide County Planning*, adopted by the Board on May 6, 2008, amended January 5, 2010, and its recommended strategies set forth in *Patterns for Westchester: The Land and the People*, adopted December 5, 1995.

### **Historic Resources**

Any change, modification or addition to land and buildings designated as part of a historic district or as a historic landmark will require site plan review by the Village Planning Board.

### **Environmental Constraints**

All of the single-family residential zones in the Village are included as eligible for Accessory Dwelling Unit uses. The R-80 zone is mapped around the Tarrytown Lakes area and located within the designated watershed Critical Environmental Area defined by the DEC and designated

by Westchester County and the Village of Tarrytown. The Tarrytown zoning code provides for a Special Tarrytown Lakes Setback of 300 feet inland from the mean high-water mark along the entire circumference of the lakes. Much of the land in this district is owned by the Village, of Tarrytown.

### **Traffic/Parking**

Based upon information from the other similar municipalities with ADU legislation, there will be a limited number of ADUs, in the range of 20 to 30 ADUs spread throughout all of the Village's residential zones, there will be minimal potential impact on traffic. The current parking requirement of two spaces per unit remains for the primary structure on the property. No additional parking is required for an ADU provided that existing off-street parking is not reduced below that which is otherwise required. In cases where an existing garage is converted to an ADU and there is a need to relocate existing required parking, a site plan review by the Planning Board would be required.

### **Public School Children Impacts**

In November 2018, the Rutgers University Center for Urban Policy Research<sup>1</sup> updated residential demographic multipliers from its previous 2006 study<sup>2</sup> projecting the potential number of public school-age children for diverse types of rental units. The study uses the American Community Survey (ACS) census data and contains information on demographic multipliers, including the average number of public school-age children found in housing units of diverse types and sizes. Consistent with trends in declining birth rates, the updated demographic multipliers have resulted in the generation of fewer school children than the previous multipliers. Renters of one-bedroom units in low rise (2-4 units) generated 0.175 public school children per unit. Renters of two-bedroom units in low rise (2-4 units) generated 0.471 public school children per unit. Note that ADUs are limited in the Village to no more than two-bedrooms and a maximum size of 1,000 sf or less. Based on the anticipated range of 20-30 ADUs in the Village, the indication is that the number of school children generated would be small.

### **Noise, Odor, Light**

The proposed legislation allows the interior renovation of or addition to existing structures or the conversion of existing garages or construction of new cottages on single-family lots. The ADU structures are smaller units being limited to a maximum habitable floor area of 1,000 square feet and, in no case, shall not be larger than 50% of the habitable floor area of the primary dwelling on the lot. There will be no new construction on lots in the R-10, R-7.5 and R-5 zoning districts. Additionally, a lot cannot have more than one ADU. The typical impacts associated with the expansion of single-family residences and accessory structures are limited to noise, dust, runoff and stormwater management practices. These construction impacts are minor in nature and are limited to smaller buildings or interior renovations. Such impacts are easily controlled by standard construction techniques. This type of activity seldom creates a significant adverse

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<sup>1</sup> Alexandru Voici and David Listokin, Ph.D. *Who Lives in New Jersey Housing? The Profile of Occupants of Residential Developments in New Jersey, Updated New Jersey Demographic Multipliers*, Rutgers University Center for Urban Policy Research, November 2018.

<sup>2</sup> Robert W. Burchell, Ph.D. *Residential Demographic Multipliers, Estimates of the Occupants of New Housing*, Rutgers University Center for Urban Policy Research, June 2006.

environmental impact. Any of the non-significant impacts that result from construction activity is subject to review and control by the Building Department and Village Engineer. DEC's experience has shown that this type of action does not have a significant adverse effect on the environment (DEC SEQRA Handbook, 4th ed. 2020, 19). The Planning Board will still have site plan review authority in cases where a building addition or new accessory structure increases building coverage, square footage or floor-area ratio to the extent where it triggers a site plan review that would ordinarily be required.

#### **Consistency with Community Plans**

The proposed legislation on Accessory Dwelling Units represents an implementation of the recommendation of the *Village of Tarrytown Comprehensive Plan Tarrytown Connected* (adopted November 2018) relative to *Policy 10 Ensure housing stock supports a diverse & multi-generational community* "~~In areas with large lots and single-family homes, permitting the~~ division into two- or three-family homes, introducing in-law apartments, or allowing accessory units are strategies that could enable more efficient use of existing resources. Although accessory units may increase the Village's regulatory burden, where appropriate, they represent an additional source of monthly income for a homeowner as well as a potentially affordable rental arrangement." (70- 71).

#### **Consistency with Community Character**

One of the purposes of the proposed legislation is to diversify housing while ensuring single-family residential zones maintain their character. The legislation provides additional design standards to allow the creation of well-controlled ADUs while maintaining the single-family character of the area. These standards include a restriction on construction of new detached buildings for an ADU in the R-10, R-7.5 and R-5 residential zones. The properties in these zones have smaller lot sizes and setback dimensions. The legislation provides a limit of one ADU per lot. The height of a new detached ADU shall be the lesser of 25' or the height of the existing single-family principal building on the property. There is a prohibition on adding a new entrance to the street-facing facade of the main building in order to maintain the single-family character of the residence. A minimum six-month rental is required, and the owner must reside as the primary resident in either the main dwelling unit or the ADU. ADUs are limited to a minimum of 300 sf and a maximum of 1,000 sf and, in no case, larger than 50% of the floor area of the lot's main house.

**SEORA Determination of Significance** – Based on the Village Board of Trustees' review of the LEAF, an analysis of Part 2, a review of the *Proposed Legislation on Permitting ADUs in Single-Family Zones*, a review of Tarrytown Housing Committee's provided information on Accessory Dwelling Units, agency review by Westchester County Planning, *the Village of Tarrytown Comprehensive Plan Tarrytown Connected* (adopted November 2018), and the *Westchester County Housing Needs Assessment* (November 2019), the Village of Tarrytown Board of Trustees has determined that the proposed zoning text for Accessory Dwelling Units is not expected to result in any significant adverse environmental impacts that would rise to the level of significance required for a Positive Declaration.

George Latimer  
County Executive

February 2, 2023

Kristine Gilligan, Village Clerk  
Tarrytown Village Hall  
One Depot Plaza  
Tarrytown, New York 10591

**County Planning Board Referral File TTN 23-001B – Accessory Dwelling Units  
Zoning Text Amendment**

Dear Ms. Gilligan:

The Westchester County Planning Board has received a third revised version of a proposed Local Law that would amend the text of the Tarrytown Zoning Ordinance to add provisions for permitting and regulating accessory dwelling units (ADUs) in Tarrytown.

We have previously reviewed this matter under the provisions of Section 239 L, M and N of the General Municipal Law and Section 277.61 of the County Administrative Code and we responded to the Village in letters dated October 21, 2022, November 21, 2022, and January 12, 2023. We continue to encourage the Board of Trustees to adopt the proposed ADU regulations. At this time, we offer the following comment based on the latest revisions:

**Parking requirement.**

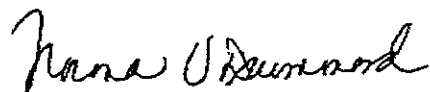
The proposed local law has been revised to include a specific parking requirement of three off-street parking spaces for properties containing an ADU, with a minimum of one of the three off-street parking spaces designated for the ADU. Properties north of Route 119 and west of Route 9 would require a minimum total of two off-street parking spaces. This provision replaced more generalized language that did not require additional parking for an ADU "provided that existing off-street parking is not reduced below that which is otherwise required".

We prefer the previous language as it is more consistent with the County Planning Department's *Accessory Dwelling Unit Model Ordinance* which does not recommend additional parking when ADU's are created. In addition, this more stringent parking requirement could potentially reduce opportunities for homeowners seeking to add an ADU to their property. It also presupposes that occupants of ADU's will own their own cars, which may not be the case in a transit-oriented and walkable village, such as Tarrytown.

Please inform us of the Village's decision so that we can make it a part of the record.

Respectfully,  
WESTCHESTER COUNTY PLANNING BOARD

By:



Norma V. Drummond  
Commissioner

NVD/LH



## ADU Petition Signatories

We the undersigned insist that before the Tarrytown Board of Trustees makes any changes to zoning laws allowing for Accessory Dwelling Units, the Village first commission research to determine the public's desire for such a change, as well as the impact this change will have on home values, quality of life, safety, schools, traffic, the environment, and taxes.

Name				Date Signed	
1	Dan Hanover	Tarrytown	NY	10591	12/7/2022
2	Annette Stiloski	Tarrytown	NY	10591	12/8/2022
3	Anthony Fracaroli	Tarrytown	NY	10591	12/8/2022
4	Nancy Hanover	Tarrytown	NY	10591	12/8/2022
5	Seth Fox	Tarrytown	NY	10591	12/8/2022
6	Ryoya Terao	Tarrytown	NY	10591	12/8/2022
7	Ann Fox	Tarrytown	NY	10591	12/8/2022
8	Sue Wilson	Tarrytown	NY	10591	12/8/2022
9	Joann Nisco	Tarrytown	NY	10591	12/8/2022
10	Kelly Usher	Tarrytown	NY	10591	12/8/2022
11	Haydee McCarthy	Tarrytown	NY	10591	12/8/2022
12	Michael Usher	Tarrytown	NY	10591	12/8/2022
13	Patricia Kelly	Tarrytown	NY	10591	12/8/2022
14	Andrea Lattanzio	Tarrytown	NY	10591	12/9/2022
15	Patrick Derivan	Tarrytown	NY	10591	12/9/2022
16	Patrick Derivan jr	Tarrytown	NY	10591	12/9/2022
17	Scott Weaver Jr	Tarrytown	NY	11370	12/9/2022
18	Glenn Carney	Tarrytown	NY	10591	12/9/2022
19	Maria Washburn	Tarrytown	NY	10591	12/9/2022
20	Brenda Fracaroli	Tarrytown	NY	10591	12/9/2022
21	Michael Gasko	Tarrytown	NY	10591	12/9/2022
22	Daniel Russo	Tarrytown	NY	10591	12/9/2022
23	Joseph Russo	Tarrytown	NY	10591	12/9/2022
24	Patricia Maceyak	Tarrytown	NY	10591	12/10/2022
25	Scott Brown	Tarrytown	NY	10591	12/10/2022
26	Jane Agdern	Tarrytown	NY	10591	12/10/2022
27	Stephen Hughes	Tarrytown	NY	10591	12/11/2022
28	Dana Dundrea	Tarrytown	NY	10591	12/11/2022
29	Jeffrey Dundrea	Tarrytown	NY	10591	12/11/2022
30	Carol Moore Dodson	Tarrytown	NY	10591	12/12/2022
31	Sandra Olson	Tarrytown	NY	10591	12/13/2022
32	Robert Olson	Tarrytown	NY	10591	12/13/2022
33	John Callanan	Tarrytown	NY	10591	12/13/2022
34	Nick Katsaris	Tarrytown	NY	10591	12/14/2022
35	George. Angevine	Tarrytown	NY	10591	12/14/2022
36	Matt Lantier	Tarrytown	NY	10591	12/14/2022

## ADU Petition Signatories

Name				Date Signed	
37	Laszlo Bakos	Tarrytown	NY	10591	12/14/2022
38	Lynelle Chang	Tarrytown	NY	10591	12/14/2022
39	Denis Fogarty	Tarrytown	NY	10591	12/14/2022
40	Doug Zollo	Tarrytown	NY	10591	12/14/2022
41	Terence Murphy	Tarrytown	NY	10591	12/14/2022
42	Parthy Katsaris	Tarrytown	NY	10591	12/14/2022
43	Deb Taylor	Tarrytown	NY	10591	12/14/2022
44	Tara Scheller	Tarrytown	NY	10591	12/14/2022
45	Scott Shachter	Tarrytown	NY	10591	12/14/2022
46	Katy Memdez	Tarrytown	NY	10591	12/14/2022
47	Linda DeBellis	Tarrytown	NY	10591	12/15/2022
48	Erik Knox	Tarrytown	NY	10591	12/15/2022
49	Peter Zagrobelny	Tarrytown	NY	10591	12/15/2022
50	Laura Fogarty	Tarrytown	NY	10591	12/15/2022
51	Shelly Colley	Tarrytown	NY	10591	12/15/2022
52	PAUL GOMEZ	Tarrytown	NY	10591	12/15/2022
53	Paul Stone	Tarrytown	NY	10591	12/15/2022
54	Ariel Hilario	Tarrytown	NY	10591	12/15/2022
55	Laszlo Bakos	Tarrytown	NY	10591	12/15/2022
56	Josie LaRiccia	Tarrytown	NY	10591	12/16/2022
57	Kristina Patsch	Tarrytown	NY	10591	12/16/2022
58	Calvin Chin	Tarrytown	NY	10591	12/16/2022
59	Debra Portnoy	Tarrytown	NY	10591	12/16/2022
60	Adrienne Simpson	Tarrytown	NY	10591	12/16/2022
61	Craig Allan	Tarrytown	NY	10591	12/17/2022
62	Lauren Johnson	Tarrytown	NY	10591	12/17/2022
63	Patricia Lancaster	Tarrytown	NY	10591	12/17/2022
64	Kai Yamamoto	Tarrytown	NY	10591	12/18/2022
65	Joyce Byrne	Tarrytown	NY	10591	12/20/2022
66	Mary Moriarty	Tarrytown	NY	10591	12/20/2022
67	Thaddeus Kromelis	Tarrytown	NY	10591	12/31/2022
68	Lisa Sloane	Tarrytown	NY	10591	12/31/2022
69	Gary Bartolacci	Tarrytown	NY	10591	12/31/2022
70	Heidi Bartolacci	Tarrytown	NY	10591	12/31/2022
71	Monica Rode	Tarrytown	NY	10591	1/1/2023
72	Virginia Kuppek	Tarrytown	NY	10591	1/1/2023
73	John Miller	Tarrytown	NY	10591	1/1/2023
74	Paul Rode	Tarrytown	NY	10591	1/1/2023
75	Alex Fletcher	Tarrytown	NY	10591	1/1/2023
76	Amanda Socorro	Tarrytown	NY	10591	1/2/2023
77	Vincent Nadile	Tarrytown	NY	10591	1/2/2023
78	Jason Price	Tarrytown	NY	10591	1/2/2023
79	Tamsyn Bulmer	Tarrytown	NY	10591	1/2/2023
80	Robert Surovich	Tarrytown	NY	10591	1/2/2023
81	Mary Surovich	Tarrytown	NY	10591	1/2/2023
82	Bruce MacDonald	Tarrytown	NY	10591	1/2/2023

## ADU Petition Signatories

	Name				Date Signed
83	John Lough	Tarrytown	NY	10591	1/2/2023
84	Gottlieb Torsten	Tarrytown	NY	10591	1/2/2023
85	Akil Puckerin	Tarrytown	NY	10591	1/2/2023
86	Daniel Parnetti	Tarrytown	NY	10591	1/2/2023
87	Janaki Degen	Tarrytown	NY	10591	1/2/2023
88	Giselle Carino	Tarrytown	NY	10591	1/2/2023
89	Matthew Falber	Tarrytown	NY	10591	1/2/2023
90	Lynne Zeman	Tarrytown	NY	10591	1/2/2023
91	Jozef Zeman	Tarrytown	NY	10591	1/2/2023
92	Thiagarajan Meyappan	Tarrytown	NY	10591	1/2/2023
93	Kaveri Meyappan	Tarrytown	NY	10591	1/2/2023
94	James Kudla	Tarrytown	NY	10591	1/2/2023
95	Deborah Buzaid	Tarrytown	NY	10591	1/2/2023
96	Janice Becker	Tarrytown	NY	10591	1/2/2023
97	Stephanie Simoes	Tarrytown	NY	10591	1/2/2023
98	Christopher Buzaid	Tarrytown	NY	10591	1/2/2023
99	Fatima deCarvalho-Gianni	Tarrytown	NY	10591	1/2/2023
100	Michael Degen	Tarrytown	NY	10591	1/2/2023
101	Frances McLaughlin	Tarrytown	NY	10591	1/2/2023
102	Jennifer McAteer	Tarrytown	NY	10591	1/2/2023
103	Dr. Laura Chmielewski	Tarrytown	NY	10591	1/2/2023
104	Michael Surovich	Tarrytown	NY	10591	1/2/2023
105	Jamie Weiss-Yagoda	Tarrytown	NY	10591	1/2/2023
106	Beatrice Vaccaro	Tarrytown	NY	10591	1/3/2023
107	Liza Price	Tarrytown	NY	10591	1/3/2023
108	Jennifer Kavallieratos	Tarrytown	NY	10591	1/3/2023
109	Elisabeth Gareis	Tarrytown	NY	10591	1/3/2023
110	Johanna Fortugno	Tarrytown	NY	10562	1/3/2023
111	Michael Fortugno	Tarrytown	NY	10562	1/3/2023
112	Todd Dorman	Tarrytown	NY	10591	1/3/2023
113	Bev Lacy	Tarrytown	NY	10591	1/3/2023
114	Tina Valenti	Tarrytown	NY	10591	1/3/2023
115	Miranda Eifler	Tarrytown	NY	10591	1/3/2023
116	Bettejane Lugari	Tarrytown	NY	10591	1/3/2023
117	Andrew Eifler	Tarrytown	NY	10591	1/3/2023
118	WILLIAM WALTER	Tarrytown	NY	10591	1/3/2023
119	Emily Falber	Tarrytown	NY	10591	1/3/2023
120	Rebecca Gardella	Tarrytown	NY	10591	1/3/2023
121	Lauren Martin	Tarrytown	NY	10591	1/3/2023
122	Meghan Rose	Tarrytown	NY	10591	1/3/2023
123	William Martin	Tarrytown	NY	10591	1/3/2023
124	Hazel Blenkinsopp	Tarrytown	NY	10591	1/3/2023
125	Jose Peña	Tarrytown	NY	10591	1/3/2023
126	Karen Chow	Tarrytown	NY	10591	1/3/2023
127	Eloine Barry	Tarrytown	NY	10591	1/3/2023
128	Tina Zagrobelny	Tarrytown	NY	10591	1/3/2023

## ADU Petition Signatories

Name				Date Signed	
129	Sami Lahoud	Tarrytown	NY	10591	1/3/2023
130	Elana Arian	Tarrytown	NY	10591	1/3/2023
131	Jayne Lee	Tarrytown	NY	10591	1/3/2023
132	wilcoln lee	Tarrytown	NY	10591	1/3/2023
133	Julua Cadrain	Tarrytown	NY	10591	1/3/2023
134	Darlene Hutchinson	Tarrytown	NY	10591	1/3/2023
135	George Peterkin	Tarrytown	NY	10591	1/3/2023
136	Robin May	Tarrytown	NY	10591	1/3/2023
137	Elizabeth Cronin	Tarrytown	NY	10591	1/3/2023
138	Ingrid Hockstader	Tarrytown	NY	10591	1/3/2023
139	Katy Lough	Tarrytown	NY	10591	1/3/2023
140	John Gannon	Tarrytown	NY	10591	1/3/2023
141	Randine Pastrovic	Tarrytown	NY	10591	1/3/2023
142	Sari Rella	Tarrytown	NY	10591	1/3/2023
143	Amber DaSilva	Tarrytown	NY	10591	1/3/2023
144	Brian Rella	Tarrytown	NY	10591	1/3/2023
145	Erica Mulherin	Tarrytown	NY	10591	1/3/2023
146	Rob Senger	Tarrytown	NY	10591	1/3/2023
147	Georgia Tambakos	Tarrytown	NY	10591	1/3/2023
148	Ida Doctor	Tarrytown	NY	10591	1/3/2023
149	tyrel holston	Tarrytown	NY	10591	1/3/2023
150	Rose Marie Barbera	Tarrytown	NY	10591	1/3/2023
151	Rebecca Hall	Tarrytown	NY	10591	1/3/2023
152	Cristina Parnetti	Tarrytown	NY	10591	1/3/2023
153	Linda Horisk	Tarrytown	NY	10591	1/3/2023
154	Andrew Vanover	Tarrytown	NY	10591	1/3/2023
155	James Nisco	Tarrytown	NY	10591	1/3/2023
156	Frances Baird	Tarrytown	NY	10591	1/3/2023
157	Giselle Rodriguez	Tarrytown	NY	10591	1/3/2023
158	Yuri Tsao	Tarrytown	NY	10591	1/3/2023
159	Renate Yamamoto	Tarrytown	NY	10591	1/3/2023
160	Sue Leavey-Wilson	Tarrytown	NY	10591	1/3/2023
161	Kaitlyn Ritchie	Tarrytown	NY	10591	1/3/2023
162	Beth Ann Lacy	Tarrytown	NY	10591	1/3/2023
163	Victoria Savanella	Tarrytown	NY	10591	1/3/2023
164	Katy Krider	Tarrytown	NY	10591	1/3/2023
165	Loretta London	Tarrytown		10591	1/3/2023
166	Jennifer Tucci	Tarrytown	NY	10591	1/3/2023
167	Kim Kaczmarek	Tarrytown	NY	10591	1/3/2023
168	Mike McCarthy	Tarrytown	NY	10591	1/3/2023
169	Janet Lorn	Tarrytown	NY	10591	1/4/2023
170	Madeline Praino	Tarrytown	NY	10591	1/4/2023
171	Ivette Malave	Tarrytown	NY	10591	1/4/2023
172	Tulloch Townsend	Tarrytown	NY	10591	1/4/2023
173	Patricia Lacy	Tarrytown	NY	10591	1/4/2023
174	Jacqueline Lynch	Tarrytown	NY	10591	1/4/2023

## ADU Petition Signatories

	Name				Date Signed
175	Maria Birgy	Tarrytown	NY	10591	1/4/2023
176	Jenni Kent	Tarrytown	NY	10591	1/4/2023
177	Brandan Gianni	Tarrytown	NY	10591	1/4/2023
178	Brad Scheller	Tarrytown	NY	10591	1/4/2023
179	Rowena Desimini	Tarrytown	NY	10591	1/4/2023
180	Anita McGovern	Tarrytown	NY	10591	1/4/2023
181	Paul Primiano	Tarrytown	NY	10591	1/4/2023
182	Terri Flynn	Tarrytown	NY	10591	1/4/2023
183	Brian Staudt	Tarrytown	NY	10591	1/4/2023
184	Brianna Staudt	Tarrytown	NY	10591	1/4/2023
185	Roger London	Tarrytown	NY	10591	1/4/2023
186	Doug Belliveau	Tarrytown	NY	10591	1/4/2023
187	Anne Marie Cellante	Tarrytown	NY	11212	1/4/2023
188	Jamie Cipriano	Tarrytown	NY	10591	1/4/2023
189	Amanda Sannella	Tarrytown	NY	10591	1/4/2023
190	Danielle Diaz	Tarrytown	NY	10591	1/4/2023
191	Jacqueline Gould	Tarrytown	NY	10591	1/4/2023
192	Catherine Moskow	Tarrytown	NY	10591	1/4/2023
193	James Wilson	Tarrytown	NY	10591	1/4/2023
194	Celine Edber	Tarrytown	NY	10591	1/4/2023
195	David Gottschall	Tarrytown	NY	10591	1/5/2023
196	Melissa A	Tarrytown	NY	10591	1/5/2023
197	Vivian Lantier	Tarrytown	NY	10591	1/5/2023
198	Katie Wilde	Tarrytown	NY	10591	1/5/2023
199	Brenda Sutherland	Tarrytown	NY	10591	1/5/2023
200	Patricia Buckley	Tarrytown	NY	10591	1/5/2023
201	Mary Lynn Collins-Callanan	Tarrytown	NY	10591	1/5/2023
202	Salvatore Praino	Tarrytown	NY	10591	1/5/2023
203	Michael Coffey	Tarrytown	NY	10591	1/5/2023
204	marlaina bertolacci	Tarrytown	NY	10591	1/6/2023
205	Herbert Gonzalez	Tarrytown	NY	10591	1/6/2023
206	Elaine Byrnes	Tarrytown	NY	10591	1/6/2023
207	Lorenzo Porcelli	Tarrytown	NY	10591	1/6/2023
208	Pete Rose	Tarrytown	NY	10591	1/7/2023
209	Myles Birrittella	Tarrytown	NY	10591	1/7/2023
210	Kara Sheridan	Tarrytown	NY	10591	1/7/2023
211	Friedlander Naomi	Tarrytown	NY	10591	1/7/2023
212	Lisa Reich	Tarrytown	NY	10591	1/8/2023
213	David Gardella	Tarrytown	NY	10591	1/8/2023
214	Margaret Lynch	Tarrytown	NY	10591	1/8/2023
215	Ida Michael	Tarrytown	NY	10591	1/8/2023
216	Paolo Luciano	Tarrytown	NY	10591	1/9/2023
217	Nick Sinilov	Tarrytown	NY	10591	1/10/2023
218	David Barnett	Tarrytown	NY	10591	1/10/2023
219	John Garibaldi	Tarrytown	NY	10591	1/10/2023
220	Laurie Smith	Tarrytown	NY	10591	1/11/2023

## ADU Petition Signatories

Name				Date Signed	
221	Joe Venturini	Tarrytown	NY	10591	1/12/2023
222	Christie Crawford	Tarrytown	NY	10591	1/13/2023
223	Kiowa Crawford	Tarrytown	NY	10591	1/13/2023
224	Johannes Lumpe	Tarrytown	NY	10591	1/13/2023
225	Kathy Lombardi	Tarrytown	NY	10591	1/13/2023
226	Christopher FitzGerald	Tarrytown	NY	10591	1/13/2023
227	Amy Herguth	Tarrytown	NY	10591	1/13/2023
228	Paul Birgy	Tarrytown	NY	10591	1/14/2023
229	Barry Agdern	Tarrytown	NY	10591	1/14/2023
230	Stephen Ballas	Tarrytown	NY	10591	1/14/2023
231	Connie McKeige	Tarrytown	NY	10591	1/14/2023
232	John Conace	Tarrytown	NY	10591	1/14/2023
233	Charlotte Localio	Tarrytown	NY	10591	1/15/2023
234	Christine Collado	Tarrytown	NY	10591	1/15/2023
235	Joanna Bamford	Tarrytown	NY	10591	1/17/2023
236	Timothy Leonard	Tarrytown	NY	10591	1/17/2023
237	Michael Katz	Tarrytown	NY	10591	1/19/2023
238	Pascaline Lahmeur	Tarrytown	NY	10591	1/19/2023
239	nadir lahmeur	Tarrytown	NY	10591	1/19/2023
240	Olivia Gerth	Tarrytown	NY	10591	1/20/2023
241	Kevin Murray	Tarrytown	NY	10591	1/22/2023
242	Chris Monteath	Tarrytown	NY	10591	1/22/2023
243	Elizabeth Naughton	Tarrytown	NY	10591	1/23/2023
244	Ed Dalton	Tarrytown	NY	10591	1/23/2023
245	Jon Naughton	Tarrytown	NY	10591	1/23/2023
246	John Galindo	Tarrytown	NY	10591	1/23/2023
247	Barbara Moroch	Tarrytown	NY	10591	1/23/2023
248	Mary Drake	Tarrytown	NY	10591	1/23/2023
249	Sue Gilpin	Tarrytown	NY	10591	1/26/2023
250	Stephen Holodak	Tarrytown	NY	10591	1/26/2023
251	Manuel Aguiar	Tarrytown	NY	10591	1/27/2023
252	Margaret Delaney	Tarrytown	NY	10591	1/27/2023
253	Karlo Pastrovic	Tarrytown	NY	10591	1/28/2023
254	Erik Marvin	Tarrytown	NY	10591	1/30/2023
255	Deborah Logozio	Tarrytown	NY	10591	2/1/2023
256	Vanessa Davis	Tarrytown	NY	10591	2/1/2023
257	mark lindberg Sr	Tarrytown	NY	10591	2/1/2023
258	Eirene Castellano	Tarrytown	NY	10591	2/1/2023
259	Christina Sarofeen	Tarrytown	NY	10591	2/1/2023
260	Regina Berryman	Tarrytown	NY	10591	2/2/2023
261	Annemarie Passantino	Tarrytown	NY	10591	2/2/2023
262	Sangeeta Chachlani	Tarrytown	NY	10591	2/2/2023
263	Parikrama Punj	Tarrytown	NY	10591	2/3/2023
264	Jason Cohen	Tarrytown	NY	10591	2/3/2023
265	Monique Forsea	Tarrytown	NY	10591	2/3/2023
266	Steve Zipay	Tarrytown	NY	10591	2/3/2023

## ADU Petition Signatories

Name					Date Signed
267	none Garibaldi	Tarrytown	NY	10591	2/4/2023
268	Dalia Hernandez Valdes	Tarrytown	NY	10591	2/4/2023
269	Justin Coren	Tarrytown	NY	10591	2/6/2023
270	Leslie ishoo	Tarrytown	NY	10591	2/6/2023
271	Sharon Mandel	Tarrytown	NY	10591	2/6/2023
272	Mariela Mosquera	Tarrytown	NY	10591	2/6/2023
273	Anton U.	Tarrytown	NY	10591	2/6/2023
274	Abbey Ushkin	Tarrytown	NY	10591	2/6/2023
275	Jim Albright	Tarrytown	NY	10591	2/6/2023
276	Jay Stenberg	Tarrytown	NY	10591	2/6/2023
277	Jamie Jamieson	Tarrytown	NY	10591	2/7/2023
278	Michele Lambros	Tarrytown	NY	10591	2/7/2023
279	Chris Cawley	Tarrytown	NY	10591	2/7/2023
280	Phyllis Lerner	Tarrytown	NY	10591	2/7/2023
281	Jaime Chapin-Miller	Tarrytown	NY	10591	2/7/2023
282	Nancy Robinson	Tarrytown	NY	10591	2/7/2023
283	Joel Mark Francisco	Tarrytown	NY	10533	2/7/2023
284	Nathalie Borgella	Tarrytown	NY	10591	2/7/2023
285	Bill Hansen	Tarrytown	NY	10591	2/7/2023
286	rohit sareen	Tarrytown	NY	10591	2/7/2023
287	Alice Blood	Tarrytown	NY	10591	2/7/2023
288	Karen Stroub	Tarrytown	NY	10591	2/7/2023
289	Eric Valenti	Tarrytown	NY	10591	2/7/2023
290	Alan Robinson	Tarrytown	NY	10591	2/7/2023
291	Ty Valenti	Tarrytown	NY	10591	2/7/2023
292	James Kaplewicz	Tarrytown	NY	10591	2/7/2023
293	wendy maples	Tarrytown	NY	10591	2/7/2023
294	Eric Barna	Tarrytown	NY	10591	2/7/2023
295	Danielle Pennessi	Tarrytown	NY	10591	2/7/2023
296	Danielle Demeter	Tarrytown	NY	10591	2/8/2023
297	Kathy Buonanno	Tarrytown	NY	10591	2/8/2023
298	Tom Tumino	Tarrytown	NY	10591	2/8/2023
299	Robert Gilpin	Tarrytown	NY	10591	2/8/2023
300	Meg Callaci	Tarrytown	NY	10591	2/8/2023

Link to Petition:

<https://chng.it/Lm8rGDX4>

ADU Petition Comments

Name	City	State	Date	Comment
Nancy Hanover	Tarrytown	NY	12/8/2022	"I want to protect my village zoning laws and keep Tarrytown safe."
Patrick Derivan	Tarrytown	NY	12/9/2022	"Want to preserve our village"
John Stiloski	Tarrytown	NY	12/9/2022	"Because there are too many unknowns and nothing but increase taxes and more people and traffic.what is the benefit to a non ADU home?"
Anthony Fracaroli	Tarrytown	NY	12/9/2022	"Protect the quality of life in our Village by not changing zoning codes."
Laura Fogarty	Tarrytown	NY	12/15/2022	"Has a study on the Impact of ADUs on the Village of Tarrytown been initiated? Are the Village of Tarrytown residents aware such a major change to zoning is being proposed? This should be debated in a public forum and voted in by the Residents, not a few board members."
Debra Portnoy	Tarrytown	NY	12/16/2022	"We need to go into this with our eyes wide open - what are the positives and negatives for the entire village?"
Craig Allan	Tarrytown	NY	12/17/2022	"Opposed. If passed this will Increase density."
Anthony Fracaroli	Tarrytown	NY	12/26/2022	"Attend meeting on Jan 3."
Terence Murphy	Tarrytown	NY	12/31/2022	"Village is too crowded"
Lisa Sloane	Tarrytown	NY	12/31/2022	"I want a say in any changes to the village bylaws."
Janaki Degen	Tarrytown	NY	1/2/2023	"More research needs to be done. This will impact our property value, carbon foot print and the quality of our local schools as well as overall quality of life. The town is already over crowded."
Lynne Zeman	Tarrytown	NY	1/2/2023	"We oppose."
Janice Becker	Tarrytown	NY	1/2/2023	"I live in Tarrytown & question the motivation of our current government & why they are not listening or being responsive to its residents. We elected them & if they deviate from our needs [for whatever their rationale] it means they are not fulfilling their responsibility to us and to this town we love. No way they should proceed with these ADU's"
Laura Chmielewski	Tarrytown	NY	1/2/2023	"It's outrageous that the current Village government believes it should make such sweeping changes to the lifestyles of Crest homeowners without doing appropriate and widely-publicized impact studies."
Laura Chmielewski	Tarrytown	NY	1/2/2023	"This needs to be put to a Village-wide referendum."
Todd Dorman	Tarrytown	NY	1/3/2023	"It seems more research, more transparency, and more clarity is needed before this project is even considered. Density in our village is already about to rapidly increase beyond what residents fully understand due to riverfront developments. Many of the arguments put forward on behalf of the project seem spurious or inaccurate."



ADU Petition Comments

Name	City	State	Date	Comment
Andrea Lattanzio	Tarrytown	NY	1/3/2023	"The guise of "an affordable housing crisis in Tarrytown" needs to end."
Ida Doctor	Tarrytown	NY	1/3/2023	"It feels like the Board is shoving this down our throats without more in depth research on the impact to our town. There was little transparency when this was proposed. Most of Tarrytown had no knowledge of this pending legislation. I have been a Resident fir over 40 years. The padding if the ADUs will destroy our wonderful community."
Sue Leavey-Wilson	Tarrytown	NY	1/3/2023	"Not happy here- thanks to a few neighbors' diligence, this has informed many of us. There was no shortage of political signs ALL OVER the neighborhood when it was election time. Can't say the same for this proposal."
Beth Ann Lacy	Tarrytown	NY	1/3/2023	"This needs more research"
Theresa Flynn	Tarrytown	NY	1/4/2023	"The Crest in particular is already overflowing with parked cars on the streets, and speeding cars are a nightmare...coming from someone who has been t-boned while driving through our winding, blind spotted streets."
Brian Staudt	Tarrytown	NY	1/4/2023	"Proposal deserves to be put to a referendum."
Catherine Moskow	Tarrytown	NY	1/4/2023	"The residents or our village deserve a say in something that could have such a big impact on our neighborhoods and quality of life. If not for some neighbors leading the charge with signage on their lawns, I would have NO idea that this was happening. Needs way more research and transparency. And agreed, re traffic/parking/congestion. I dodge getting hit by a car on Altamont just about every time I walk. If you want to see what increased occupancy looks like in a property that is zoned for single family, just take a stroll on Altamont between Highland and Rosehill. There are dozens of cars parked on the street, no room to maneuver when you drive/car accidents waiting to happen, and a major safety issue for our kids and other pedestrians."
Tish Maceyak	Tarrytown	NY	1/4/2023	"This bill will change Tarrytown forever"
Michael Coffey	Tarrytown	NY	1/5/2023	"This town is congested enough and the local residents the ones who pay the taxes should have some sort of say in the matter not just our elected officials"
Kathy Lombardi	Tarrytown	NY	1/13/2023	"Do what Briarcliff did... legalize the existing ones and don't permit any new ADUs. Our quaint Village is being transformed into a small City."
Brenda Fracaroli	Tarrytown	NY	1/15/2023	"So, what can be done to put a STOP to this?"
Kevin Murray	Tarrytown	NY	1/22/2023	"The parking and traffic in the town has become unbearable. The board has done a poor job informing the residents of this proposal. At 9% of affordable/low housing in much higher than other villages. Enough is enough. The board should be truthful and show transparency on this matter. Time to vote these board members out."
Dorothy Aguiar	Tarrytown	NY	1/25/2023	"We want to preserve our Village and Whatever Green Space we have. The traffic will be increasing with what is in construction already and parking is still a problem."

ADU Petition Comments

Name	City	State	Date	Comment
Monique Forsea	Tarrytown	NY	2/3/2023	"ADU will bring in a huge volume of people that will bring only problems to the community. As perfect example what you see in Sleepy Hollow. We are losing residents, people moving, because of the decline in safety."
Bob Mccloughlin	Tarrytown	NY	2/7/2023	"I believe the community needs more data and time to assess the impact of this change."

BOARD OF ETHICS  
OF THE VILLAGE OF TARRYTOWN

Matter of McKeown

)  
)  
)  
ADVISORY OPINION NO. 20-01

Question Presented

On September 30, 2020 Tarrytown's Village Administrator, Mr. Richard Slingerland (the "Applicant") applied to the Ethics Board<sup>1</sup> for an Advisory Opinion pursuant to Section 27-10(3)(e) of the Village Ethics Code. The Applicant asks whether Tarrytown resident Sadie McKeown may serve as the Chair of the Village's Affordable Housing Task Force (the "Task Force") and simultaneously serve on the Board of Commissioners the Tarrytown Municipal Housing Authority (the "MHA"), which operates the housing complexes at Franklin Courts and Franklin Towers (collectively, the "Franklin Complex") in Tarrytown.

Background Facts

The MHA is the public housing agency of the Village of Tarrytown. It participates in the public housing program of the U.S. Department of Housing and Urban Development. The Franklin Complex provides affordable housing to those residents who qualify based upon factors which include the renter's annual gross income.<sup>2</sup>

We understand that Ms. McKeown has served for a number of years as one of the seven Commissioners on the MHA's Board of Commissioners (the "MHA Board"). Ms McKeown holds a Master of Professional Studies degree in Human Service Administration from Cornell University, and has worked for many years in community development housing and finance.<sup>3</sup>

The Applicant's inquiry arises from Ms McKeown's appointment by the Village Board of Trustees (the "BOT") on March 2, 2020 to serve, on a voluntary (unpaid) basis, as Chairwoman of the Task Force.<sup>4</sup> In establishing the Task Force the BOT assigned it the mission of providing the Village with an understanding of existing housing supply and of identifying housing opportunities for affordable, workforce and middle-income housing

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<sup>1</sup> Two of the five Board members are neighbors of Ms McKeown. The Board considered whether those members are required to recuse themselves from this matter, but ultimately decided recusal was not required. One of the two nevertheless decided to recuse himself voluntarily.

<sup>2</sup> Website of MHA, <https://tarrytownhousing.net>, accessed on December 23, 2020.

<sup>3</sup> Sadie McKeown, LinkedIn Webpage, <https://www.linkedin.com/in/sadie-mckeown-1024a1a/>, accessed on December 23, 2020.

<sup>4</sup> Minutes of the Meeting of the Tarrytown Board of Trustees of March 2, 2020, Item 10.

within both the existing housing stock and future developments in Tarrytown.<sup>5</sup> The Task Force has no authority to make decisions for the Village, but rather only makes recommendations to the BOT.

At first blush, Ms. McKeown's duties for the MHA and the Task Force should be aligned: In both positions she contributes to expanding affordable housing opportunities in Tarrytown. As a practical matter, and in view of Ms. McKeown's background, we would expect both positions to be similar opportunities for Ms. McKeown to pursue her interests in community development. Indeed, we imagine that Ms. McKeown's professional experience with the MHA might actually enrich both the discussions on the Task Force and the resulting recommendations.

Yet it is at least theoretically possible for Ms. McKeown's two positions to result in a conflict of interest. As a Commissioner on the MHA Board, Ms. McKeown is under a duty to promote the interests of the MHA, including its financial interests. Those duties could arguably taint Ms. McKeown's influence on the Task Force's recommendations.

This Advisory Opinion will analyze whether the theoretical possibility of conflicts of interest arising from Ms. McKeown's positions on the MHA Board and the Task Force prohibit Ms. McKeown from serving on the latter.

### Analysis

#### *Applicability of the Code to Ms. McKeown*

The first issue we address is whether the Code, which applies to Village "Officers and Employees," even applies to members of a Village task force that, unlike most boards or agencies, has no decision-making authority; the Task Force is merely charged to perform a task, embodied in its mission. Section 27-2(6) of the Code defines "Officer and Employee" as "any officer or employee of the Village of Tarrytown, whether paid or unpaid, including members of any administrative board, commission or other Agency thereof." The word "commission" is not defined in the Code. Webster's defines "commission" to include "a group of persons directed to perform some duty."<sup>6</sup> We believe the Task Force is a "commission," and thus Ms. McKeown is a Village Officer by virtue of being a member of the Task Force.

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<sup>5</sup> Agenda of the Meeting of the Tarrytown Board of Trustees of September 3, 2019, Item 10.

<sup>6</sup> Webster's New Collegiate Dictionary (1973). Likewise, Black's Law Dictionary defines "commission" as "[a] board or committee officially appointed and empowered to perform certain acts or exercise certain jurisdiction of a public nature or relation."

*Prohibitions under Section 27-3(1)*

Section 27-3(1) of the Code defines and proscribes various types of conflicts of interests by Village Officers, but they involve, directly or indirectly, conflicts created when the Officer interacts with the Village in his or her personal or professional capacity for direct or indirect gain. Thus, for example, Section 27-3(1)(a) deals with an Officer's "business or professional dealings with the Village." Section 27-3(1)(b) deals with an Officer's interest in "any business or transaction or professional activity" with the Village.

The conflicts we might conceive Ms McKeown falling into while serving on the Task Force are of a different nature, however, and have nothing to do with the MHA's dealings with the Village. Indeed, no section of the Code prohibits any person from assuming a position as Officer with the Village simply because that person's judgment might at some point be clouded by professional activities unrelated to the Village. This Board also declines to read such a prohibition into the Code. Were we to create such a prohibition, we would deny the Village the volunteer services of persons like Ms. McKeown whose outside professional activities could actually enrich the operations of a Village board, agency or commission.

*Interest disclosure and recusal under Section 27-4*

The request for this Advisory Opinion asked only if Ms. McKeown's service on both the MHA and the Task Force were incompatible, not whether Ms McKeown might have to recuse herself from any particular matter being discussed by the Task Force. Indeed, the request cited no particular matter before the Task Force. However, it has come to our attention that the Task Force will probably advise on current proposals before both the Village Planning Board and the BOT to permit a significant development in Depot Plaza on land that either borders or is in close proximity with the Franklin Complex. The Ethics Board therefore takes the opportunity here to discuss whether this circumstance creates a conflict of interest requiring Ms. McKeown to recuse herself from participating in discussions relating to the Depot Plaza development and disclose the conflict pursuant to Code Section 27-4.

In contrast to Section 27-3(1)'s *broad prohibitions* against certain *narrowly defined* conflicts of interest, Section 27-4 focuses on the *narrow issues* of disclosure and recusal for conflicts of interest *broadly defined*:

"Whenever the Village Officer or Employee is requested or required to take any action on a matter before the Village and, to his or her knowledge, either the performance or nonperformance of that action would result in a pecuniary or material impact to himself or herself or to any Related Person different from that which would result from the action by reason of its general application to a broad class of impacted persons, the Village Officer or Employee shall not participate in that matter or be present during any discussion in executive session of the matter. A Village Officer may also voluntarily recuse himself or herself to avoid

conflicting Interests not prohibited herein or the perception of any conflicting Interests. “

As discussed above, Ms. McKeown is a “Village Officer.” The MHA is a “Related Person” because it is an entity on which a Village Officer serves as an officer or director. Code Section 27-2(10). Performing her duty on the Task Force of participating in the formulation of recommendations to the Board constitutes “action on a matter before the Village.” And because those recommendations ultimately will affect the Franklin Complex, they will “result in a pecuniary or material impact to... [a] Related Person different from that which would result from the action by reason of its general application to a broad class of impacted persons.” For this reason, the Code requires Ms McKeown to recuse herself from the Task Force’s formulation of recommendations relating to 29 South Depot Plaza, such as issues relating to zoning and site plan approval, and from representing the Task Force on such issues.

Our decision here is consistent with past Advisory Opinions. *See, e.g.,* Advisory Opinion 09-01 (a member of the Planning Board must recuse himself from Planning Board action with respect to property that abuts his own residential property).

We realize that, by restricting Ms McKeown’s activities on the Task Force with respect to 29 South Depot Plaza, the Ethics Board might be withholding a benefit to the Village that would be greater than the harm that could result from Ms McKeown’s conflict of interest. The Code envisions situations like this and permits waivers from the operation of Section 27-4 whenever the benefit from the waiver outweighs the risk that the waiver may defeat the policy goals of the Code. Section 27-10(d). An application for a waiver would require the Board to meet with Ms McKeown and probe all possible aspects of the conflict of interest.<sup>7</sup> The Board may attach conditions to the waiver, such as full and fair disclosure of all aspects of the conflict of interest.

### Decision

Ms. McKeown may serve as the Chairwoman of the Village’s Affordable Housing Task Force and simultaneously serve on the Board of Commissioners the Tarrytown Municipal Housing Authority. She must recuse herself, however, from any Task Force activity

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<sup>7</sup> The Ethics Board would maintain in strictest confidence all non-public information disclosed in a hearing on an application for a waiver. *See, by analogy,* Code Section 27-11(4)(a).

(e.g., Task Force deliberations) and from representing the Task Force in any forum relating to 29 South Depot Plaza and any other matter in which the MHA could have an interest, and must disclose the conflict of interest. Ms McKeown may apply to the Ethics Board for a waiver from the aforementioned recusal requirement.

#### TARRYTOWN ETHICS BOARD

Frederic M. Mauhs, Chairman  
Mary McGee  
Dr. Paul Rinaldi  
Noah Zamdmer

*(Joseph Hynes voluntarily recused himself from this matter.)*

Date: February 2, 2021

AdvisOp20-01

# **Exhibit K**



**TARRYTOWN AFFORDABLE HOUSING FUND AGREEMENT**

Approved: October 13, 2020

The Tarrytown Affordable Housing Fund (the "Fund") is established as a restricted fund of the Housing Action Council ("HAC") from a donation made by the Asbury Terrace Housing Development Fund Company, Inc. ("Asbury Terrace"). Asbury Terrace plans to distribute the net proceeds from the sale of the low income housing project it currently owns and operates to establish the Fund. All gifts made to the Fund shall be subject to the following:

1. The Fund is formed to support the development, construction or rehabilitation of affordable housing projects in the Village of Tarrytown consistent with the affordable housing components of the Village's comprehensive plan (the "Fund Purpose").
2. The Fund shall at all times be used exclusively for (a) the Fund Purpose; and (b) charitable purposes as defined under Internal Revenue Code ("Code") Sections 170 and 501(c)(3).
3. It is understood and agreed that the Fund shall be a use restricted fund and not an endowment fund.
4. ~~Asbury Terrace requests that approximately \$8 million from the Fund be allocated to assist with the re-development of a low-income housing project located on property currently owned by the Family YMCA of Tarrytown (the "YMCA Development Project"). The YMCA Development Project will re-develop 48 units of single room occupancy (SRO) units that are rented to men who would otherwise be homeless. The YMCA Development Project will have approximately 110 units (studio and 1BR) that are 100% affordable with 80% of the units reserved for low-income (40% - 80% AMI) seniors 55 and older. All current residents of the SRO units will be temporarily relocated on-site during construction of the YMCA Development Project and then offered housing at the YMCA Development Project.~~
5. ~~HAC shall establish a committee to advise the HAC Board of Directors regarding expenditures from the Fund ("Advisory Committee"). The Advisory Committee shall consist of at least three (3) individuals appointed by the HAC Board of Directors. Advisory Committee members shall serve at the discretion of the HAC Board of Directors. The initial members of the Advisory Committee shall consist of the members of the Village of Tarrytown's Affordable Housing Committee.~~
6. ~~The Advisory Committee may make recommendations for distributions from the Fund that align with the Fund's purpose at any time during the year. Distribution recommendations are advisory only and are not binding on HAC. HAC staff will verify the eligibility of the proposed project. HAC will document approved distributions with an award letter specifying the amount and purpose of the funding, as well as the source of the funding. The Advisory Committee may also choose to make anonymous distributions from the Fund.~~

7. Any recommendations for distributions from the Fund shall be in writing signed by at least a majority of the then serving Advisory Committee members.
8. HAC shall have full right and power to commingle and co-invest the assets of the Fund with other investment assets of HAC and to delegate investment management of the assets of the Fund consistent with existing HAC investment policy for investment assets similar to those held in the Fund. All income generated from the Fund, as well as all gains and losses, realized and unrealized, attributable to the Fund, shall be credited to the Fund.
9. The Fund shall be subject to a 1% annual fee to cover HAC's costs of administering and managing the Fund (the "Annual Fee"). The Annual Fee shall accrue monthly and be deducted quarterly.
10. The Fund is expressly intended to be a component part of HAC. Nothing in these guidelines is intended to create a separate trust fund or other separate entity held by HAC as a trustee or in any other capacity. These guidelines shall be interpreted in a manner consistent with the foregoing intentions and to conform to the requirements of the Code and regulations. HAC is authorized to amend these terms and conditions to conform to the provisions of any applicable law or government regulation now in existence or hereinafter created, in order to carry out the foregoing intentions.
11. The Fund shall terminate upon expenditure of all assets held in the Fund.

HOUSING ACTION COUNCIL

ASBURY TERRACE HOUSING DEVELOPMENT FUND  
COMPANY, INC.

By: Rosemarie Noonan  
Name: ROSEMARIE NOONAN  
Title: Executive Director

By: Sadie McKeam-Singman  
Name: Sadie McKeam-Singman  
Title: Board chair

# Exhibit O

Request  
from  
JAD 1E

to  
Raise  
Rents

TAX  
CREDITS?  
or  
GA must



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
Multifamily Northeast Region  
New York Regional Center  
Jacob K. Javits Federal Building  
26 Federal Plaza, Suite 3214  
New York, NY 10278-0004

October 19, 2020

Amy Plowman  
Nixon Peabody LLP  
437 Madison Avenue  
New York, New York 10022-7039

**SUBJECT:** Project Name: Asbury Terrace  
Property ID Number: 800014772  
Contract Number: NY36-L000-086

Dear Ms. Plowman:

This letter is an approval to your request dated August 26, 2020 of an Early Termination of a Mark Up To Market and the Assignment of the Section 8 Housing Assistance Payments (HAP) contract for Asbury Terrace, located in Tarrytown, NY, to the assigned ownership entity Asbury Apartments, LLC.

#### PROJECT FACTS

Asbury Terrace is an uninsured project consisting of 87 units occupied by families with a unit mix of 33 one bedroom, 55 two bedroom units and 19 three bedroom. There is 1 non-revenue employee unit, which is a superintendent's unit. 86 units are supported by a Basic Renewal Housing Assistance Payments Contract.

This property is currently owned by Asbury Terrace HDLC, a New York limited partnership (the "Current Owner"); The proposed owner Asbury Apartments LLC, whose members are controlled by the principals of Mountco Development and Construction Corporation ("Mountco") (the "Proposed Owner"). The Proposed Owner intends to rehabilitate the Project to preserve it as high quality, affordable housing.

#### MANAGEMENT AGENT

Community Housing and Management Corporation ("Management Agent") manages the Project presently and will continue to do so after the closing. The Management Agent has over 40 years' experience managing HUD and LIHTC properties in New York.

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The Multifamily Northeast Region consists of the New York Regional Center and the Baltimore and Boston Satellite Offices. Together, they serve Connecticut, Delaware, the District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia.  
[www.hud.gov](http://www.hud.gov)

**REHABILITATION WORK**

The financing will allow the Proposed Owner to invest approximately \$5 million in scope of work, including new roofs, windows, kitchen cabinets, appliances, painting all apartments/common areas/bathroom upgrades, new flooring in apartments and common areas, security upgrades (lighting/cameras), and heating upgrades including new boilers. The tenant-in-place rehab is anticipated to start at the closing of the LIHTC financing.

**RESERVE FOR REPLACEMENT**

The original HAP Contract does not require a HUD-controlled reserve for replacement account. The Proposed Owner will fund a new reserve for replacement account to be held by the lender after completion of the rehabilitation. The Proposed Owner will make ongoing monthly deposits to the reserve for replacement in accordance with the lender's requirements, which will be designed to address the Project's physical needs going forward. As there is no HUD-insured financing on the Project and the HAP Contract does not contain a replacement reserve requirement, there will be no HUD-controlled reserve for replacement.

**APPROVED RENTS**

HUD has agreed to waive the requirement for a 3<sup>rd</sup> party RCS and have used the Owner rents to be set at the post rehab market rents at time of closing as per Section 8 Renewal guide Chapter 15-6.E.1b. Our Final Rent Approval is as follows:

Unit Type	Current Section 8 Rents	Post Rehab Market Rents Implemented at Closing	Utility Allowance
1BR	\$1080	\$1980	N/A
2BR	\$1297	\$2100	N/A
3BR	\$1517	\$2650	N/A

Please note that as a condition of this approval, HUD requires that the property be maintained in a decent, safe, and sanitary condition, and that all terms and conditions of the original Housing Assistance Payments contract, including: any renewals, handbooks, notice requirements, and administrative directives are to be adhered.

Also, the following terms are to be completed as further conditions for this approval:

The project will continue to be subject to all Physical Conditions Standards and Inspection Requirements, as outlined in (24 CFR Part 5, Subpart G) and the Financial Reporting Standards as outlined in (24 CFR Part 5, Subpart H) and noted in paragraph 6, part 4, of the HAP Assignment.

This office approves the new assigned owner, Asbury Apartments, LLC to acquire Asbury Terrace, the early termination of the existing HAP contract, subsequent 20-year renewal and MU2M of the contract under option 1B, and the related Assignment, Assumption and Amendment of Section 8 Housing Assistance Payments (HAP Contract).

*Sania said Asbury  
MA/Lept  
② mod ch  
Money?  
But  
you  
get  
Double  
your  
rent*


Upon receipt of this approval letter, please provide 4 copies each of the all HAP related documents signed by the Owner. Upon receipt of same we will execute and forward on to the Contract Administrator for their signatures and thereafter deliver them to you for closing.

Rents will be implemented upon receipt of the executed HAP assignment from the current owner to Asbury Apartments LLC. Please be advised that the increased funding of the contract is subject to the appropriation of funds by Congress.

Finally, you are reminded that our office and New York State Housing Trust Fund will need the Proposed Owner's banking information. Therefore, upon closing please submit the I199A Direct Deposit Form, including the Section 8 HAP Contract Number; The owner's Tax Identification; The DUNS numbers; and Submit a cancelled or voided check to have the banking information updated in our systems.

If there are any questions regarding the above matter, please feel free to contact Rosemarie Nelson, Account Executive at (212)542-7767 or [Rosemarie.Nelson@hud.gov](mailto:Rosemarie.Nelson@hud.gov)

Sincerely,

  
Digitally signed by: Dean J. Santa  
DN: cn = Dean J. Santa, email =  
djsanta@hud.gov, c = US, o =  
U.S. Department of Housing  
and Urban Development, ou =  
Multifamily  
Date: 2020.10.19 12:17:01 -0400

Dean J. Santa  
Asset Management Director  
Multifamily Northeast Region – Federal Region 2

C: Jonelle Stewart, Chief, Account Executive Branch  
Margaret Wingate, Chief, Resolution/Funding Specialist Branch  
Bridget Martin, Funding Specialist

# **Exhibit**

# **A**

671973

## CERTIFICATE OF INCORPORATION

ASBURY TERRACE

HOUSING DEVELOPMENT FUND COMPANY, INC.

Pursuant to Article XI of the Private Housing Finance Law and the Membership Corporation Law

We, the undersigned, for the purpose of forming a corporation pursuant to Article XI of the Private Housing Finance Law of the State of New York and the Membership Corporations Law, hereby certify:

## I

The name of the proposed corporation is ASBURY TERRACE HOUSING DEVELOPMENT FUND COMPANY, INC. and is hereinafter referred to in this Certificate of Incorporation as the "Company". This Certificate of Incorporation may not be altered or amended without the consent of both the Federal Housing Commissioner and the State Commissioner of Housing and Community Development.

## II

This company has been organized exclusively to develop on a non-profit basis a housing project for persons of low income where no adequate housing exists for such groups pursuant to Section 221 (d) (3) of the National Housing Act, as amended.

The company is empowered to do and perform all acts reasonably necessary to accomplish the purposes of the corporation, including the execution of a Regulatory Agreement with the Federal Housing Commissioner and of such other instruments and undertakings as may be necessary to enable the company to secure



671973

ASBURY TERRACE

HOUSING DEVELOPMENT FUND COMPANY, INC.

Pursuant to Article XII of the Private Housing Finance Law and the Membership Corporation Law

We, the undersigned, for the purpose of forming a corporation pursuant to Article XII of the Private Housing Finance Law of the State of New York and the Membership Corporation Law, hereby certify:

## I

The name of the proposed corporation is ~~ASBURY TERRACE~~ HOUSING DEVELOPMENT FUND COMPANY, INC. and is hereinafter referred to in this Certificate of Incorporation as the "Company". This Certificate of Incorporation may not be altered or amended without the consent of both the Federal Housing Commissioner and the State Commissioner of Housing and Community Development.

## II

This company has been organized exclusively to develop on a non-profit basis a housing project for persons of low income where no adequate housing exists for such groups pursuant to Section 221 (d) (3) of the National Housing Act, as amended.

The company is empowered to do and perform all acts reasonably necessary to accomplish the purposes of the corporation, including the execution of a Regulatory Agreement with the Federal Housing Commissioner and of such other instruments and undertakings as may be necessary to enable the company to secure

the benefits of financing with the assistance of mortgage insurance under the provisions of the National Housing Act: Such Regulatory Agreement and other instruments and undertakings shall remain binding upon the corporation, its successors and assigns, so long as a mortgage on the company's property is insured or held by the Federal Housing Commissioner.

### III

All income and earnings of the company shall be used exclusively for corporate purposes, and no part of the net income of net earnings of the company shall inure to the benefit or profit of any private individual, firm, corporation or association.

In the event of the dissolution of the company or the winding up of its affairs, the company's property shall not be conveyed or distributed to any individual or organization created or operated for profit, but shall be conveyed or distributed only to an organization or organizations created and operated for non-profit purposes similar to those of the corporation; provided, however, that the company shall at all times have the power to convey any or all of its property to the Federal Housing Commissioner or his nominee.

### IV

If the company receives a temporary loan or advance from the Housing Development Fund, as established by Article eleven of the Private Housing Finance Law, it shall be authorized to enter into an agreement with the Commissioner of Housing and Community Renewal of the State of New York, providing for regulation with respect to rents, profits, dividends and disposition of property or franchises.

## V

If the company receives a temporary loan or advance from the Housing Development Fund as established by Article eleven of the Private Housing Finance Law, the Commissioner of Housing and Community Renewal of the State of New York shall have the power, if, in his discretion, he determines either that any such temporary loan or advance is in jeopardy of not being repaid, or that the proposed housing project for which such temporary loan or advance was made, is in jeopardy of not being constructed, to appoint to the board of directors of such company a number of new directors, which number shall be sufficient to constitute a majority of such board, notwithstanding any other provision of such certificate of incorporation or of any other provision of law.

## VI

Nothing contained in the Certificate of Incorporation shall authorize the company

- a) to carry on propaganda or otherwise attempt to influence legislation, or to participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office;
- b) to undertake or carry on any of the activities specified in Section 11 of the Membership Corporation Law, or Section 35 of the Social Welfare Law of the State of New York.

## VII

The office of the company is to be located in the Village of Tarrytown, County of Westchester, and State of New York.

## VIII

The territory in which the company's operations are principally to be conducted shall be the Village of Tarrytown, Westchester County, New York.

## IX

The duration of the company shall be perpetual.

## X

By-laws of the company may be adopted by the directors at any regular meeting or at any special meeting called for that purpose, so long as they are not inconsistent with the provisions of these Articles, of the Regulatory Agreement between the company and the Federal Housing Commissioner, and Article Eleven of the Private Housing Finance Law, and the by-laws of the members.

## XI

The number of directors of the company shall be not less than three nor more than fifteen.

## XII

The names and post office addresses of the directors of the company until the first annual meeting are:

<u>Names</u>	<u>Post Office Addresses</u>
Correll Sharrock	135 Halton Road, Tarrytown Heights, N.Y.
James E. Mortensen	3 Lakewood Avenue, E. Tarrytown, N.Y.
John T. Cooney	East Ridge Avenue, Tarrytown, N.Y.
P. Burton Sellers	134 Altamont Ave., Tarrytown, N.Y.

Adolphus Fair 23 Joan Avenue, White Plains, N. Y.  
 Roger Robichaud 52 Seneca Lane, Pleasantville, N. Y.  
 Robert D. Martin 136 Quinn Road, Briarcliff Manor, N.Y.  
 James R. Losee 25 Rosehill Avenue, Tarrytown, N. Y.  
 Hammond Blatchford 508 Monroe Ave., N. Tarrytown, N. Y.  
 Rev. William W. Holman 25 S. Washington St., Tarrytown, N. Y.  
 Walter C. Jago 252 Hunter Ave., N. Tarrytown, N. Y.  
 James C. Beach 86 Cobb Lane, Tarrytown, N. Y.  
 Leonard Prose 22 Beech Lane, Tarrytown, N. Y.  
 Joseph Bonney 60 Embree Street, Tarrytown, N. Y.  
 Arthur I. Davidson 300 S. Broadway, Tarrytown, N. Y.

## VIII

The names and post office addresses of the subscribers to this Certificate of Incorporation are:

<u>Names</u>	<u>Post Office Addresses</u>
Correll Sharrock	135 Halyon Road, Yonkers Heights, N.Y.
James E. Mortensen	3 Lakeview Ave., N. Tarrytown, N. Y.
John T. Cooney	Rose Ridge Avenue, Tarrytown, N. Y.
F. Burton Sellers	134 Altamont Ave., Tarrytown, N. Y.
Adolphus Fair	25 Joan Avenue, White Plains, N. Y.
Roger Robichaud	52 Seneca Lane, Pleasantville, N. Y.
Robert D. Martin	136 Quinn Road, Briarcliff Manor, N.Y.
James R. Losee	25 Rosehill Avenue, Tarrytown, N. Y.
Hammond Blatchford	508 Monroe Ave., N. Tarrytown, N. Y.
Rev. William W. Holman	25 S. Washington Street, Tarrytown, N.Y.
Walter C. Jago	252 Hunter Ave., N. Tarrytown, N. Y.
James C. Beach	86 Cobb Lane, Tarrytown, N. Y.
Leonard Prose	22 Beech Lane, Tarrytown, N. Y.
Joseph Bonney	60 Embree Street, Tarrytown, N. Y.
Arthur I. Davidson	300 S. Broadway, Tarrytown, N. Y.

## XIV

All of the subscribers to this Certificate of Incorporation are of full age. At least two-thirds of them are citizens of the United States, and at least one of the persons named as a director of the Company is a citizen of the United States and a resident of the State of New York.

IN WITNESS WHEREOF, we have made, subscribed and acknowledged this Certificate of Incorporation, on this 7th day of December 1967.

*Correll Sharrack*  
Correll Sharrack

*James E. Mortensen*  
James E. Mortensen

*John T. Cooney*  
John T. Cooney

*F. Burton Sellers*  
F. Burton Sellers

*Adolphus Fair*  
Adolphus Fair

*Robert D. Martin*  
Robert D. Martin

*James R. Loebe*  
James R. Loebe

*Hammond Blatchford*  
Hammond Blatchford

*Rev. William W. Holman*  
Rev. William W. Holman



APPROVAL OF SUBSCRIBERS AND CONSENT TO INCORPORATION BY  
COMMISSIONER OF HOUSING AND COMMUNITY RENEWAL

I, JAMES W. GAYNOR, Commissioner of Housing and Community Renewal of the State of New York, do this 16<sup>th</sup> day of January, 1968, hereby approve as the subscribers named in the foregoing Certificate of Incorporation of Asbury Terrace Housing Development Fund Company, Inc., for the purpose of and as provided by Article eleven of the Private Housing Finance Law of the State of New York, and pursuant to said Article eleven, hereby certify that I consent to the filing of said Certificate of Incorporation with the Secretary of State of the State of New York.

*[Signature]*  
JAMES W. GAYNOR  
COMMISSIONER OF HOUSING AND  
COMMUNITY RENEWAL

The undersigned, a Justice of the Supreme Court of the State of New York, Ninth Judicial District, wherein is located the principal office of said corporation, hereby approves the within Certificate of Incorporation of Asbury Terrace Housing Development Fund Company, Inc. and the filing thereof.

DATED: White Plains, New York  
1967.

Signed at Chambers  
Poughkeepsie, New York  
on 16<sup>th</sup> day of Jan.  
1968

*[Signature]*  
JUSTICE OF THE SUPREME COURT

HON. JOSEPH F. HAWKINS, JUSTICE

THE UNDERSIGNED HAS NO  
OBJECTION TO THE GRANTING  
OF JUDICIAL APPROVAL  
HEREON AND WAIVES  
STATUTORY NOTICE

February 10, 1968.

*[Signature]*  
WILLIAM REBER  
Assistant Attorney General





CERTIFICATE OF CONSENT TO USE OF NAME

The undersigned, being the President and Secretary, respectively, of Asbury Terrace, Inc., a domestic membership corporation, hereby certify as follows:

1. The name of this corporation is Asbury Terrace, Inc.
2. The Certificate of Incorporation, pursuant to the Membership Corporations Law, was duly filed with the Secretary of State of the State of New York on December 6, 1966.
3. At a regular meeting of the Board of Directors of Asbury Terrace, Inc., duly called and held in accordance with the by-laws, on the 15 day of February 1968, and a quorum being present, the following resolution was adopted by unanimous vote of all present:

"RESOLVED that this corporation hereby consents to the use of the name "Asbury Terrace" by a new corporation to be named the "Asbury Terrace Housing Development Fund Co. Inc.", the Certificate of Incorporation of which is annexed hereto."

IN WITNESS WHEREOF, the undersigned have hereunto set their hands and the seal of this corporation the 15 day of February 1968.

S E A L

  
President  
Secretary

STATE OF NEW YORK

COUNTY OF WESTCHESTER

On this 15 day of February 1968, before me personally came JAMES E. MORTENSEN and *Jane E. Beach* to me known and known to me to be the same persons described in and who executed the foregoing instrument, and they duly severally acknowledged to me that they executed the same.

*Arthur J. Tiet*  
ARTHUR J. TIET  
Notary Public  
State of New York  
County of Westchester  
Comm. expires March 20, 1969

70-

FILED: WESTCHESTER COUNTY CLERK 10/28/2020 05:11 PM

INDEX NO. 63673/2020

NYSCEF DOC. NO. 2

RECEIVED NYSCEF: 10/28/2020

671973-11

*OK - 11/15/18*

CERTIFICATE OF INCORPORATION

OF

ASBURY TERRACE

HOUSING DEVELOPMENT FUND COMPANY, INC.

*2*  
*07/2*

RECEIVED  
CLERK OF WESTCHESTER COUNTY  
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CLERK OF WESTCHESTER COUNTY

ARTHUR A. LITT  
ATTORNEY AT LAW  
1 CENTRAL AVENUE  
TARRYTOWN, NEW YORK 10591

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