



**AGENDA**  
**AUGUST 15, 2012**  
**BOARD OF TRUSTEES**  
VILLAGE OF BRIARCLIFF MANOR, NEW YORK  
REGULAR MEETING – 7:30 PM

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**Board of Trustees Announcements**

**Village Managers Report**

**Public Comments**

1. Police Sergeant Promotion
2. Approval of Field Use Application
3. Minutes
  - August 1, 2012 – Regular Meeting



**NEXT REGULAR BOARD OF TRUSTEES MEETING – SEPTEMBER 5, 2012**

VILLAGE OF BRIARCLIFF MANOR  
BOARD OF TRUSTEES AGENDA  
AUGUST 15, 2012

**1. POLICE SERGEANT PROMOTION**

BE IT RESOLVED, that Matthew Doherty of xxxxxxxxxxxxxx, Hawthorne, New York is hereby promoted to the position of Police Sergeant at an annual salary of \$100,873 effective at 12:01 a.m. on August 16, 2012.

VILLAGE OF BRIARCLIFF MANOR  
BOARD OF TRUSTEES AGENDA  
AUGUST 15, 2012

**2. APPROVAL OF FIELD USE APPLICATION**

BE IT RESOLVED, that the Board of Trustees does hereby approve the distribution of the Field Use Application by the Recreation Department.

The Regular Meeting of the Board of Trustees of the Village of Briarcliff Manor, New York was held in the Village of Briarcliff Manor Village Hall, at 1111 Pleasantville Road, Briarcliff Manor, New York on the 1<sup>st</sup> of August, 2012 commencing at 7:30 p.m.

**Present**

William J. Vescio, Mayor  
David Venditti, Deputy Mayor  
Mark Pohar, Trustee  
Lori A. Sullivan, Trustee

**Also Present**

Philip Zegarelli, Village Manager  
Christine Dennett, Village Clerk  
Clinton Smith, Village Counsel

**Absent**

Robert Murray, Trustee

**Board of Trustees Announcements by Trustee Sullivan**

- The Westchester County Clerk Mobile Passport Unit will be in front of Village Hall on August 2<sup>nd</sup> from 11am-2pm.
- The Library has 196 children signed up for the summer reading program. Please visit the website for information on their programs.
- Pool season is in full swing and permits are required and still available.
- Mark your calendars for Community Day on September 8<sup>th</sup>.

**Village Managers Report by Village Manager Zegarelli**

- A walk through inspection is being done by the EFC for the FWSP tomorrow.
- A summary of FEMA monies should be received shortly.
- The solar panels installed at Village Hall and DPW are estimated to save the Village around \$1,200 per month.
- The Club Field is closed for the remainder of the season.
- Summer Camp ends this Friday.
- Drainage work is being done throughout the Village.
- The first half of Village Tax was due by July 2<sup>nd</sup> and the Village has collected 98.97% thus far.

Mayor Vescio stated for the first time in many years the Village would not have to send out a water report. He stated that was due in a large part to having a reliable, potable water source.

## **Public Comments**

Mr. Richard Esposito of 810 Sleepy Hollow Road stated he was looking to the Village for assistance with an issue caused by the Rosecliff retaining pond. He asked the Village to issue an order for Rosecliff to maintain their two catch basins causing the drainage issues.

Dr. Alex Lehmann of 812 Sleepy Hollow Road read excerpts from the 1984 Planning Board resolution approving the Rosecliff development.

Mayor Vescio noted their homes were outside of the Village and stated the Village has cited Rosecliff and would follow up.

Deputy Mayor Venditti stated the Village didn't have an obligation but a right of election and unless there were extreme circumstances the Village typically didn't do work on private property.

Village Manager Zegarelli gave a brief presentation and stated the pipes that were installed under their driveways may not be adequate to handle the water flow from the Gory Brook. He stated the Village would continue to follow up on the matter and would keep the Town of Mount Pleasant in the loop.

## **Budget Amendment – NYSERDA Grant**

Mayor Vescio stated the installation of the solar panels were just one item to better enhance the Village and commended the Village Manager and staff for attaining the grant.

Upon motion by Trustee Sullivan, seconded by Deputy Mayor Venditti, the Board voted unanimously to approve the following resolution:

**BE IT RESOLVED** that the budget for fiscal year 2011-2012 is hereby amended to accept a NYS Energy Research and Development Authority (NYSERDA) Grant from the NYS Commissioner of Taxation and Finance as follows:

Increase Appropriation – NYSERDA GRANT (H1440.201.11264) by \$248,211.20

Increase Revenue – Government Capital Grants (H0101.3097) by \$248,211.20

## **Amend Master Fee Schedule – Public Notice Fee**

Upon motion by Deputy Mayor Venditti, seconded by Trustee Pohar, the Board voted unanimously to approve the following resolution:

**BE IT RESOLVED** that effective August 1, 2012 the Board of Trustees does hereby amend the Master Fee Schedule for the Village of Briarcliff Manor as follows:

**VILLAGE CLERK**

**PUBLIC NOTICE FEE**

Any fee associated with the publishing of a public notice in any official Village Newspaper shall be the sole responsibility of the property owner or applicant with the exception of the Planning Board and Zoning Board of Appeals applicants where the application fee is inclusive of the public notice.

**Authorize Village Manager to execute an Agreement with Westchester County and 445 North State Road Partners, LLC**

The Board had general discussion regarding the resolution and made minor changes.

Mr. Eric Abraham, Partner of 445 North State Road Partners, LLC, stated he would contact his counsel regarding the certificates of occupancy.

Upon motion by Trustee Pohar, seconded by Trustee Sullivan, the Board voted unanimously to approve the following resolution as amended:

**RESOLUTION  
OF THE  
VILLAGE OF BRIARCLIFF MANOR BOARD OF TRUSTEES  
445 North State Road Inter-Municipal/Developer Agreement**

**WHEREAS**, by Application dated June 24, 2010, submitted with a Short Environmental Assessment Form and Village of Briarcliff Manor Ethics Certification, Comstock Development Inc. and 445 North State Road Partners, LLC applied to the Village of Briarcliff Manor Planning Board (“Planning Board”) for Site Plan Approval for the demolition of an existing 2-story office building and the development of mixed-use buildings including fourteen (14) affordable housing units and two (2) office spaces, with new private utilities/services including electric, sewer, water and storm (the “Project”) on its property at 445 North State Road, Briarcliff Manor, New York (the “Property”); and

**WHEREAS**, by resolution adopted April 12, 2012, the Planning Board determined that the Project will not significantly alter the existing use of the Property in a way that is incompatible with surrounding uses, will not have an adverse impact upon the character of the area, and will not otherwise have a significant impact upon the environment, found that the Project presents an overall benefit to the community by furthering the affordable housing goals of both the Village of Briarcliff Manor (“Village”) and the County of Westchester (“County”) by providing fourteen units of Affordable Affirmatively Furthering Fair Housing Units, and granted Site Plan Approval for the Project in accordance with

the provisions of Section 220-14 of the Village of Briarcliff Manor Zoning Code, subject to payment of all fees and satisfaction of other standard conditions; and

**WHEREAS**, Westchester County is providing services and funding for the benefit of the Project, including but not limited to improving utility service to the Property ("Infrastructure Improvements"); and

**WHEREAS**, the Infrastructure Improvements will necessarily require work on Village infrastructure and North State Road, which is scheduled to be conveyed to the Village in or about 2015 under agreement between the Village and the County dated May 17, 2001 ("Municipal Infrastructure Improvements"); and

**WHEREAS**, to address County financing and Village requirements, the County, the Village, and 445 North State Road Partners, LLC ("445 Partners") have agreed to set forth their respective rights and obligations with respect to the Municipal Infrastructure Improvements and other aspects of the Project and the Village's commitments as they relate thereto; and

**WHEREAS**, the Village Board of Trustees ("Board of Trustees") has reviewed a form of Inter-Municipal/Developer Agreement between the Village, the County, and 445 Partners ("IMDA"), a form of easement from the Village annexed thereto as Schedule G-1 ("Municipality Easement"), and a form of Agreement between the Village and 445 Partners ("Developer Agreement"), forwarded collectively by message of Village Attorneys on July 27, 2012; and

**WHEREAS**, the Board of Trustees is satisfied with the IMDA, the Municipality Easement, and the Developer Agreement and the rights, benefits, and protections afforded the Village therein;

**NOW THEREFORE, BE IT**

**RESOLVED**, that Board of Trustees finds that execution of the IMDA, the Municipality Easement, and the Developer Agreement would be in the best interest of the Village; and be it further

**RESOLVED**, that Board of Trustees authorizes and directs the Village Manager to execute and deliver the IMDA, the Municipality Easement, and the Developer Agreement on behalf of the Village; and be it further

**RESOLVED**, that the Village Manager is further authorized to make or accept any change to the IMDA, the Municipality Easement, or the Developer Agreement so long as the change is not material and is acceptable to Village Attorneys in form and substance; and be it further

**RESOLVED**, that any action heretofore taken in furtherance of the objects of this Resolution is ratified and confirmed.

**Minutes**

Upon motion by Trustee Sullivan, seconded by Deputy Mayor Venditti, the Board voted unanimously to approve the minutes of July 5, 2012.

**Schedule Work Session**

Upon motion by Deputy Mayor Venditti, seconded by Trustee Pohar the Board voted unanimously to schedule a work session on August 15, 2012 at 6:30pm in Village Hall to interview Architects for the Library and Community Center.

**Adjournment**

Upon motion by Trustee Sullivan, seconded by Deputy Mayor Venditti, the Board voted unanimously to adjourn the meeting at 8:20pm.

Respectfully Submitted By,

Christine Dennett  
Village Clerk