



AGENDA
OCTOBER 15, 2014
BOARD OF TRUSTEES
VILLAGE OF BRIARCLIFF MANOR, NEW YORK
REGULAR MEETING – 7:30 PM

1. Public Hearing to Amend Chapter 220, Zoning to Add a New Section 220-9.2 for the Regulation of Residential Use of Dwelling Units in Existing Accessory Buildings in the R80A, the R60A, the R40A, and the R40B Single-Family Residence Zoning Districts
2. Village and Justice Court Annual Auditor's Report FY 13-14

Board of Trustees Announcements

Village Managers Report – 4 Month FY 14-15 Budget Presentation

Public Comments

3. Budget Transfers – FY 14-15 First Quarter
4. Re-Schedule Public Hearing Amending the Third Amended and Restated Special Permit and Tree Removal Permit, Briarcliff Manor Investors LLC and Integrated Development Group LLC (The Club at Briarcliff Manor)
5. Ratification of CSEA Recall Pay Settlement Agreement
6. (Adoption of Village Fixed Asset Policy)
7. Fire Department Memberships
8. Minutes
 - September 30, 2014

NEXT REGULAR BOARD OF TRUSTEES MEETING – NOVEMBER 5, 2014

VILLAGE OF BRIARCLIFF MANOR
BOARD OF TRUSTEES AGENDA
OCTOBER 15, 2014

- 1. PUBLIC HEARING: CHAPTER 220-2, ZONING, TO ADD A NEW SECTION 220-9.2 FOR THE REGULATION OF RESIDENTIAL USE OF DWELLING UNITS IN EXISTING ACCESSORY BUILDINGS IN THE R80A, THE R60A, THE R40A, AND THE R40B SINGLE-FAMILY RESIDENCE ZONING DISTRICTS**

A LOCAL LAW TO ADD A NEW
SECTION 220-9.2 TO PERMIT AND
REGULATE CERTAIN RESIDENTIAL USE
OF DWELLING UNITS IN EXISTING
ACCESSORY BUILDINGS IN THE R80A,
THE R60A, THE R40A, AND THE R40B
SINGLE-FAMILY RESIDENCE ZONING
DISTRICTS

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

Section 1. The Village Code of the Village of Briarcliff Manor is amended at Section 220-2, Definitions to add a new definition of “PERMITTED ACCESSORY BUILDING DWELLING UNIT” after the definition “PARKING SPACE” and before the definition “PRINCIPAL BUILDING” to read as follows:

PERMITTED ACCESSORY BUILDING DWELLING UNIT – A dwelling unit in an accessory building for which a certificate of occupancy has been issued under Chapter 90 and Section 220-9.2 of this Chapter 220.

Section 2. The Village Code of the Village of Briarcliff Manor is amended to renumber Section 220-9.2, Mandatory tree planting plan (MTPP) as Section 220-9.3 Mandatory tree planting plan (MTPP).

Section 3. The Village Code of the Village of Briarcliff Manor is amended to add a new Section 220-9.2 to read as follows:

“§220-9.2. Regulation of residential use of dwelling units in accessory buildings

"A Statement of Purpose. The Village of Briarcliff Manor has several properties with accessory buildings that contain or at one time contained separate dwelling units. The buildings that contain these dwelling units or otherwise separate residences are not specifically addressed in the Code and are simply categorized as a preexisting, nonconforming uses. By recognizing and regulating these existing uses under the Code, the Village will encourage their being modernized in accordance with the Code and New York State building codes. In addition, within the R80A, R60A, R40A, and R40B Single-Family Residence Districts a number of lots currently contain non-residential accessory buildings that could, under certain circumstances, be converted to accessory residential use and thus provide additional opportunities for housing in the Village in support of the Village Comprehensive Plan goal to “[p]rovide a range of housing styles and alternatives to meet the needs of a varied and diverse population.” This Section shall be read and construed in furtherance of the foregoing purposes and is enacted under the authority granted by New York State Village Law §7-700.

"B Generally Applicable Standards. All dwelling units in accessory buildings shall be subject to the following requirements to qualify as permitted accessory building dwelling units:

- "(1) All permitted accessory building dwelling units shall be in the R80A, R60A, R40A, or R40B Single-Family Residence District.
- "(2) Permitted accessory building dwelling units shall be permitted only in accessory buildings existing on July 1, 2014.
- "(3) Only one permitted accessory building dwelling unit shall be permitted in any one accessory building, except that if more than one dwelling unit currently exists in an accessory building as preexisting, nonconforming uses under Section 220-16.A(3), then they all may be permitted subject to compliance with Section 220-9.2.C(1), below.
- "(4) Only one permitted accessory building dwelling unit shall be permitted on any lot, except that if more than one dwelling unit currently exist on a lot as preexisting, nonconforming uses under Section 220-16.A(3), then they all may be permitted subject to compliance with Section 220-9.2.C(1) below.
- "(5) Every permitted accessory building dwelling unit must meet current requirements for residential occupancy under the "Codes of the State of New York" identified in Chapter 90.
- "(6) The exterior dimensions of an accessory building may not be or have been materially altered to accommodate a permitted accessory building dwelling unit or a permitted accessory building dwelling unit and other accessory uses, except that window dormers and similar features may be added to meet any requirement for residential occupancy under the "Codes of the State of New York" identified in Chapter 90 provided that no such window dormer or other feature materially alters the roof line of the accessory building.

"C Additional Standards; Existing dwelling units in accessory buildings. Existing dwelling units in accessory buildings shall be subject to the following requirements to qualify as permitted accessory building dwelling units:

- "(1) Dwelling units that qualify as preexisting, nonconforming uses under Section 220-16.A(3) shall be subject to the following requirements:
 - "(a) All of the requirements of Section 220-9.2.B above must be met.
 - "(b) Application for a certificate of occupancy or a building permit for improvements to meet current requirements for residential occupancy under the "Codes of the State of New York" identified in Chapter 90 must be made before December 31, 2016; provided, however, that if the

dwelling unit is registered with the Building Department as a preexisting nonconforming use before December 31, 2016, then application for a certificate of occupancy or a building permit may be made anytime thereafter.

"(c) All improvements necessary to meet current requirements for residential occupancy under the "Codes of the State of New York" identified in Chapter 90, if any, must be completed and a certificate of occupancy issued within 3 years of application for a building permit for the same.

"(2) Dwelling units that do not qualify as preexisting, nonconforming uses under Section 220-16.A(3) shall be subject to the following requirements:

"(a) All of the requirements of Section 220-9.2.B above must be met.

"(b) Application for a certificate of occupancy or a building permit for improvements to meet current requirements for residential occupancy under the "Codes of the State of New York" identified in Chapter 90 must be made before December 31, 2016.

"(c) All improvements necessary to meet current requirements for residential occupancy under the "Codes of the State of New York" identified in Chapter 90, if any, must be completed and a certificate of occupancy issued by December 31, 2019.

"(d) All of the requirements of Section 220-9.2.D below must be met.

"D Additional Standards; Dwelling units to be developed in accessory buildings. Dwelling units to be developed in accessory buildings shall be subject to the following requirements to qualify as permitted accessory building dwelling units:

"(1) All of the requirements of Section 220-9.2.B above must be met.

"(2) Application for a building permit for improvements that meet current requirements for residential occupancy under the "Codes of the State of New York" identified in Chapter 90 must be made before December 31, 2016.

"(3) All improvements necessary to meet current requirements for residential occupancy under the "Codes of the State of New York" identified in Chapter 90, must be completed and a certificate of occupancy issued by December 31, 2019.

Briarcliff/Accessory Uses – Local Law

F:\9476\039\Local Law Chapter 220.Accessory Residential Uses.01.doc

- "(4) All of the dwelling units in the aggregate on the lot on which the permitted accessory building dwelling unit is to be located must meet the multi-family parking requirements of Section 220-12.
- "(5) Any necessary Westchester County Health Department approval of water service and sewer service or septic treatment and system must be obtained.
- "(6) The accessory building in which the permitted accessory building dwelling unit is to be located must meet the requirements applicable to an accessory building on the lot under Schedule 220 Attachment 2, "Schedule Limiting the Use of Buildings and Land and the Location, Arrangement and Size of Buildings."

"E Variances. Any variance to the requirements of this Section 220-9.2 shall be determined by the Zoning Board of Appeals under the standards applicable to:

- "(1) Use variances under Section 220-17.B(1) if the variance is from the limitation of the permitted accessory building dwelling unit to use by one family only.
- "(2) Area variances under Section 220-107.B(2) if the variance is from any other requirement.
- "(3) Notwithstanding the foregoing, nothing contained in this Section 220-9.2 shall be construed to expand the jurisdiction or authority of the Zoning Board of Appeals to hear or decide any appeal or other application for a variance or an interpretation."

Section 4. Village Code Schedule 220 Attachment 1, "Schedule Limiting the Use of Buildings and Land and the Location, Arrangement and Size of Buildings" adopted pursuant to Village Code Section 220-4(A) is amended at Column 3, Permitted Accessory Uses to add a new Item 14 to read as follows:

**Village of Briarcliff Manor
Schedule Limiting the Use of Buildings and Land and the
Location, Arrangement and Size of Buildings**

[Amended 5-15-1997 by L.L. No. 2-1997; 12-17-2009 by L.L. No. 5-2009; [The Date of Enactment of This Local Law] by L.L. No. *-20]**

1	2	3
Class of District and Symbol	Permitted Principal Uses	Permitted Accessory Uses
*****	*****	13. In the R80A, R60A, R40A, and R40B districts, dwelling units in accessory buildings for occupancy by people related to, affiliated with, or independent of the owner or occupant of the principal building on the lot; provided, however, that any such dwelling unit must comply with the provisions of Section 220-9.2.

Section 5. 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.

Section 6. 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
OCTOBER 15, 2014

3. BUDGET TRANSFERS– MISCELLANEOUS

BE IT RESOLVED that the Board of Trustees does hereby authorize the following budget transfers for FY 2014-2015 totaling \$84,645.97:

GENERAL FUND

WORKERS COMPENSATION

From: A1990.499 Contingency \$13,381.40

To: A1230.890 WC \$13,381.40

PARKS OVERTIME

From: A1990.499 Contingency \$27,022.36

To: A7110.102 Overtime \$27,022.36

From: A1990.499 Contingency \$2,067.21

To: A7110.850 FICA/Medicare \$2,067.21

WATER FUND

EDITH MACY WATER TANK

From: F1990.499 Contingency \$42,175.00

To: F8320.402 Equipment \$42,175.00

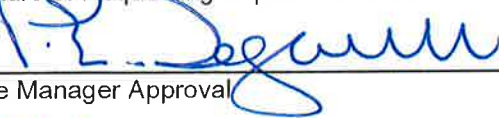
BUDGET TRANSFER REQUEST FORM
FISCAL YEAR 2014-15

To:	Budget Code	Budget Code	From:
\$ 13,381.40	A1230.890	A1990.499	\$ 13,381.40
\$ 27,022.36	A7110.102	A1990.499	\$ 27,022.36
\$ 2,067.21	A7110.850	A1990.499	\$ 2,067.21
\$ 42,175.00	F8320.402	F1990.499	\$ 42,175.00
\$ 84,645.97			\$ 84,645.97


Reason for Transfer Request: 1) Workers Comp Assessment Fee 2) Parks Overtime w/ FICA/Medicare
3) De-watering equipment for tank


 Signature of Requesting Department Head

10/6/14
 Date:


 Village Manager Approval

8 OCT
 Date:


 Village Treasurer Approval

10/6/14
 Date:

If over \$10,000, Board of Trustees Approval Date: _____

VILLAGE OF BRIARCLIFF MANOR
BOARD OF TRUSTEES AGENDA
OCTOBER 15, 2014

4. RESCHEDULE PUBLIC HEARING, AMENDING THE THIRD AMENDED AND RESTATED SPECIAL PERMIT AND TREE REMOVAL PERMIT, BRIARCLIFF MANOR INVESTORS LLC AND INTEGRATED DEVELOPMENT LLC (THE CLUB AT BRIARCLIFF MANOR)

BE IT RESOLVED that a Public Hearing is hereby rescheduled for November 5, 2014 at 7:30pm or as soon thereafter as practicable in Village Hall located at 1111 Pleasantville Road, Briarcliff Manor, NY to hear and consider an application to amend the Third Amended and Restated Special Permit and Tree Removal Permit issued to Briarcliff Manor Investors LLC and Integrated Development Group LLC (The Club at Briarcliff Manor).

VILLAGE OF BRIARCLIFF MANOR
BOARD OF TRUSTEES AGENDA
OCTOBER 15, 2014

5. RATIFICATION OF CSEA RECALL PAY SETTLEMENT AGREEMENT

BE IT RESOLVED that the Board of Trustees hereby ratifies an agreement with the CSEA regarding the settlement of PERB Case No. U-33286 and AAA Case 15 390 00382 13.

VILLAGE OF BRIARCLIFF MANOR
BOARD OF TRUSTEES AGENDA
OCTOBER 15, 2014

6. ADOPTION OF VILLAGE FIXED ASSET POLICY

BE IT RESOLVED that Board of Trustees does hereby adopt the following policy:

**Village of Briarcliff Manor
Fixed Asset Policy**

Policy Statement:

The purpose of this policy is to provide guidelines for the physical inventory and reporting controls of Village of Briarcliff Manor (VBM) assets. These assets include, but not limited to, accounting of the assets; meeting financial reporting needs; asset management records keeping; and, where appropriate, the disposal of VBM assets to maximize value for aged, obsolete and/or distressed assets no longer necessary for the operational needs of the VBM.

Policy Purpose:

The intent of this policy is to describe and formulate standard policies required for recording new and existing assets; changes in assets; methodology of record keeping; and, the disposal of assets when the VBM so determines. In addition, this policy is intended to provide a sequence of events for VBM personnel in the safeguarding, accounting for and disposing of VBM assets. New York State Law and VBM accounting standards require that the VBM accurately record and account for capital assets on a routine basis. Because each VBM Department holds and/or is responsible for the use of capital equipment or other such VBM-owned property, this policy outlines the roles and responsibilities in regards to VBM's overall capital assets.

Physical Inventory of Equipment:

As provided for by a New York State fixed asset control reporting, department heads are to provide a listing of all reportable property by department responsibility and/or area purchased each fiscal year. The payment should be named a Fixed Asset (FA) when entered into financial software. The department head is to provide the information to the VBM Treasurer who will coordinate the reporting and documentation of all physical inventories. Effective December 1, 2014, a review of all physical inventories shall be made and reported to the VBM Treasurer. A physical inventory shall be conducted semi-annually thereafter: that is, on or about June 1 and December 1 of each year. All new purchases shall be recorded at the time of acquisition to ensure that all assets are verified and recorded on the VBM's physical inventories listing. The purpose of this physical inventory is to verify the existence

and condition of the equipment as well as to ensure the accuracy of VBM records. Lost, stolen equipment and/or the destruction of VBM equipment by accident or otherwise shall be reported as soon as the loss is known and assessed. Unreported discrepancies are to be noted and the Village Manager is to coordinate with all departments to verify the nature of the loss.

Physical Asset Reporting Threshold:

For purposes of this policy, the Asset Reporting Threshold shall be set as the gross cost at the time of acquisition: now established as \$5,000.00. Notwithstanding common rates of depreciation, "wear and tear" and/or useful life or obsolescence, purchase price (including consolidation of parts or equipment enhancements) shall prevail. However, such items as bulk "fire hose" and firefighter clothing are to be reported as a lump sum fiscal year expense.

Disposal of Assets:

Upon review of the December semi-annual inventory, each department head shall determine and recommend to the Village Manager what specific assets are no longer of use for VBM operations. Those assets shall be identified and described as to its original purchase price, current condition, and determination as to its non-operational need for each department. There may come a time or purpose that an asset has no value or redeemable use. An estimated sale value shall be provided as an indicator of revenue recovery. The VBM Treasurer and the VBM Clerk shall coordinate all documentation and provide a listing of all defined disposable assets to the Village Manager as soon as practicable, thereafter. The Village Manager, in keeping with New York State asset control reporting and sound accounting practices, shall provide a list to the Mayor and Board of Trustees (M/BOT) for their determination as to the need and their approval to dispose of such assets. The M/BOT, by formal resolution, shall determine that such an asset listing should be disposed of. Unless otherwise provided, the M/BOT resolution shall direct the Village Manager to provide for public notice as to the sale of all identified assets. Unless otherwise determined, all assets are to be sold by sealed bid on an "as is, where is" basis. Where appropriate, minimum base prices will be established and a 10% down payment included in the bid. Public notice and the procedures for sealed bids shall be determined according to standard New York State and municipal accounting standards. The disposal of such assets as determined by the respective department head and the Village Manager are not to be disposed of, gifted, or otherwise abandoned without a resolution by the M/BOT. All bids are to be reviewed by the Village Manager and any/all assets may be withdrawn from the scheduled sale even after publicly noticed for sale.

Disposition and Removal of Equipment:

Upon award of bids, the VBM Clerk shall notify the highest bidder and that the equipment is to be paid for in cash or like money instrument within 3 business days.

The equipment is to be removed within 5 business days after full payment is verified. If the winning bidder fails to pay in full, the VBM shall be entitled to seize the 10% down payment. The Village Manager shall determine if the next highest bidder meets the requirements of the bid process for the asset to be disposed or not. Upon payment for the bid item, the Village Clerk and Village Treasurer shall update the VBM's inventory records.

Conclusion:

The VBM shall ensure that this policy's effectiveness be monitored and executed as defined. Variances and/or amendments are to be reported to the M/BOT for their resolution and confirmation. This policy shall be renewed at the M/BOT's annual Re-organizational Meeting as proscribed by New York State Village Law and amended as necessary or appropriate.

VILLAGE OF BRIARCLIFF MANOR
BOARD OF TRUSTEES AGENDA
OCTOBER 15, 2014

7. FIRE DEPARTMENT MEMBERSHIP

BE IT RESOLVED, that the Board of Trustees of the Village of Briarcliff Manor hereby approves the under 18 membership of **Nicole Silberman** to the Briarcliff Manor Fire Company.

BE IT RESOLVED, that the Board of Trustees of the Village of Briarcliff Manor hereby approves the membership of **Barbara Wachtel** to the Briarcliff Manor Fire Company.

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 30th of September, 2014 commencing at 7:30 p.m.

Present

William J. Vescio, Mayor
Cesare DeRose, Jr.
Mark L. Wilson, Trustee

Also Present

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

Absent

Lori A. Sullivan, Deputy Mayor
Mark Pohar, Trustee

Village Managers Report by Village Manager Zegarelli

- The Round Hill Road Cement Lining Project began on September 8th and is expected to last for 60 days.
- The Community Center Project will be re-bid in January 2015.
- The Village Annual Audit was completed and there will be a presentation on October 15th.
- The Fire Inspection will be on October 18th.
- The ISO Fire Inspection was completed.
- Visit the website for a complete listing of Fall Recreation and Library Programs.

Public Comments

There were no public comments.

Award of Bid – Annual Street Paving

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

WHEREAS the Village received 5 bids for the Annual Street Paving Project (VM-1415-5); and

NOW, THEREFORE, BE IT RESOLVED that the bid for the Annual Street Paving Project (VM-1415-5) is hereby awarded to Clove Excavators with their bid proposal of \$265,000 of which \$212,000 will be charged to budget code A5112.465 and \$53,000 will be charged to H.5110.201.14490.

BE IT FURTHER RESOLVED that the Village Manager is hereby authorized and directed to execute a contract with Clove Excavators for said project.

Tax Certiorari – Lawrence Praeger

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

WHEREAS, Lawrence Praeger (57 Becker Lane) 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 year 2013; and

WHEREAS, the tax certiorari filings relate to Village of Briarcliff Manor fiscal year 2014-2015; and

WHEREAS, a Consent Order of the Supreme Court of the State of New York, County of Westchester, was entered on August 25, 2014;

WHEREAS, the Consent Order was received after the finalization of the approval of the Village budget for Fiscal Year 2014-2015;

WHEREAS, the Consent Order reduced the tax assessment for the subject property for the Fiscal Year 2014-2015 assessment roll; and

NOW THEREFORE, BE IT RESOLVED that the Board of Trustees does hereby authorize the refund of the tax bill for Fiscal Year first half of 2014-2015 in the amount of \$984.15 and the abatement of the second half tax bill in the amount of \$926.48 based upon the reduced assessment values in the Consent Order.

Fiscal Year	57 Becker Lane	Assessed Value	Current Tax Bill	New Assessed Value	Change	New Tax Amount	Paid to date with penalties and fees	
2014	97.20-1-30	-	\$ -	62,700	62,700	\$ 6,092.31	\$(3,230.84)	partial refund
2014	97.20-1-30.1	37,740	\$ 3,667.04	0	(37,740)	\$ (3,667.04)	\$ 1,945.53	refund
2014	97.20-1-30.2	44,030	\$ 4,278.22	0	(44,030)	\$ (4,278.22)	\$ 2,269.46	refund
					(19,070)	\$ (1,852.96)	\$ (984.15)	Net Refund

Refund 1st Installment	A0102.1001	\$ (984.15)
Abatement 2nd Installment		\$ (926.48)

**Authorize Village Manager to Execute an Amendment to an Agreement –
NYSDOT Snow and Ice**

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

BE IT RESOLVED that the Village Manager is hereby authorized and directed to execute an agreement with the New York State Department of Transportation to amend the Indexed Lump Sum Municipal Snow and Ice Agreement for the period from July 1, 2013 through June 30, 2014.

**Schedule Public Hearing to Amend Chapter 220, Zoning to Add a New
Section 220-9.2 for the Regulation of Residential Use of Dwelling Units in
Existing Accessory Buildings in the R80A, the R60A, the R40A, and the
R40B Single-Family Residence Zoning Districts**

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

BE IT RESOLVED that a Public Hearing is hereby scheduled for the October 15 2014, Board of Trustees meeting to hear and discuss a proposed local law to amend Chapter 220, Zoning of the Code of the Village of Briarcliff Manor to add a new Section 220-9.2 for the regulation of residential use of dwelling units in existing accessory buildings in the R80A, the R60A, the R40A, and the R40B single-family residence zoning districts; and be it

RESOLVED FURTHER that the proposed local law to amend Chapter 220 of the Code of the Village of Briarcliff Manor to add a new Section 220-9.2 for the regulation of residential use of dwelling units in existing accessory buildings in the R80A, the R60A, the R40A, and the R40B single-family residence zoning districts 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.

Minutes

Upon motion by Trustee DeRose, seconded by Trustee Wilson, the Board voted unanimously to approve the minutes of September 17, 2014.

Adjournment

Upon motion by Trustee Wilson, seconded by Trustee DeRose, the Board voted unanimously to adjourn the regular meeting at 7:50pm.

Respectfully Submitted By,

Christine Dennett
Village Clerk