



AMENDED 2-4-14

AGENDA

FEBRUARY 6, 2014

BOARD OF TRUSTEES

VILLAGE OF BRIARCLIFF MANOR, NEW YORK

REGULAR MEETING – 7:30 PM

Board of Trustees Announcements

Village Managers Report

Public Comments

1. Tax Certiorari – OK Café
2. **Schedule a Public Hearing to Amend Chapter 220-2 Continuing Care Retirement Community**
3. **Schedule a Public Hearing to Amend a Special Use Permit – Briarcliff Manor Investors, The Club at Briarcliff Manor**
4. Election Inspectors for the Village Election on March 18, 2014
5. Minutes
 - January 9, 2014 – Regular Meeting
 - January 22, 2014 – Special Meeting

NEXT REGULAR BOARD OF TRUSTEES MEETING – FEBRUARY 19, 2014

VILLAGE OF BRIARCLIFF MANOR
BOARD OF TRUSTEES AGENDA
FEBRUARY 6, 2014

1. TAX CERTIORARI, OK CAFÉ

WHEREAS, OK Café instituted tax certiorari proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York; and

WHEREAS, the tax certiorari filings were for Town of Ossining assessment years 2007 through 2013; and

WHEREAS, the tax certiorari filings relate to Village of Briarcliff Manor fiscal years 2008-2009, 2009-2010, 2010-2011, 2011-2012, 2012-2013 and 2013-2014; and

WHEREAS, a Consent Judgment of the Supreme Court of the State of New York, County of Westchester, was entered on January 2, 2014;

WHEREAS, the Consent Judgment was received after the finalization of the approval of the Village budget for Fiscal Year 2013-2014;

WHEREAS, the Village received payment in the amounts set forth below for the total 2008-2009, 2009-2010, 2010-2011, 2011-2012, 2012-2013 and 2013-2014 Village taxes due on the property based on the assessed value prior to any adjustment under the Consent Judgment;

NOW THEREFORE, BE IT RESOLVED, that the Board of Trustees does hereby authorize the payment of tax refunds for Fiscal Years 2008-2009, 2009-2010, 2010-2011, 2011-2012, 2012-2013 and 2013-2014 in the amounts set forth below based upon assessment values reduced in accordance with the Consent Judgment:

BE IT FURTHER RESOLVED, that the assessment for the Fiscal Years 2008-2009, 2009-2010, 2010-2011, 2011-2012, 2012-2013 and 2013-2014 shall be adjusted in accordance with the Consent Judgment.

Year	Address	Original Assessed Value	New Assessed Value	Assessment Reduction	Original Tax Amount	Reduced Tax Amount	Refund	Abatement
2007	265 S. Highland Ave.	\$76,600	\$53,350	\$23,250	\$6,502.90	\$4,529.11	\$1,973.79	
2008	265 S. Highland Ave.	\$76,600	\$55,500	\$21,200	\$6,632.04	\$4,805.20	\$1,826.84	

2009	265 S. Highland Ave.	\$76,600	\$53,000	\$23,600	\$6,687.86	\$4,626.94	\$2,060.30	
2010	265 S. Highland Ave.	\$76,600	\$57,500	\$19,100	\$6,817.40	\$5,117.50	\$1,699.90	
2011	265 S. Highland Ave.	\$76,600	\$60,000	\$16,600	\$6,918.51	\$5,419.20	\$1,499.31	
2012	265 S. Highland Ave.	\$76,600	\$61,000	\$15,600	\$7,199.63	\$5,733.39	\$1,466.24	
				\$119,250				
				TOTAL AV REDUCTION			TOTAL REVENUE REDUCTION	\$10,526.33

2009	265 S. Highland Ave.	\$76,600	\$53,000	\$23,600	\$6,687.86	\$4,626.94	\$2,060.30	
2010	265 S. Highland Ave.	\$76,600	\$57,500	\$19,100	\$6,817.40	\$5,117.50	\$1,699.90	
2011	265 S. Highland Ave.	\$76,600	\$60,000	\$16,600	\$6,918.51	\$5,419.20	\$1,499.31	
2012	265 S. Highland Ave.	\$76,600	\$61,000	\$15,600	\$7,199.63	\$5,733.39	\$1,466.24	
				\$119,250				
				TOTAL AV REDUCTION			TOTAL REVENUE REDUCTION	\$10,526.33

1/2/2014
 Rate - Town of Ossining
 Bill Year VBM
 Assessment

Year	Owner on Bill	Bill #	Parcel Address	2007 81,0456	2008 84,8943	2009 86,5802	New Assessed	Reduction	2010 \$ 87.30	2011 \$ 89.00	2012 90.32	2013 93.99	
				Assessed	Assessed	Current Tax Bill	Amount	New Tax	Change In Tax	Refund Yrs	Refund Current Yr	Abate 2nd	
2007	OK Café		2008	97-15-4-10	\$ 76,600.00	\$ 6,502.90	\$ 53,350.00	\$ 23,250.00	\$ 4,529.11	\$ 1,973.79			
2008	OK Café		2009	97-15-4-10	\$ 76,600.00	\$ 6,632.04	\$ 55,500.00	\$ 21,100.00	\$ 4,805.20	\$ 1,826.84			
2009	OK Café		2010	97-15-4-10	\$ 76,600.00	\$ 6,687.86	\$ 53,000.00	\$ 23,600.00	\$ 4,626.94	\$ 2,060.92			
2010	OK Café		2011	97-15-4-10	\$ 76,600.00	\$ 6,817.40	\$ 57,500.00	\$ 19,100.00	\$ 5,117.50	\$ 1,699.90			
2011	OK Café		2012	97-15-4-10	\$ 76,600.00	\$ 6,918.51	\$ 60,000.00	\$ 16,600.00	\$ 5,419.20	\$ 1,499.20			
2012	OK Café		2013	97-15-4-10	\$ 76,600.00	\$ 7,199.48	\$ 61,000.00	\$ 15,600.00	\$ 5,733.39	\$ 1,466.09			
											\$ (0.01)	\$ 1,466.24	
												\$ (0.03)	\$ 1,466.21

A1964 Budget 13-14
 Begoni \$ 100,000
 Chase \$ 9,321.66
 OK Café \$ 3,199.10
 Remaining \$ 9,060.12
 \$78,419.12

A1964
 \$ 9,060.12
 \$ 1,466.21
 \$ 10,526.33

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

-----X
In the Matter of the Application of

O.K. CAFÉ OF WESTCHESTER, INC.

Petitioner(s),

-against-

THE TOWN OF OSSINING, A MUNICIPAL
CORPORATION, ITS ASSESSOR AND BOARD OF
ASSESSMENT REVIEW,

Respondents,

For a Review Under Article 7 of the RPTL.
-----X

**NOTICE OF
ENTRY &
APPLICATION
FOR REFUND**

Index No.

18380/07

21391/08

21106/09

24254/10

55893/11

64962/12

64852/13


SIRS:

PLEASE TAKE NOTICE that the within is a true copy of the Judgment entered in the above entitled proceeding filed and entered on January 2, 2014; and

PLEASE TAKE FURTHER NOTICE that the undersigned hereby demands that the refunds directed to be audited, allowed and paid to the petitioner in the above-entitled proceeding be allowed and paid according to the terms of said Judgment, and

PLEASE TAKE FURTHER NOTICE that this demand is made pursuant to §726 of the Real Property Tax Law of the State of New York, and that all tax refunds herein directed to be made by Respondents and/or any of the various taxing authorities, be made by check or draft payable to the order of **Wolper Law Firm, PLLC**, as attorneys for the Petitioner(s), who is to hold the proceeds as trust funds for appropriate distribution, and who is to remain subject to the further jurisdiction of this Court in regard to its attorney's lien, pursuant to Judiciary Law §475.

Dated: Valhalla, New York
January 6, 2014



Robert W. Wolper, Esq.
WOLPER LAW FIRM, PLLC
Attorneys for Petitioner(s)
400 Columbus Avenue, 2nd Floor
Valhalla, New York 10595
(914) 741-5050

TO: Susanne Donnelly, Town Supervisor
Town of Ossining
16 Croton Avenue, 2nd Floor
Ossining, NY 10562

Gloria Fried, Town Tax Receiver
Town of Ossining
16 Croton Avenue
Ossining, NY 10562

Robin L. Rizzo, Village Treasurer
Village of Briarcliff Manor
1111 Pleasantville Road
Briarcliff Manor, NY 10510

Jean Chen, Treasurer
Ossining Union Free School District
190 Croton Avenue
Ossining, NY 10562

County of Westchester
Ann Marie Berg, Commissioner
Westchester County Department of Finance
Attn: Elio Giuliani, Coordinator—Fiscal Operations
148 Martine Ave—7th Floor
White Plains NY 10601-3311

FILED
AND
ENTERED
ON 1/2 2014
WESTCHESTER
COUNTY CLERK

PRESENT:

HON. BRUCE E. TOLBERT,

At an IAS Term of the Supreme Court of the State of New York held in and for the County of Westchester at the courthouse thereof located at White Plains, New York on the 28 day of

January, 2014

TOWN OF OSSINING

OCT 28 2013

ASSESSORS OFFICE

Justice.

In the Matter of the Application of

~~O.K. CAMP OF WESTCHESTER, INC.,~~

Petitioner(s),

-against-

THE TOWN OF OSSINING,

A MUNICIPAL CORPORATION, ITS ASSESSOR
AND BOARD OF ASSESSMENT REVIEW,

Respondents,

For Review Under Article 7 of the RPTL.

CONSENT
JUDGMENT

Index No.

18380/07 ✓

21391/08 ✓

21106/09 ✓

24254/10 ✓

55893/11 ✓

64962/12 ✓

64852/13 ✓

The above petitioner having heretofore served and filed a Notice of Petition and Petition to review the tax assessments fixed by the Town of Ossining for the assessment years 2007, 2008, 2009, 2010, 2011, 2012 and 2013 upon certain real property located at 265 South Highland Avenue, Village of Briarcliff Manor, Town of Ossining, and designated as Section 97.15, Block 4, Lot 10 on the Official Assessment Map of the Town of Ossining, and

The issues of these proceedings having duly come on for trial at an IAS Term of this Court, and the petitioner having appeared by **ROBERT W. WOLPER, ESQ.**, of Wolper Law Firm, PLLC, and the respondents having appeared by **WAYNE SPECTOR, ESQ.**, Town Attorney, and the parties having made their settlement, it is

ORDERED, that the assessments on Section 97.15, Block 4, Lot 10 be and the same are hereby reduced, corrected and fixed for the assessment years as follows:

<u>Assessment Year</u>	<u>Assessed Valuation</u>		<u>Amount of Reduction</u>
	<u>Reduced From</u>	<u>Reduced To</u>	
2007	\$76,600	\$53,350	\$23,250
2008	\$76,600	\$55,500	\$21,100
2009	\$76,600	\$53,000	\$23,600
2010	\$76,600	\$57,500	\$19,100
2011	\$76,600	\$60,000	\$16,600
2012	\$76,600	\$61,000	\$15,600
2013	\$76,600	\$61,000	\$15,600

and so reduced and confirmed, it is further

ORDERED, ADJUDGED AND DECREED, that the officer or officers having custody of the assessment rolls upon which the above-mentioned assessments and any taxes levied thereon are entered shall correct the said entries in conformity with this Order and shall note upon the margin of said rolls, opposite of said entries, that the same have been corrected by the authority of this order, and it is further

ORDERED, that there shall be audited, allowed and paid to the petitioner by the **TOWN OF OSSINING** the amount of Town taxes and any and all other special district taxes paid by the petitioner as taxes against the said erroneous assessments in excess of what the taxes would have been if the said assessments made in the aforesaid years had been determined by this Order, together with the proportionate share of any interest or penalty paid by reason of any delinquent payment of any excess taxes, paid by the petitioner as taxes against the said erroneous assessments in excess of what the taxes would have been if the said assessments made

in the aforesaid years had been determined by this Order, together with interest thereon from the date of payment thereof as provided by statute, and it is further

ORDERED, that there shall be audited, allowed and paid to the petitioner by the **OSSINING UNION FREE SCHOOL DISTRICT** the amount of School taxes paid by the petitioner as taxes against the said erroneous assessments in excess of what the taxes would have been if the said assessments made in the aforesaid years had been determined by this Order, together with interest thereon from the date of payment thereof as provided by statute, and it is further

ORDERED, that there shall be audited, allowed and paid to the petitioner by the **VILLAGE OF BRIARCLIFF MANOR** the amount of Village taxes paid by the petitioner as taxes against the said erroneous assessments in excess of what the taxes would have been if the said assessments made in the aforesaid years had been determined by this Order, together with interest thereon from the date of payment thereof as provided by statute, and it is further

ORDERED, ADJUDGED AND DECREED, that the County Legislators of the **COUNTY OF WESTCHESTER**, State of New York, be and are hereby directed and authorized to audit, allow and pay to the petitioner the amount, if any, of State, County, Judiciary and/or any and all other special district taxes paid by the petitioner as taxes against the erroneous assessment in excess of what the taxes would have been if the said assessment had been determined by this Order, together with interest thereon from the date of payment as provided by statute, and it is further

ORDERED AND DIRECTED, that all tax refunds are to be paid with interest pursuant to §726 of the Real Property Tax Law of the State of New York; provided, however, interest shall be waived in the event that payment is made within sixty (60) days from the date of service of this Order with notice of entry upon the respective taxing authorities, and it is further

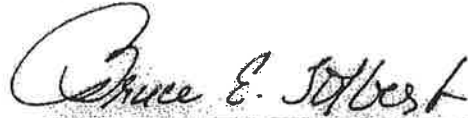
ORDERED AND DIRECTED, that the provisions of RPTL §720(1)(b) are specifically waived to the extent that each unit that received a STAR exemption in any of the assessment years in these proceedings shall be entitled to receive the same amount of the STAR exemption that such unit had before the reduction in the assessment ordered herein, and it is further

ORDERED AND DIRECTED, that the Commissioner of Finance of Westchester County be served with a copy of this judgment with notice of entry, together with proof of payment of State, County, Judiciary and/or any and all other special district taxes, and it is further

ORDERED AND DIRECTED, that all tax refunds hereinabove directed to be made by respondent, the **TOWN OF OSSINING** and/or any of the various taxing authorities, be made by check or draft payable to the order of **WOLPER LAW FIRM, PLLC**, as attorneys for the petitioner(s), who are to hold the proceeds as trust funds for appropriate distribution, and who are to remain subject to the further jurisdiction of this Court in regard to their attorney's lien, pursuant to Judiciary Law §475 and it is further

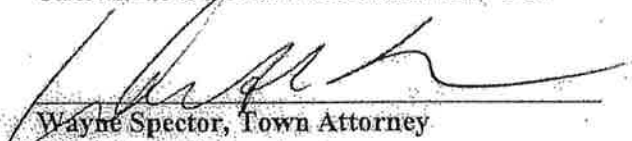
ORDERED, that this Order hereby constitutes and represents full settlement of each of the tax review proceedings herein, that there are no costs or allowances awarded to, by or against any of the parties, and that upon compliance with the terms of this Order and Judgment, the above-entitled proceedings be and the same are settled and discontinued.

ENTER,




HON. BRUCE E. TOLBERT, J.S.C.

SIGNING AND ENTRY OF THE WITHIN ORDER IS HEREBY CONSENTED TO:



Wayne Spector, Town Attorney
Attorney for Respondents
16 Croton Avenue
Ossining, NY 10562
(914) 762-8274



January 2, 2014



Robert W. Wolper, Esq.
Wolper Law Firm, PLLC
Attorneys for Petitioner
400 Columbus Avenue, Suite 124s
Valhalla, New York 10595
(914) 741-5050

THE OFFICE OF THE WESTCHESTER COUNTY ATTORNEY HAS NO OBJECTION TO THE ENTERING OF THE WITHIN ORDER.

DATED: December 24, 2013



COUNTY ATTORNEY
WESTCHESTER

Westchester
gov.com

December 24, 2013

TO: HON. BRUCE E. TOLBERT
Richard J. Daronco Courthouse
111 Dr. Martin Luther King, Jr. Blvd., Rm. 1618
White Plains, New York 10601

Attn: Catherine Richey
Court Clerk

FROM: Jeffrey Goldman 
Assistant County Attorney

RE: **O.K. Café of Westchester Inc. v. Town of Ossining -
(CON95735)**
Index Nos. 18380/07; 21391/08; 21106/09; 24254/10;
55893/11; 64962/12 and 64852/13
| Section 97.15, Block 4, Lot 10

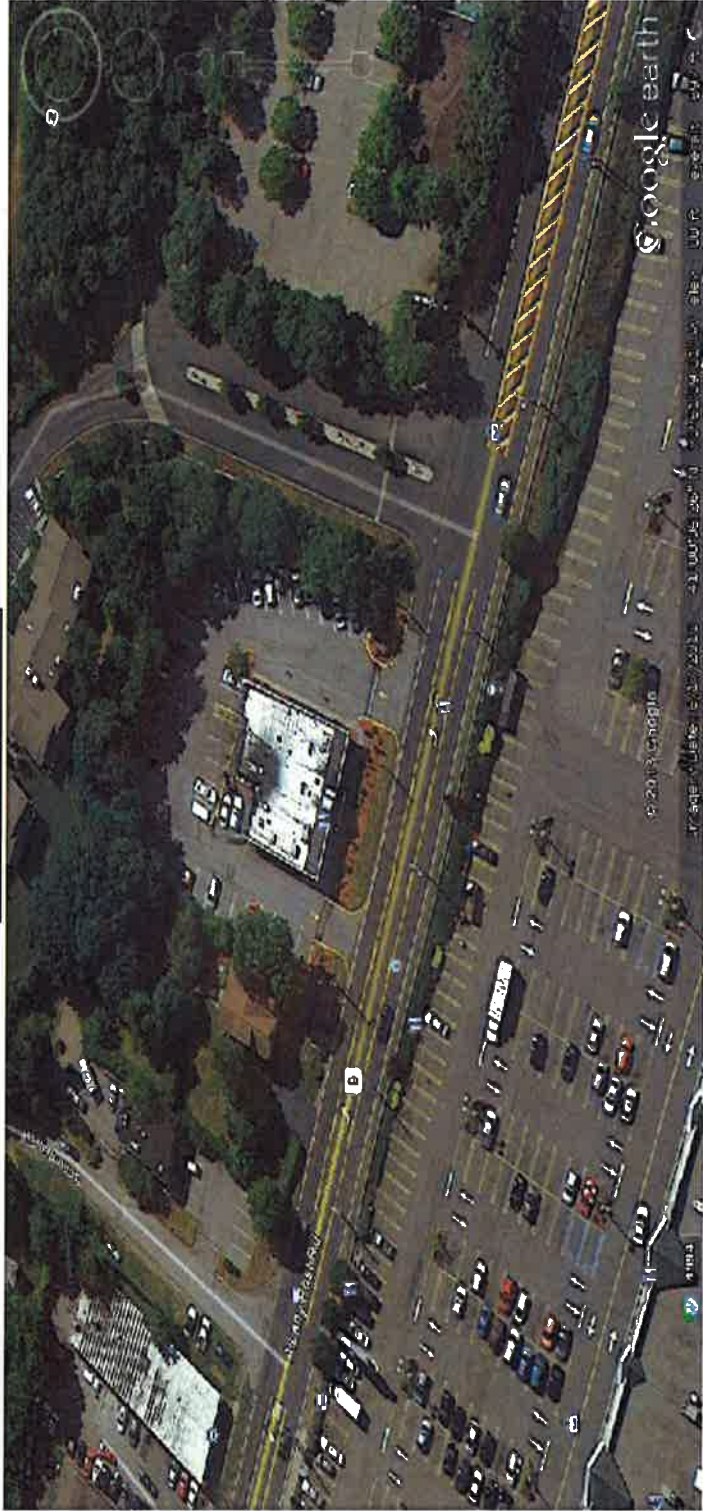
The Office of the Westchester County Attorney has no
objection to the entering of the within order.

JG:ls

O.K. Café Landmark Dinner @ 265 South Highland 3,532 SF

YEAR	Total AV	E-rate	Market Value	Reduced Market Value	Reduced AV	Reduction %
2007	76,600	0.0485	1,579,381	\$ 1,150,000	53,350	30.35%
2008	76,600	0.0505	1,516,832	\$ 1,100,000	55,550	27.48%
2009	76,600	0.0512	1,496,094	\$ 1,025,000	53,000	30.81%
2010	76,600	0.0556	1,377,698	\$ 1,025,000	57,500	24.93%
2011	76,600	0.0585	1,309,402	\$ 1,025,000	60,000	21.67%
2012	76,600	0.0610	\$1,255,738	\$ 1,000,000	61,000	20.37%

20.37% valuation at \$35.00 per S.F.



01/09/2014 11:22
414rrizz

VILLAGE OF BRIARCLIFF MANOR
OPEN ABATEMENTS (LIST ONLY)

PG 1
txabtent

REF NO	CAT	YEAR	PROPERTY	BILL	OWNER NAME	REASON	RESOLUTION CLERK	EFFEC DATE	ASSMT POSTS	CHANGE LIABL	CHARGE	ABATEMENT AMOUNT	
1381	20	2013	20130072	5628	AIFA-TAF, LLC	TxCert Tax Certiorari	011514 Tax Cer 414rrizz	01/09/2014 01/09/2014		-15,600	TAXOSS	-1,466.21	
1382	20	2012	20120495	210489	AIFA-TAF, LLC	TxCert Tax Certiorari	011514 Tax Cer 414rrizz	01/09/2014 01/09/2014		-16,600	TAXOSS	-1,499.31	
1383	20	2011	20112017	201907	LAMBROU PROPERTIES, LLC	TxCert Tax Certiorari	011514 Tax Cer 414rrizz	01/09/2014 01/09/2014		-19,100	TAXOSS	-1,699.90	
1384	20	2010	20100738	97724	VOURLIOTIS & LAMBROU REALTY	TxCert Tax Certiorari	011514 Tax Cer 414rrizz	01/09/2014 01/09/2014		-23,600	TAXOSS	-2,060.28	
1385	20	2009	20090739	94723	VOURLIOTIS & LAMBROU REALTY	TxCert Tax Certiorari	011514 Tax Cer 414rrizz	01/09/2014 01/09/2014		-21,100	TAXOSS	-1,826.84	
1387	20	2008	20080739	90723	VOURLIOTIS & LAMBROU REALTY	TxCert Tax Certiorari	011514 Tax Cer 414rrizz	01/09/2014 01/09/2014		-23,250	TAXOSS	-1,973.79	
6 ABATEMENTS												ABATEMENT TOTAL	-10,526.33

YEAR	CAT	CHARGE	ABATEMENT AMOUNT
2008	20	TAXOSS Real Property Tax (OSSI)	-1,973.79 * LIABILITY ACCOUNT *
		* LIABILITY ACCOUNT *	-1,973.79
2009	20	TAXOSS Real Property Tax (OSSI)	-1,826.84
			-1,826.84
2010	20	TAXOSS Real Property Tax (OSSI)	-2,060.28 * LIABILITY ACCOUNT *
		* LIABILITY ACCOUNT *	-2,060.28
2011	20	TAXOSS Real Property Tax (OSSI)	-1,699.90
			-1,699.90
2012	20	TAXOSS Real Property Tax (OSSI)	-1,499.31
			-1,499.31
2013	20	TAXOSS Village Taxes	-1,466.21
			-1,466.21
		ABATEMENT TOTAL	-10,526.33

VILLAGE OF BRIARCLIFF MANOR
BOARD OF TRUSTEES AGENDA
FEBRUARY 6, 2014

**2. SCHEDULE PUBLIC HEARING: CHAPTER 220-2, ZONING,
DEFINITIONS, CONTINUING CARE RETIREMENT COMMUNITY**

BE IT RESOLVED that a Public Hearing is hereby scheduled for the March 19, 2014 Board of Trustees meeting to hear and discuss a Local Law to amend Section 220-2 of the Zoning Ordinance of the Village of Briarcliff Manor, New York relative to the definition of a Continuing Care Retirement Community.

BE IT RESOLVED FURTHER that the proposed local law to amend Section 220-2 of the Zoning Ordinance of the Village of Briarcliff Manor, New York relative to the definition of a Continuing Care Retirement Community is hereby directed to the Village Planning Board and to the Westchester County Planning Board for review and recommendation and to the Town of Ossining, Town of Mount Pleasant, and Village of Ossining for review and comment as they see fit.

DRAFT FOR 2-5-14 BOT MEETING

LOCAL LAW TO AMEND CHAPTER
220 OF THE CODE OF THE VILLAGE
OF BRIARCLIFF MANOR TO LIST
SENIOR LIVING RETIREMENT
COMMUNITY (“SLRC”) AS A SPECIAL
PERMIT USE WITHIN THE RESIDENCE
DISTRICTS SUBJECT TO SPECIAL
STANDARDS AND REQUIREMENTS

**MARKED TO SHOW REVISIONS
TO EXISTING CODE SECTIONS**

Be it enacted by the Board of Trustees of the Village of Briarcliff Manor as follows:

1. In Section 220-2 of the Code of the Village of Briarcliff Manor, the definition of “Continuing Care Retirement Community (CCRC)” is hereby amended by deleting the said definition of in its entirety and replacing it with the following:

~~“CONTINUING CARE~~SENIOR LIVING RETIREMENT COMMUNITY (~~CCRC~~SLRC)

A for-profit age-restricted institutional development authorized by the State of New York in accordance with Article 46 of the Public Health Law, as it may be amended from time to time, or otherwise operated in accordance with the New York State Public Health Law that, by contract, provides access to a continuum of housing, daily living services and facilities, and health and nursing care for the life of ~~initially healthy~~ seniors from independent residences to assisted living to skilled nursing care generally including:

- A. Independent living units (ILU), assisted living units (ALU) and a skilled nursing facility (SNF), together with the provision of board for residents;
- B. A range of medical, health care and social services, including, among other things, home health care, nursing care, hospice care, dementia care, respite care, rehabilitation services, including on-site physician's offices, and services at an on-site or affiliated skilled nursing facility; and
- C. Amenities, facilities and programs specifically designed to enhance the length and quality of life of residents, including common dining, recreation, incidental retail, incidental personal services, and cultural facilities, together with separate overnight accommodations for the guest(s) of any resident, only as may be permitted as a condition of the required special permit.”

2. Section 220-6.J.(14) of the Code of the Village of Briarcliff Manor is hereby amended by deleting it in its entirety and replacing it with the following:

“(14) ~~Continuing care retirement community (CCRC)~~ Senior Living Retirement Community (SLRC) within the R60A and R80A Residential Districts. The Village Board may grant a special permit for construction and operation of a CCRC SLRC, as a permanent institutional use, subject to the following standards and requirements set forth below:

(a) Notwithstanding the criteria set forth in the Schedule Limiting the Use of Buildings and Land and the Location, Arrangement, Bulk and Size of Buildings Editor's Note: The Schedule Limiting the Use of Buildings and Land and the Location, Arrangement, Bulk and Size of Buildings is included at the end of this chapter. the following parameters shall govern the establishment of any CCRC SLRC:

- [1] Minimum size of lot. The minimum size of the lot on which a CCRC SLRC may be established shall be 50 acres.
- [2] Maximum density. No more than six ILUs per acre, ~~not for~~ 10 residents per acre shall be permitted in any CCRC SLRC.
- [3] Dimensional requirements applicable to CCRC SLRC development. The size of any building and development situated in a CCRC SLRC in the R60A or R80A District shall conform ~~with to~~ the R60A or the R80A District requirements, respectively, except as set forth herein:
 - [a] The maximum gross floor area ratio shall not exceed 0.35. For the purposes of this section, below-grade parking areas, loading areas, cellars, balconies, mezzanines and storage or mechanical spaces shall not be considered as floor area.
 - [b] The maximum building coverage shall not exceed 10%, excluding any structures or portions thereof used for Village purposes
 - [c] In addition to the requirements of Subsection C, the Village Board shall establish the appropriate location, arrangement, length, width and height of the building(s) on the property with specific consideration to the visual impact of the development on the surrounding properties.
 - [d] At least 75% of the land shall be maintained as open space, unoccupied by any buildings or aboveground parking areas, other than those used for Village purposes. Any calculation of open space on the property shall include any land available for public recreational use.

- [e] A minimum setback of 125 feet shall be provided along all portions of the land abutting any public street line. Such setback shall be appropriately planted and properly maintained, as detailed in any relevant special permit conditions.
 - [f] Notwithstanding the provisions of the Schedule Limiting the Use of Buildings and Land and the Location, Arrangement, Bulk and Size of Buildings, Exceptions and Modifications, Subsection 1(c) as to height, the maximum building height shall not exceed 10 stories.
- (b) Required findings. In addition to the requirements of Subsection C, the Village Board of Trustees shall make each and every one of the following findings
- [1] The proposed ~~CCRC~~SLRC will preserve large contiguous areas as open space.
 - [2] The proposed ~~CCRC~~SLRC will increase and diversify the tax base with relatively little impact on Village services.
 - [3] The proposed ~~CCRC~~SLRC will provide alternate forms of housing to meet the changing needs of Village and area residents and allow residents to remain in Briarcliff Manor.
 - [4] There will not be an overabundance of such facilities or other age restricted housing within the Village.
 - [5] The proposed ~~CCRC~~SLRC is needed and appropriate.
- (c) Off-street parking and loading.
- [1] Off-street parking requirements. The minimum off-street parking requirements for a ~~CCRC~~SLRC shall be based upon the following:
 - [a] Residential parking requirement: 1.2 spaces per ILU; and
 - [b] Staff and amenity parking: 0.4 spaces multiplied by the number of aggregate ILU, ALU and SNF units; and
 - [c] Visitor parking: 0.15 spaces multiplied by the number of aggregate ILU, ALU and SNF units.
 - [2] Off-street loading. In connection with the issuance of the special permit for the ~~CCRC~~SLRC, the Village Board shall ensure that appropriate

loading areas are provided in suitable locations to properly service the needs of the CCRCSLRC.

[3] Design and layout. In connection with the design and layout of any parking or loading areas the approving agency shall be guided by the provisions of § 220-12 of the Zoning Law and may grant waivers from compliance with the provisions of § 220-12C(6), entitled "Landscaping within parking areas," in the interest of achieving an appropriate layout and design for the operation of the CCRCSLRC in any development where structured parking is provided below the grade of the first-story of the principal building served thereby.

(d) Other requirements. In addition to the special standards described above, to the extent not inconsistent herewith, a CCRCSLRC shall comply with all other requirements of the Zoning Ordinance of the Village of Briarcliff Manor, including but not limited to the special permit use provisions detailed in § 220-6 and the Schedule Limiting the Use of Buildings and Land and the Location, Arrangement, Bulk and Size of Buildings.”

3. Severability. The invalidity of any word, section, clause, paragraph, sentence, part or provision of this local law shall not affect the validity of any part of this local law which can be given effect without such valid part or parts.

4. Effective Date. This local law shall take effect immediately upon filing in the Office of the Secretary of State of New York within the provisions of the Municipal Home Rule Law.

VILLAGE OF BRIARCLIFF MANOR
BOARD OF TRUSTEES AGENDA
FEBRUARY 6, 2014

3. SCHEDULE PUBLIC HEARING, AMENDMENT TO SPECIAL USE PERMIT, BRIARCLIFF MANOR INVESTORS – THE CLUB AT BRIARCLIFF MANOR

1. Referral to the Planning Board

BE IT RESOLVED that the request for the amendment of a Special Use Permit issued to Briarcliff Manor Investors – The Club at Briarcliff Manor is hereby directed to the Village Planning Board and Westchester County Planning Board for review and recommendation.

2. Schedule Public Hearing

BE IT RESOLVED that a Public Hearing is hereby scheduled for March 19, 2014 at 7:30pm or soon thereafter in Village Hall located at 1111 Pleasantville Road, Briarcliff Manor, NY to hear and consider an application to amend a Special Use Permit issued to Briarcliff Manor Investors – The Club at Briarcliff Manor.

January 22, 2014

BY EMAIL (pzegarelli@briarcliffmanor.org) & OVERNIGHT COURIER

Hon. William Vescio, Mayor, and
Members of the Board of Trustees
Village of Briarcliff Manor
1111 Pleasantville Road
Briarcliff Manor, New York 10510

Re: Application of Briarcliff Manor Investors LLC and Integrated Development Group LLC
The Club at Briarcliff Manor (Premises: Former Site of The King's College)

Dear Mayor Vescio and Members of the Board of Trustees:

On behalf of Briarcliff Manor Investors LLC and Integrated Development Group LLC (collectively "BMI"), we respectfully submit this letter in further support of its application to:

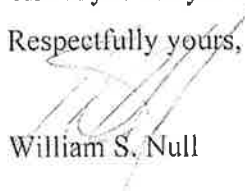
- a. Amend Chapter 220 of the Briarcliff Manor Zoning Code to, among other things, change the reference to a "Continuing Care Retirement Community ("CCRC")" to a "Senior Living Retirement Community ("SLRC")", so as not to limit such SLRC only to one regulated by Article 46 of the New York State Public Health Law (as more particularly detailed on the enclosed Exhibit A); and
- b. Amend the existing Special Permit for this Continuing Care Retirement Community ("CCRC"), which is set forth in a Resolution adopted March 18, 2010 entitled, "First Modification of the Third Amended and Restated Special Permit and Tree Removal Permit" (the "2010 Special Permit") to conform to the proposed amendment to the Zoning Code and to update the 2010 Special Permit to reflect compliance with the 2010 Special Permit and to modify certain terms therein, as follows:
 - i. To state that the Village has rezoned the Premises from the R60A District to the R80A District but has "grandfathered" the development of the CCRC or SLRC on the Premises, as if it remained in the R60A District;
 - ii. To confirm that BMI completed the requisite Ballfields in accordance with the 2010 Special Permit and has granted a Recreation Easement to the Village;
 - iii. To permit the CCRC or SLRC to broaden its residency offerings to attract a larger senior resident customer base, offering multiple residency agreements to seniors either with or without entrance fee programs and including senior services, all operated as a senior community in accordance with New York State Public Health Law;

- iv. To provide for the payment of the Contributory Mitigation Payments in equal annual installments over a ten (10) year period from the issuance of the First Building Permit; and
- v. To coordinate with the Village's construction of necessary Village-wide public-purpose infrastructure improvements to be located on these Premises, which will require the granting to the Village of easements and entry upon the Premises by the Village, its contractors, employees and agents; and
- vi. To confirm that BMI has offered make a voluntary mitigation and contributory payment for the beneficial right to use the public-purpose infrastructure improvements.

We look forward to appearing before you to further discuss this Application and respectfully request that the Zoning Code and 2010 Special Permit be amended as detailed herein.

Thank you for your consideration herein.

Respectfully yours,



William S. Null

WSN:yp
Enclosure

Cc: (with enclosure): Mr. Phillip E. Zegarelli (pzegarelli@briarcliffmanor.org); Mr. David Turiano, P.E. (dturiano@briarcliffmanor.org); Clinton Smith, Esq. (csmith@wkgj.com) and Daniel Pozin, Esq. (dpozin@wkgj.com); Mr. Matthew K. Phillips; and Ms. Katherine A. Barnes

EXHIBIT A

**INTEGRATED DEVELOPMENT GROUP LLC
THE CLUB AT BRIARCLIFF MANOR**

Chapter 220 of the Briarcliff Manor Zoning Code

Proposed Amendment to Section 220-2 of the Briarcliff Manor Zoning Code

Definitions

~~CONTINUING CARE~~SENIOR LIVING RETIREMENT COMMUNITY (CCRC SLRC)

A for-profit age-restricted institutional development authorized by the State of New York in accordance with Article 46 of the Public Health Law, as it may be amended from time to time, or otherwise operated in accordance with the New York State Public Health Law that, by contract, provides access to a continuum of housing, daily living services and facilities, and health and nursing care for the life of initially healthy seniors from independent residences to assisted living to memory care to skilled nursing care generally including:

[Added 5-29-2003 by L.L. No. 3-2003; amended _____ -2014 by L.L. _____ -2014]

- A. Independent living units (ILU), assisted living units (ALU), memory care and a skilled nursing facility (SNF), together with the provision of board for residents;

- B. A range of medical, health care and social services, including, among other things, home health care, nursing care, hospice care, dementia care, respite care, rehabilitation services, including on-site physician's offices, and services at an on-site or affiliated skilled nursing facility; and

- C. Amenities, facilities and programs specifically designed to enhance the length and quality of life of residents, including common dining, recreation, incidental retail, incidental personal services, and cultural facilities, together with separate overnight accommodations for the guest(s) of any resident, only as may be permitted as a condition of the required special permit.

Continuing Care Senior Living Retirement Community Special Permit Standards

Section 220-6.J. Special Permit Uses

(14) ~~Continuing care retirement community (CCRC)~~Senior Living Retirement Community (SLRC) within the R60A and R80A Residential Districts. The Village Board may grant a special permit for construction and operation of a ~~CCRC~~SLRC, as a permanent institutional use, subject to the following standards and requirements set forth below:

[Added 5-29-2003 by L.L. No. 3-2003; amended 2-18-2010 by L.L. No. 1-2010; amended _____ -2014 by L.L. No. _____ -2014]

- (a) Notwithstanding the criteria set forth in the Schedule Limiting the Use of Buildings and Land and the Location, Arrangement, Bulk and Size of Buildings Editor's Note: The Schedule Limiting the Use of Buildings and Land and the Location, Arrangement, Bulk

and Size of Buildings is included at the end of this chapter. the following parameters shall govern the establishment of any CCRCSLRC:

[1] Minimum size of lot. The minimum size of the lot on which a CCRCSLRC may be established shall be 50 acres.

[2] Maximum density. No more than six ILUs per acre, ~~not or~~ 10 residents per acre shall be permitted in any CCRCSLRC.

[3] Dimensional requirements applicable to CCRCSLRC development. The size of any building and development situated in a CCRCSLRC in the R60A or R80A District shall conform ~~with~~to the R60A or the R80A District requirements, respectively, except as set forth herein:

[a] The maximum gross floor area ratio shall not exceed 0.35. For the purposes of this section, below-grade parking areas, loading areas, cellars, balconies, mezzanines and storage or mechanical spaces shall not be considered as floor area.

[b] The maximum building coverage shall not exceed 10%, excluding any structures or portions thereof used for Village purposes

[c] In addition to the requirements of Subsection C, the Village Board shall establish the appropriate location, arrangement, length, width and height of the building(s) on the property with specific consideration to the visual impact of the development on the surrounding properties.

[d] At least 75% of the land shall be maintained as open space, unoccupied by any buildings or aboveground parking areas, other than those used for Village purposes. Any calculation of open space on the property shall include any land available for public recreational use.

[e] A minimum setback of 125 feet shall be provided along all portions of the land abutting any public street line. Such setback shall be appropriately planted and properly maintained, as detailed in any relevant special permit conditions.

[f] Notwithstanding the provisions of the Schedule Limiting the Use of Buildings and Land and the Location, Arrangement, Bulk and Size of Buildings, Exceptions and Modifications, Subsection 1(c) as to height, the maximum building height shall not exceed 10 stories.

(b) Required findings. In addition to the requirements of Subsection C, the Village Board of Trustees shall make each and every one of the following findings

[1] The proposed CCRCSLRC will preserve large contiguous areas as open space.

[2] The proposed CCRC SLRC will increase and diversify the tax base with relatively little impact on Village services.

[3] The proposed CCRC SLRC will provide alternate forms of housing to meet the changing needs of Village and area residents and allow residents to remain in Briarcliff Manor.

[4] There will not be an overabundance of such facilities or other age restricted housing within the Village.

[5] The proposed CCRC SLRC is needed and appropriate.

(c) Off-street parking and loading.

[1] Off-street parking requirements. The minimum off-street parking requirements for a CCRC SLRC shall be based upon the following:

[a] Residential parking requirement: 1.2 spaces per ILU; and

[b] Staff and amenity parking: 0.4 spaces multiplied by the number of aggregate ILU, ALU₂ and SNF units; and

[c] Visitor parking: 0.15 spaces multiplied by the number of aggregate ILU, ALU₂ and SNF units.

[2] Off-street loading. In connection with the issuance of the special permit for the CCRC SLRC, the Village Board shall ensure that appropriate loading areas are provided in suitable locations to properly service the needs of the CCRC SLRC.

[3] Design and layout. In connection with the design and layout of any parking or loading areas the approving agency shall be guided by the provisions of § 220-12 of the Zoning Law and may grant waivers from compliance with the provisions of § 220-12C(6), entitled "Landscaping within parking areas," in the interest of achieving an appropriate layout and design for the operation of the CCRC SLRC in any development where structured parking is provided below the grade of the first-story of the principal building served thereby.

(d) Other requirements. In addition to the special standards described above, to the extent not inconsistent herewith, a CCRC SLRC shall comply with all other requirements of the Zoning Ordinance of the Village of Briarcliff Manor, including but not limited to the special permit use provisions detailed in § 220-6 and the Schedule Limiting the Use of Buildings and Land and the Location, Arrangement, Bulk and Size of Buildings.

Document comparison by Workshare Professional on Wednesday, January 22, 2014 2:34:54 PM

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Document 2 ID	interwovenSite://DMS10/iManage/2227974/5
Description	#2227974v5<iManage> - DRAFT Amendment to Chapter 220 of the Briarcliff Manor Zoning Code - Definition of CCRC and Special Permit provisions
Rendering set	standard

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Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

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VILLAGE OF BRIARCLIFF MANOR
BOARD OF TRUSTEES AGENDA
FEBRUARY 6, 2014

4. ELECTION INSPECTORS FOR VILLAGE ELECTION MARCH 18, 2014

BE IT RESOLVED that, Janet Wagner, Susan Cabral, Karen St. Vil, and Susan Zetkov-Lubin are hereby appointed Inspectors of Election for the March 18, 2014 Village Election.

BE IT FURTHER RESOLVED that Janet Wagner is hereby designated as Inspector of Election and Chairperson.

BE IT FURTHER RESOLVED that Jessie Swisher Spiers, Lynn Kenner, Francisco Montano and Pamela Newman are hereby appointed as Alternate Inspectors of Election.

BE IT FURTHER RESOLVED that the compensation for each Inspector of Election other than the Inspector designated as Chairperson is hereby fixed at Two Hundred and Twenty Five (\$225) dollars per day or prorated to \$14 per hour worked.

BE IT FURTHER RESOLVED that the compensation for the Inspector of Election that is designated as Chairperson shall be Two Hundred Seventy-Five (\$275) dollars per day.

VILLAGE OF BRIARCLIFF MANOR
BOARD OF TRUSTEES AGENDA
FEBRUARY 6, 2014

5. MINUTES

- January 9, 2014 – Regular Meeting
- January 22, 2014 – Special Meeting

Village Board of Trustees
Regular Meeting
January 9, 2014
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 9th of January, 2014 commencing at 7:30 p.m.

Present

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

Also Present

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

Absent

Robert Murray, Trustee

Public Hearing to Amend a Special Use Permit – Sleepy Hollow Country Club

Upon motion by Trustee Pohar, seconded by Deputy Mayor Sullivan, the Board voted unanimously to open the Public Hearing.

Ms. Krista Yacovone, Attorney for the Applicant, explained the proposed request to amend the Special Use Permit to allow for the installation of a solar collection system.

Mr. Zach Pearson of InSite Engineering, explained the proposed site plan.

Mr. Doug Hertz of Sunrise Solar Solutions explained the proposed solar array.

Ms. Yacovone stated a fourth building was also getting a solar array but it fell under Mount Pleasant's jurisdiction and they approved the application.

The Board had general discussion regarding any visual impacts on the surrounding properties. The Board thanked them for their presentation and congratulated the Club for going "green".

Upon motion by Deputy Mayor Sullivan, seconded by Trustee Wilson, the Board voted unanimously to adjourn the Public Hearing to February 19, 2014 at 7:30pm in Village Hall.

Village Managers Report by Village Manager Zegarelli

- The Youth Center Field work has been put on hold until the spring.
- 600 tons of salt have been used thus far this winter during the storms.
- The Ice Skating Rink is open.
- There are Sunday hours at the Library from 1pm-5pm.
- Platform Tennis Courts are open and permits are required.

Village Manager Zegarelli gave a presentation on the 6 month status of the Fiscal Year 2013-2014 budget.

Public Comments

There were no public comments.

Election Resolution for Annual Village Election 2014

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

BE IT RESOLVED that the annual Village Election will be held in the Village of Briarcliff Manor at the Youth Center (5 Van Lu Van Road) in said Village 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 polling places for the Village of Briarcliff Manor, will be designated as follows, the Village's Single Election District (Town Voting districts #15, #16, #17, #19, #26, #27 and #29) will vote in the Briarcliff Manor Youth Center located at 5 Van Lu Van Road.

Tax Certiorari – Pace University

The Board had general discussion regarding the lack of notice from the Town of Ossining of the tax certiorari and the drastic reduction in assessed value.

The Board voted unanimously to reject the resolution listed below:

WHEREAS, Pace University instituted tax certiorari proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York; and

WHEREAS, the tax certiorari filings were for Town of Ossining assessment years 2009 through 2013; and

WHEREAS, the tax certiorari filings relate to Village of Briarcliff Manor fiscal years 2010-2011, 2011-2012, 2012-2013 and 2013-2014; and

WHEREAS, a Consent Judgment of the Supreme Court of the State of New York, County of Westchester, was entered on October 21, 2013;

WHEREAS, the Consent Judgment was received after the finalization of the approval of the Village budget for Fiscal Year 2013-2014;

NOW THEREFORE BE IT RESOLVED, that the assessment for the Fiscal Years 2010-2011, 2011-2012, 2012-2013 and 2013-2014 shall be adjusted in accordance with the Consent Judgment.

BE IT FURTHER RESOLVED, upon receipt of the 2013 assessment roll the 2014-2015 fiscal year will reflect the adjusted assessment in accordance with the Consent Judgment.

Year	Address	Original Assessed Value	New Assessed Value	Assessment Reduction	Original Tax Amount	Reduced Tax Amount	Refund	Abatement
2009	235 Elm Road	\$3,864,198	\$2,304,000	\$1,560,198	n/a	n/a	n/a	n/a
2010	235 Elm Road	\$3,864,198	\$2,502,000	\$1,362,198	n/a	n/a	n/a	n/a
2011	235 Elm Road	\$3,864,198	\$2,340,000	\$1,524,198	n/a	n/a	n/a	n/a
2012	235 Elm Road	\$3,864,198	\$2,440,198	\$1,424,198	n/a	n/a	n/a	n/a
				\$5,870,792		Total	\$0	\$0
				TOTAL AV REDUCTION			TOTAL REVENUE REDUCTION	\$0

Change of Meeting Date

Upon motion by Trustee Pohar, seconded by Deputy Mayor Sullivan, the Board voted unanimously to change the meeting originally scheduled for January 15, 2014 to January 21, 2014 at 7:30pm with a Work Session to begin at 6:30pm.

Board Appointment

Upon motion by Deputy Mayor Sullivan, seconded by Trustee Wilson, the Board voted unanimously to appoint John O’Leary to the Zoning Board of Appeals to fill a vacancy to expire on April 1, 2016.

The Board thanked Ron Alenstein for his many years of service and thanked John O’Leary for volunteering to help.

Minutes

Upon motion by Trustee Wilson, seconded by Trustee Pohar, the Board voted unanimously to approve the minutes of December 4, 2013.

Upon motion by Trustee Pohar, seconded by Deputy Mayor Sullivan, the Board voted unanimously to approve the minutes of December 18, 2013.

Adjournment

Upon motion by Deputy Mayor Sullivan, seconded by Trustee Wilson, the Board voted unanimously to adjourn the regular meeting and enter into Executive Session to receive advice of Counsel at 8:15pm.

Respectfully Submitted By,

Christine Dennett
Village Clerk

Village Board of Trustees
Special Meeting
January 22, 2014
6:55 p.m.

A Special 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 22nd of January, 2014 commencing at 6:55 p.m.

Present

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

Also Present

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

Absent

Robert Murray, Trustee

Authorize Village Manager to Execute a Stipulated Settlement Agreement with Police Officer A

Upon motion by Trustee Pohar, seconded by Deputy Mayor Sullivan, the Board voted unanimously to open the meeting at 6:55pm.

Upon motion by Deputy Mayor Sullivan, seconded by Trustee Wilson, the Board voted unanimously to convene as the Board of Police Commissioners.

Upon motion by Trustee Pohar, seconded by Trustee Wilson, the Board voted unanimously with a 4-0 vote to approve the following resolution as amended:

Trustee Pohar –	Aye
Deputy Mayor Sullivan –	Aye
Trustee Wilson –	Aye
Mayor Vescio -	Aye

WHEREAS, a certain person is employed by the Village of Briarcliff Manor as a police officer (“Police Officer A”); and

WHEREAS, the Village and Police Officer A have agreed to a negotiated resolution of certain issues between them to avoid the potential cost, time, and risk of hearings and litigation;

NOW, THEREFORE, BE IT

RESOLVED, that the Village of Briarcliff Manor Board of Trustees, acting as Trustees and/or as the Board of Police Commissioners, does hereby approve that agreement with Police Officer A in the form circulated to the Board by electronic message of the Village Manager dated January 6, 2014, and presently on the dais before the Board, including but not limited to Police Officer A's voluntary resignation and separation from service with the Village ("Stipulated Settlement"); and be it further

RESOLVED, that Board of Trustees authorizes and directs the Village Manager to execute and deliver the Stipulated Settlement on behalf of the Village and ratifies any such execution and delivery of the same that already has been done; and be it further

RESOLVED, that the Village Manager is further authorized to make or accept any change to the Stipulated Settlement so long as the change is not material and adverse to the Village's interests and is acceptable to Village Counsel in form and substance.

Upon motion by Trustee Wilson, seconded by Trustee Pohar, the Board voted unanimously to reconvene as the Board of Trustees.

Adjournment

Mayor Vescio asked that drivers obey the traffic laws and overnight parking restrictions in the Village. He cautioned drivers to drive safely and watch for black ice with the extremely low temperatures.

Upon motion by Trustee Pohar, seconded by Deputy Mayor Sullivan, the Board voted unanimously to adjourn the Special Meeting at 7:00pm.

Respectfully Submitted By,

Christine Dennett
Village Clerk