



**AGENDA**  
**OCTOBER 18, 2017**  
**BOARD OF TRUSTEES**  
VILLAGE OF BRIARCLIFF MANOR, NEW YORK  
REGULAR MEETING – 8:00 PM

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**Pledge of Allegiance**

**Board of Trustees Announcements**

**Village Managers Report**

**Public Comments**

1. Minutes

**NEXT REGULAR BOARD OF TRUSTEES MEETING – WEDNESDAY,  
NOVEMBER 1, 2017**

The Regular Meeting of the Board of Trustees of the Village of Briarcliff Manor, New York was held in the Village of Briarcliff Manor at the William J. Vescio Community Center, at 1 Library Road, Briarcliff Manor, New York on the 6<sup>th</sup> of September, 2017 commencing at 8:00 p.m.

**Present**

Lori A. Sullivan, Mayor  
Cesare DeRose, Jr. Trustee  
Mark L. Wilson, Trustee  
Bryan Zirman, Trustee

**Also Present**

Philip Zegarelli, Village Manager  
Christine Dennett, Village Clerk  
Anna Georgiou, Village Counsel  
Sarah Yackel, Village Planning Consultant

**Absent**

Mark Pohar, Deputy Mayor

**Pledge of Allegiance**

Mayor Sullivan swore in Officer Chavez.

**Continuation of a Public Hearing to Hear and Discuss Proposed Amendments to the Village of Briarcliff Manor Comprehensive Plan as set forth in Draft Comprehensive Plan Addendum**

Mayor Sullivan explained amending the Comprehensive Plan allowed the ability to discuss zoning amendments but did not change the Village's Zoning Laws.

Village Planning Consultant Yackel explained the proposed addendum.

Mr. Roger Battacharia of 16 Holbrook Road stated the new changes would affect the character of the Village and have an adverse impact on the quality of life. He urged the Board to reject the amendment.

Upon motion by Trustee DeRose, seconded by Trustee Wilson, the Board voted unanimously to close the Public Hearing and keep the record open for written comment until the close of business on September 15, 2017.

**Board of Trustees Announcements by Trustee Zirman**

- The Library and Community Center have many programs going on throughout the summer. Visit the website for information.
- Community Day will be on September 9<sup>th</sup>.

- The Fire Department will be hosting the 111<sup>th</sup> Westchester County Fireman's association convention in September.
- The Recreation Brochure is available on the website.
- Sign up for the weekly Village Manager's Report.
- The Mobile Shredder will be at the Youth Center on October 7<sup>th</sup> from 10am-1pm.

**Village Managers Report by Village Manager Zegarelli**

- A phone scam targeting water customers has been discovered. Residents should not pay any bill related to water over the phone.
- The Law Park Parking Lot Project will be done next year.
- The Holbrook Lift Station project is nearing completion.
- SCADA work continues.
- The Annual Village Audit is complete.
- The next Board meeting will be on Tuesday, September 19<sup>th</sup>.

**Public Comments**

Mr. William Wetzel of 2 Central Drive stated he came the prior month and urged the Board to modify the Village Code related to noise. He urged the Board to take action.

Mr. Bruce Yeager of 450 Central Drive stated he'd spoken before the Board several times and that they were suffering a devaluation of their properties and the noise ordinance needed to be amended.

Mr. Marty Leitzes of 247 Central Drive stated the construction noise was unbearable and they should be given a tax break.

Mr. Ryan Kane of 100 Lodge Road stated he was direct neighbors with the site and offered to amend the noise ordinance. He requested the environmental impacts be monitored daily.

Mayor Sullivan stated there was a process with amended the Village Code and the Board would work together with the residents and move forward as quickly as possible.

Mrs. Maureen Yeager of 450 Central Drive stated they'd been suffering for months and the issues should have been addressed much sooner.

**Authorize Village Manager to Execute Agreements**

**Amendment to an Agreement with New York State Department of Transportation to Adjust the Snow and Ice Agreement for 2016-2017**

Upon motion by Trustee Wilson, seconded by Trustee Zirman, 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, 2016 through June 30, 2017.

**Extension to an Agreement with New York State Department of Transportation to Adjust the Snow and Ice Agreement for 2017-2018**

Upon motion by Trustee Zirman, 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 extend the Indexed Lump Sum Municipal Snow and Ice Agreement for the period from July 1, 2017 through June 30, 2018 in the amount of \$4,270.93.

**Budget Transfers**

Upon motion by Trustee Zirman, seconded by Trustee DeRose, with one abstention from Mayor Sullivan, the Board voted to approve the following resolution:

BE IT RESOLVED that the Board of Trustees does hereby authorize the following budget transfers for FY 2017-2018:

**GENERAL FUND**

<b>From:</b>	A.3120.205	Police Contractual	\$58,700
<b>To:</b>	A9785.600	Lease Payments - Principal	\$58,700
<b>From:</b>	A.7110.460	Contractual Services	\$25,870.44
<b>To:</b>	A9785.600	Lease Payments - Principal	\$25,870.44

**Adjournment**

Upon motion by Trustee DeRose, seconded by Trustee Wilson, the Board voted unanimously to adjourn the regular meeting at 9:28pm.

Respectfully Submitted By,

Christine Dennett  
Village Clerk

The Regular Meeting of the Board of Trustees of the Village of Briarcliff Manor, New York was held in the Village of Briarcliff Manor at the William J. Vescio Community Center, at 1 Library Road, Briarcliff Manor, New York on the 4<sup>th</sup> of October, 2017 commencing at 8:00 p.m.

**Present**

Lori A. Sullivan, Mayor  
Mark Pohar, Deputy Mayor  
Cesare DeRose, Jr. Trustee  
Mark L. Wilson, Trustee  
Bryan Zirman, Trustee

**Also Present**

Philip Zegarelli, Village Manager  
Christine Dennett, Village Clerk  
Anna Georgiou, Village Counsel  
David Turiano, Village Engineer  
Sarah Yackel, Village Planning Consultant

**Pledge of Allegiance**

**Board of Trustees Announcements by Deputy Mayor Pohar**

- The Library and Community Center have many programs going on. Visit the website for information.
- The Westchester County Mobile Shredder will be in the Village on October 7<sup>th</sup>.
- The Fire Department hosted the 111<sup>th</sup> Westchester County Fireman's association convention and the event and parade was a big success.
- Halloween Window Painting is coming up. Visit the Recreation Page for more information.

**Village Managers Report by Village Manager Zegarelli**

- The Village Hall HVAC project is underway.
- The Law Park Parking Lot Project and Pond Dredging will be done next year.
- The Holbrook Lift Station project is nearing completion.
- The Fire Department Apron Project will be done in 2018.
- The Annual Village Audit Report will be given at an upcoming meeting.

**Public Comments**

Mr. Ken Dengler of 90 Shadowbrook Lane stated he believed there were environmental impacts to the Comprehensive Plan Addendum and that the EAF should show it.

Mr. Roger Battacharia of 16 Holbrook Road stated the Comprehensive Plan Addendum would pave the way for developers to have multi tenancy units and felt there was a lack of compassion for residents. He asked the Board to disapprove the addendum as proposed.

Mr. Joel Motley of 409 Scarborough Road asked if the Board embraced the goals of the Scarborough Corridor Study and stated he would be relieved if they were.

Mayor Sullivan stated the Board was not abandoning the Scarborough Corridor Study and it was an integral part of the addendum.

Trustee DeRose stated the addendum was very carefully considered and reflected the Scarborough Corridor Study.

Mayor Sullivan noted that all of the Committee's meetings were available to be viewed on the Village website.

Ms. Elsa Rubenstein stated she was never approached for input for the Comprehensive Plan Addendum.

Mayor Sullivan stated notices would be done during the Public Hearing process if any Zoning changes were considered.

Mr. LaFleur of 8 Holbrook Lane requested a scorecard type of process be used to determine the importance of issues to make it easier for the layperson.

**Adopt Proposed Amendments to the Village of Briarcliff Manor  
Comprehensive Plan as set forth in Draft Comprehensive Plan Addendum**

Village Planning Consultant Yackel explained the minor revisions to the addendum.

Mayor Sullivan suggested further revisions.

Trustee Wilson stated some of the changes were directly related to comments received by members of the public.

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

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

Adopted October 4, 2017

**ADOPTING THE VILLAGE OF BRIARCLIFF MANOR COMPREHENSIVE  
PLAN ADDENDUM – B/BT DISTRICT RECOMMENDATIONS**

**WHEREAS**, the Village of Briarcliff Manor Village Board of Trustees (“Village Board”) is responsible for the preparation, adoption and amendment of the Village’s Comprehensive Plan, pursuant to New York State Village Law § 7-722; and

**WHEREAS**, the Village’s Comprehensive Plan was last updated in 2007 and since then, there have been major changes in the Westchester County office market; suburban style, single tenant office buildings in a campus like setting are outdated for many reasons and accordingly several of the Village’s properties located in the Village’s B “Planned Office Building and Laboratories” District and BT “Business Transitional” District, have been vacant or underperforming for many years and subject to deterioration, vandalism, and tax assessment challenges; and

**WHEREAS**, accordingly, the Village Board has authorized preparation of a Comprehensive Plan Addendum (the “Addendum”) in accordance with NYS Village Law which provides a guide for future land use and redevelopment decisions specifically related to reuse of properties located in the Village’s B and BT Districts, in particular, 320 Old Briarcliff Road, 345 Scarborough Road, 600 Albany Post Road, 555 Pleasantville Road, and 333 Albany Post Road, some of which are underutilized or vacant; and

**WHEREAS**, through the current addendum process, the Village Board recognizes that market conditions for office uses have changed and reuse of such B and BT District properties under the current Village regulations is inconsistent with market and land use trends; and

**WHEREAS**, in October 2016, the Village Board established the Comprehensive Plan B Zone Advisory Committee, which met five times between November 2016 and April 2017, to study the B and BT District properties, to make recommendations as to a framework for approaching future reuse of said properties; and

**WHEREAS**, the B Zone Advisory Committee issued its recommendations to the Village Board in a report dated May 5, 2017 and the Village Board considered said report in preparing the Addendum; and

**WHEREAS**, the adoption of the Addendum will not result in any changes to the Village’s existing rules and regulations including the Zoning Code (Village Code Chapter 220); and

**WHEREAS**, in accordance with Article 8 of the State Environmental Conservation Law and 6 NYCRR Part 617, the Planning Board has determined that

Project constitutes a Type I Action under the New York State Environmental Quality Review Act ("SEQR"); and

**WHEREAS**, the Village Board directed its planning consultants, BFJ Planning, to complete a full Environmental Assessment Form ("EAF") Part 1 pursuant to SEQR with respect to the Addendum, which was submitted to the Village Board dated June 30, 2017; and

**WHEREAS**, the Village Board declared itself lead agency for preparation and adoption of the Addendum and authorized the referral of the EAF and a draft Addendum to the Westchester County Department of Planning in accordance with Section 239 L, M and N of the New York State General Municipal Law and Section 277.61 of the County Administrative Code; and

**WHEREAS**, the Westchester County Planning Board in response to the 239 L, M and N review referral, issued its support of the Addendum by letter dated July 24, 2017 stating that "[w]e commend the Village for taking steps towards addressing the long term trend of suburban office park vacancies through more flexible development policies;" and

**WHEREAS**, the Village Board referred the EAF and draft Addendum to the Village Planning Board for review and recommendation and by letter dated July 12, 2017, the Planning Board issued a general recommendation of support with minor comments to the Addenda; and

**WHEREAS**, in response to the Planning Board's said comments, the Addendum was revised and re-issued on July 20, 2017; and

**WHEREAS**, the Village Board directed BFJ Planning to prepare an EAF Parts 2 and 3 on the Addendum, pursuant to SEQR which were submitted to the Village Board on July 17, 2017; and

**WHEREAS**, the Village Board held a public hearing on the Addendum on July 19, 2017, and September 6, 2017 at the latter of which the public hearing was duly closed except that the public record was held open until September 15, 2017 for written comments; and

**NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:**

1. In accordance with Article 8 of the State Environmental Conservation Law and 6 NYCRR Part 617, and based upon the review of the EAF Parts 1, 2, and 3, the Village Board adopts a Negative Declaration with respect to the adoption of the Comprehensive Plan Addendum ("Proposed Action"), and finds that the Proposed Action will not have any significant adverse impacts on the environment, and that no environmental impact statement (EIS) needs to be prepared and the SEQRA process is complete.
2. The Village Board hereby adopts the proposed Village of Briarcliff Manor



Comprehensive Plan Addendum – B/BT District Recommendations, dated October 4, 2017, as amended, as a critical planning tool needed to guide any future reuse of the B and BT District properties in an orderly and environmentally sensitive manner.

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that the foregoing is hereby adopted.

Moved by: Trustee DeRose  
Seconded by: Trustee Wilson

Vote: Ayes: Trustee DeRose  
Trustee Pohar  
Trustee Wilson  
Trustee Zirman  
Mayor Sullivan

Vote: Nays: None

**Authorize Village Manager to Execute a Master Municipal Multi-Modal (MM) Capital Project Agreement with the New York State Department of Transportation**

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

Authorizing the implementation, and funding in the first instance of the State Multi-Modal Program-aid (and State administered federal program-aid) eligible costs, of a capital project, and appropriating funds therefore.

WHEREAS, a Project for the Road Reconstruction to ease traffic transiting east/west through the Route 9A/North State Road Intersection, P.I.N. 8M569.30A (the Project") is eligible for funding (under Title 23 U.S. Code, as amended, and) New York States Multi-Modal Program administered by the NYS Department of Transportation (NYSDOT); and

WHEREAS, the Village of Briarcliff Manor desires to advance the Project by making a commitment of advance funding of the non-local share and funding of the full local share of the costs of the Project; and

NOW, THEREFORE, the Village of Briarcliff Manor Board, duly convened does hereby

RESOLVE, that the Village of Briarcliff Manor Board hereby approves the above-subject project; and it is hereby further

RESOLVED, that the sum of \$80,000 is hereby appropriated from State Grant revenue budget line H0101.3097 and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the full non-federal share costs of the project exceeds the amount appropriated above, the Village of Briarcliff Manor shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Village Manager thereof, and it is further

RESOLVED, that the Village Manager of The Village of Briarcliff Manor be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Multi-Modal Program Funding on behalf of the Village of Briarcliff Manor with NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and all project costs that are not so eligible, and it is further

RESOLVED, that a Certified Copy of this Resolution be filed with the Commissioner of Transportation of the State of New York by attaching it to any required and/or appropriate Agreements executed in connection with the project between Village of Briarcliff and the State of New York; and it is further

RESOLVED, that this Resolution shall take effect immediately.

#### **Award of Bid – Safe Routes to School**

Village Engineer Turiano noted that the electronic signboard being utilized in the Village was part of the grant.

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

WHEREAS the Village received 4 bids for the Safe Routes to School Project (VM-1516-6); and

NOW, THEREFORE, BE IT RESOLVED that the bid for the Safe Routes to School Project (VM-1516-6) is hereby awarded to Con-Tech Construction Technology, Inc. the lowest responsible bidder, with their bid proposal of \$445,675.12 with inspection services to be awarded separately from the grant funding; and

BE IT FURTHER RESOLVED that the Village Manager is hereby authorized and directed to execute a contract with Con-Tech Construction Technology, Inc. for said project.

**Budget Transfers**

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

BE IT RESOLVED that the Board of Trustees does hereby authorize the following budget transfers for FY 2017-2018:

**WATER FUND**

<b>From:</b>	F8320.451	Water Purchases	\$25,000
<b>To:</b>	F8120.211	Repair and Maintenance	\$25,000

**Budget Amendments**

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

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

BE IT RESOLVED that the budget for fiscal year 2017-2018 is hereby amended as follows:

**CHIPS/PAVING**

Increase Revenue	A0105.3501	State Aid CHIPS	\$35,490
Increase Expense	A5112.465	Street Paving - CHIPS	\$35,490

**FRIENDS OF THE LIBRARY GIFT**

Increase Revenue	L0108.2705	Special Revenue (Gifts/Donations)	\$455
Increase Expense	L7410.206	Matching Expenses	\$455

**Agreement to Pay Village Counsel for the Engagement of Accounting Consultant Pertaining to the Village of Briarcliff Manor Volunteer Fire Department and/or Fire Council**

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

WHEREAS, Village Counsel, McCarthy Fingar, LLP, will engage the firm of Goldstein, Kariewicz & Goldstein, LLP, Certified Public Accountants and Business Consultants, as an accounting consultant pertaining to the Village of Briarcliff Manor Volunteer Fire Department and/or Fire Council; and

BE IT RESOLVED that the Board of Trustees does hereby agree to reimburse Village Counsel for its costs in connection with such engagement.

**Authorize Village Manager to Execute Water Service and Related Agreements for 762 Sleepy Hollow Road**

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

WHEREAS, 762 Sleepy Hollow Road, which is located outside the Village within the Town of Mount Pleasant (the "Property") had, in the past, been served by municipal water service provided by Village and is expressly listed on the latest water taking agreement with the New York City Department of Environmental Protection; and

WHEREAS, some years ago, the house located at the Property was demolished and water service discontinued; and

WHEREAS, the Village has received a request from the current owner of the Property, Peter J. Landi, Inc. to re-establish water service at the Property to serve a new house thereon; and now therefore

BE IT RESOLVED that the Board of Trustees does hereby agree to provide water service to the Property in accordance with its regulations concerning outside water users; and

BE IT FURTHER RESOLVED that the Village Manager is hereby authorized to execute such documents in further of such service, including but not limited to a Water Easement Agreement in form and substance satisfactory to Village Counsel and the Village Engineer.

**Minutes**

The minutes were tabled to the next meeting.

**Adjournment**

The Streetscape Committee will give a presentation at the October 18<sup>th</sup> Work Session at 7:15pm.

Upon motion by Trustee Wilson, seconded by Deputy Mayor Pohar, the Board voted unanimously to adjourn the regular meeting at 9:08pm.

Respectfully Submitted By,

Christine Dennett  
Village Clerk