



OK

**AGENDA**  
**NOVEMBER 20, 2013**  
**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. Village and Justice Court Annual Auditor's Report FY 12-13
2. Election Resolution for Annual Village Election 2014
3. Minutes
  - November 6, 2013 – Regular Meeting

**NEXT REGULAR BOARD OF TRUSTEES MEETING – DECEMBER 4, 2013**

VILLAGE OF BRIARCLIFF MANOR  
BOARD OF TRUSTEES AGENDA  
NOVEMBER 20, 2013

**2. ELECTION RESOLUTION FOR ANNUAL VILLAGE ELECTION 2014**

BE IT RESOLVED that the annual Village Election will be held in the Village of Briarcliff Manor on Tuesday, March 18, 2014 between the hours of 6:00am and 9:00pm during which the polls will be open.

BE IT FURTHER RESOLVED that the following Village Offices are to be elected at the annual Village Election of March 18, 2014 for the terms as set forth herein:

<u>Office</u>	<u>Term</u>
Trustee (2)	2 Years

Village Board of Trustees  
Regular Meeting  
November 6, 2013  
7:30 p.m.

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 6<sup>th</sup> of November, 2013 commencing at 7:30 p.m.

**Present**

William J. Vescio, Mayor  
Lori A. Sullivan, Deputy Mayor  
Robert Murray, Trustee  
Mark Pohar, Trustee  
Mark L. Wilson, Trustee

**Also Present**

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

**Continuation of a Public Hearing to Renew and Amend a Special Use Permit – Faith Lutheran Brethren Church**

Upon motion by Trustee Pohar, seconded by Trustee Murray, the Board voted unanimously to open the public hearing.

Mr. Michael Molinelli, Architect for the Church, stated he would answer any questions the Board might have regarding the application.

Deputy Mayor Sullivan asked if any comments were received.

Village Manager Zegarelli stated no comments were received.

Upon motion by Trustee Murray, seconded by Deputy Mayor Sullivan, the Board voted unanimously to close the public hearing.

The Board had general discussion regarding the resolution and the requirements of who could occupy the onsite apartment.

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

**RESOLUTION  
OF THE  
VILLAGE OF BRIARCLIFF MANOR BOARD OF TRUSTEES**

## **SPECIAL USE PERMIT RENEWAL AND AMENDMENT**

### **FAITH LUTHERAN BRETHERN CHURCH**

**WHEREAS**, by Resolution dated October 15, 1987, the Board of Trustees of the Village of Briarcliff Manor issued a Special Use Permit for the continued operation of the Faith Lutheran Brethren Church at 480 Pleasantville Road, Briarcliff Manor, (the "Church") as a place of worship; and

**WHEREAS**, by Resolution dated January 17, 2008, the Board of Trustees renewed said Special Use Permit for a period beginning retroactively on October 17, 2001, through October 17, 2013; and

**WHEREAS**, by Resolution adopted January 18, 1966, the Village of Briarcliff Manor Planning Board granted Site Plan Approval for the Church; and

**WHEREAS**, by Resolution adopted October 2, 2012, the Board of Trustees approved the amendment of the Special Use Permit to allow the filling and re-grading of a portion of the Church property for use by Church members for outdoor meetings and recreation; and

**WHEREAS**, by Resolution dated February 12, 2013, the Planning Board granted site plan approval relative to said filling and re-grading project; and

**WHEREAS**, the Church has applied to the Board of Trustees to further amend the Special Use Permit, and to the Planning Board to further amend the said Site Plan Approval, relative to the construction of a 3,895 square foot addition to the existing Church building, which would provide additional Church meeting and assembly space as well as a new kitchen and dining area for Church parishioners, and the legalization and expansion of an existing apartment unit located in the basement level of the Church (the "Project"); and

**WHEREAS**, pursuant to Village Code Section 220-6(C), the Board of Trustees referred the application for amendment of the Special Use Permit to the Planning Board for report and recommendation; and

**WHEREAS**, at its meeting of May 14, 2013, the Planning Board authorized a memorandum bearing the same date to be forwarded to the Board of Trustees by which the Planning Board reserved its determination on the Site Plan amendment, but recommended that the Board of Trustees approve the Application for Special Permit approval relative to the Project; and

**WHEREAS**, at the time said memorandum was authorized, the Planning Board was unaware of the existence of the said apartment unit located in the basement of the Church, and at its meeting of August 13, 2013, the Planning Board, authorized a further memorandum similar in form and content to the prior one, but discussing the residential use and recommending that the Board of

Trustees in approving the Application for Special Permit approval relative to the Project, condition such approval upon the Church apartment being limited to occupancy and use by an employee of the Church and his or her immediate family, at no cost to the employee or in exchange for custodial and/or caretaker services; and

**WHEREAS**, by Resolution dated October 8, 2013, the Planning Board granted Amended Site Plan approval for the Project, subject to issuance of approval of the Board of Trustees of an Amended Special Use Permit relative to the Project; and

**WHEREAS**, the Board of Trustees has reviewed a Short Environmental Assessment Form submitted by the Applicant and has determined that the Project is an Unlisted action in accordance with the New York State Environmental Quality Review Act ("SEQRA").

**NOW THEREFORE, BE IT RESOLVED THAT**, in accordance with SEQRA, the Board of Trustees hereby determines that the proposed action will not have a significant impact upon the environment as it will not significantly alter the existing use of the Church property and it will not have an adverse impact upon the character of the area; and

**BE IT FURTHER RESOLVED THAT** the Special Use Permit for the Church is hereby renewed subject to the same conditions included in the original Special Use Permit approval dated October 15, 1987, as renewed by Resolution dated January 17, 2008, and amended by Resolution adopted on October 3, 2012, and further amended by this Resolution, said renewal herein to extend to October 17, 2018; and

**BE IT FURTHER RESOLVED THAT** should the Church desire to renew this Special Use Permit for another five year period, commencing in 2018, the Church shall be responsible for requesting the renewal at least sixty (60) days prior to the expiration of the Special Use Permit; and

**BE IT FURTHER RESOLVED THAT** said Special Use Permit for the Church, is hereby further amended to reflect the construction of a 3,895 square foot addition to the existing Church building, which would provide additional Church meeting and assembly space as well as a new kitchen and dining area for Church parishioners, and the legalization and expansion of an existing apartment unit located in the basement level of the Church subject to all of the terms and conditions of this Resolution, and to all of the terms and conditions of the original Special Use Permit Resolution and subsequent renewals and amendments thereof as same may be modified therein and herein; and

**BE IT FURTHER RESOLVED THAT** as a condition of this approval the Church apartment shall be limited to occupancy and use by an employee of the Church and his or her immediate family, at no cost to the employee or in exchange for custodial and/or caretaker services; and

**BE IT FURTHER RESOLVED THAT**, the violation of any term or condition of this Resolution or the Special Use Permit as renewed and amended, shall place the Special Use Permit and any associated Certificate of Occupancy in jeopardy and subject to revocation by the Village; and

**BE IT FURTHER RESOLVED THAT** except as otherwise provided herein, all other terms and conditions of the Special Use Permit shall remain in full force and effect.

**Public Hearing to Renew a Special Use Permit – St. Theresa’s Church**

Upon motion by Trustee Wilson, seconded by Trustee Pohar, the Board voted unanimously to open the public hearing.

The Board had general discussion regarding the resolution and if there were any amendments to the Special Use Permit.

Upon motion by Trustee Pohar, seconded by Trustee Murray, the Board voted unanimously to close the public hearing.

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

BE IT RESOLVED that the Special Use Permit issued to St. Theresa’s Church is hereby renewed subject to the same conditions included in the original Special Use Permit approval dated October 3, 1996 and any subsequent Special Use Permit amendments.

BE IT FURTHER RESOLVED that the Special Use Permit renewal shall be retroactive to October 3, 2013, and shall extend to October 3, 2018.

BE IT FURTHER RESOLVED that should the St. Theresa’s Church desire to renew this Special Use Permit for another five year period, commencing in 2018, the Church shall be responsible for requesting the renewal at least sixty (60) days prior to the expiration of the Special Use Permit.

**Board of Trustees Announcements by Trustee Murray**

- The Library has had great attendance at their programs.
- The platform tennis courts are open, permits are required.
- Registration for a number of Recreation Programs is underway.
- The Winter Recreation Brochure will be available soon.
- The Community Bonfire and Sing-A-Long will be on December 8<sup>th</sup>.

**Village Managers Report by Village Manager Zegarelli**

- The Board held a joint work session with the Town of Ossining Board regarding the Annexation. The joint hearing will be on December 12<sup>th</sup> at 7pm.

- The DEC issued a permit for the work at the Youth Center.
- The Community Center design is 90% complete.
- Leaf pickup has begun. Please do not put leaves into the streets or catch basins.
- The FY 12-13 Audit documents were received and will be presented at the next meeting.
- Speed is being monitored throughout the Village.

**Public Comments**

None

**Acceptance of Donations from the Friends of the Library**

The Board thanked the Friends of the Library for their donation.

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

BE IT RESOLVED, that the Board of Trustees hereby accepts a donation in the amount of \$1,005.98 from the Friends of the Library for the purposes of purchasing book carts and wall cork for the Briarcliff Manor Public Library.

Increase Revenue – Gifts  
(L0108.2705) by \$1005.98

Increase Expenses – Special Matching Expenses  
(L7410.206) by \$1005.98

BE IT FURTHER RESOLVED, that the Board of Trustees hereby accepts a donation in the amount of \$10,200 from the Friends of the Library, as custodian for the Readers Digest Grant, for the purposes of purchasing Overdrive eBooks, eAudio Books, DVD's, Children's nonfiction for Common Core, an online service for children's graphic novels and Playaways for the Briarcliff Manor Public Library.

Increase Revenue – Gifts  
(L0108.2705) by \$10,200

Increase Expenses – Special Matching Expenses  
(L7410.206) by \$10,200

**Fire Department Membership**

The Board thanked Ms. Lederman for volunteering.

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

BE IT RESOLVED, that the Board of Trustees of the Village of Briarcliff Manor hereby approves the membership of **Joanna Lederman** to the Scarborough Engine Company.

**Minutes**

Upon motion by Trustee Wilson, seconded by Trustee Pohar, with abstentions from Mayor Vescio and Trustee Murray, the Board voted to approve the minutes of October 16, 2013.

**Adjournment**

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

Respectfully Submitted By,

Christine Dennett  
Village Clerk