

Village Board of Trustees
Regular Meeting
February 3, 2005
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 Municipal Building, at 1111 Pleasantville Road, Briarcliff Manor, New York on the 3rd day of February commencing at 7:30 p.m.

Present

Peter Chatzky, Mayor
David Venditti, Deputy Mayor
Elsie Smith, Trustee
William Vescio, Trustee
Donald Wilde, Trustee

Also Present

Michael Blau, Village Manager
Ingrid Richards, Assistant Village Manager
Stephanie Ippoliti, Village Clerk
Clinton Smith, Village Counsel

PUBLIC HEARING; AMENDMENT OF SPECIAL USE PERMIT; 680 ALBANY POST ROAD, AMERICAN ANGLICAN CHURCH DIOCESE OF THE HOLY INNOCENTS

Mayor Chatzky stated this is a continuation of the public hearing for the American Anglican Church Diocese of the Holy Innocents.

Upon motion by Deputy Mayor Venditti and seconded by Trustee Vescio, the Board voted 5-0 to open the adjourned public hearing on the amendment of the Special Use Permit for the American Anglican Church Diocese of the Holy Innocents located at 680 Albany Post Road.

Mayor Chatzky asked Village Manager Blau to provide the Board a status update on the application. Village Manager Blau responded that the American Anglican Church requested an amendment to the Special Use Permit, which was issued on May 1, 2003. The Board received the request and they directed it to the Planning Board for review and recommendation. The Board has received that document from the Planning Board. At the first public hearing, the Board decided it wanted input from the New York State Department of Transportation because the church is located on Route 9, the Westchester County Planning Department, and Town of Mt. Pleasant. The Westchester County Planning Department and the Town of Mt. Pleasant had been previously noticed as part of the Planning Board review process.

Mayor Chatzky stated that the Village did receive a letter from the New York State Department of Transportation, and he was a little concerned about their analysis regarding the concept of a left turn restriction.

Village Manager Blau noted that in the letter the New York State Department of Transportation stated, according to their review, they do not believe a left turn restriction is necessary. However, if the Board believes that a left turn restriction is necessary, they will take that into consideration.

Deputy Mayor Venditti asked if the left hand turn restriction could be addressed at a future time should the Village believe it is necessary. Village Manager Blau responded that the Village could request the restriction at any time.

Trustee Vescio asked if a site visit was done by the New York State Department of Transportation, and Village Manager Blau responded a site visit was done sometime between the middle to end of January.

Mayor Chatzky then asked for public comment.

Deputy Mayor Venditti asked Counsel if the 30-day requirement of notification had been met. Village Counsel Smith noted that a certain amount of time has to be given to the County of Westchester, Department of Transportation, and the Town of Mt. Pleasant. He added that he initially thought it was a 30-day requirement, but after further research, the notification was 10 days. The Village, therefore, has satisfied the ten-day requirement.

Trustee Vescio stated that the resolution should include language that in the event anything is received in the 30 day period, the amendment would be renoticed and the Board would once again discuss the application. Deputy Mayor Venditti asked if the Village has heard anything from either Westchester County or Mt. Pleasant, and Assistant Village Manager Richards responded the Village has not heard anything yet, and they were all notified on January 7.

Mayor Chatzky asked for any other public comment.

Clay Tiffany, 16 Hall Road, expressed his concern that the property should not be exempt from paying property tax.

Mayor Chatzky asked Village Manager Blau if there was a formal process if a citizen wanted to challenge whether a property should be off the tax roll. Village Counsel Smith stated that he believed a citizen can not formally challenge a tax exemption, but the decision rests with the Tax Assessor.

Upon motion by Trustee Vescio and seconded by Trustee Wilde, the Board voted 5-0 to close the public hearing.

Upon motion by Trustee Wilde and seconded by Trustee Vescio, the Board voted 5-0 to approve the following resolution:

WHEREAS, on May 1, 2003, the Board of Trustees granted a Special Use Permit to the American Anglican Church Diocese of the Holy Innocents for the use of the residence at 680 Albany Post Road (Section 4, Plate 31B, Block 26, Lot 9B) as a place of worship, and

WHEREAS, on October 4, 2004, the Board of Trustees received a request from the American Anglican Church Diocese of the Holy Innocents to amend the Special Use Permit issued on May 1, 2003, and

WHEREAS, on October 14, 2004, the Board of Trustees directed the application to the Planning Board for review and recommendation, and

WHEREAS, on December 14, 2004, the Planning Board issued a memorandum recommending that the Board of Trustees grant the amendment to the Special Use Permit subject to specific conditions, and

WHEREAS, on January 6, 2005, and February 3, 2005, the Board of Trustees held a Public Hearing on the application, and

WHEREAS, pursuant to the recommendations of the Planning Board and the facts brought forward at the Public Hearing, the Board of Trustees desire to issue an amendment to the Special Use Permit,

NOW THEREFORE BE IT RESOLVED that an amendment to the Special Use Permit is hereby granted to the American Anglican Church Diocese of the Holy Innocents for the use of the residence at 680 Albany Post Road as a place of worship.

BE IT FURTHER RESOLVED that the residence may be used as a place of worship any day of the week, but as proposed and volunteered by Applicant, it will be used as a place of worship only between the hours of 10:00 a.m. and 4:00 p.m. except that on December 24th of each year it may be used for Christmas Eve service.

BE IT FURTHER RESOLVED that the maximum number of parishioners permitted at any service shall remain at twenty-four (24).

BE IT FURTHER RESOLVED that as proposed and volunteered by Applicant, all services and functions shall be scheduled in such a manner to ensure that there shall be no overlap at the site between attendees of the services and/or functions,

BE IT FURTHER RESOLVED that in accordance with the approved site plan, there shall not be more than eight vehicles parked on the site in the Village of Briarcliff Manor at any one time.

BE IT FURTHER RESOLVED that Applicant and Holy Innocents Anglican Church shall be responsible for safe and appropriate traffic control and parking regulation for all services and functions at the premises.

BE IT FURTHER RESOLVED, that as proposed and volunteered by Applicant, the efficacy of this amendment to the Special Use Permit, shall be conditioned on the Village not receiving negative comments critical of the activities proposed by the amendment prior to February 7, 2005, and if the Village does receive any such negative comments by February 7, 2005, then the amendment shall be renoticed and scheduled for consideration at the next following Trustees' meeting.

BE IT FURTHER RESOLVED that the activities authorized by this Resolution shall be limited to religious services and sacramental ceremonies and nothing contained in this Resolution shall be construed to permit any more sorts of gatherings, events, receptions, or the like than were permitted under the Special Use Permit issued on May 1, 2003.

BE IT FURTHER RESOLVED that except as otherwise specially modified by this Resolution, all of the terms, conditions, and other provisions of the Special Use Permit issued May 1, 2003, remain valid and unaffected, but are reaffirmed by this Resolution.

PUBLIC COMMENT

Mayor Chatzky asked that public comment be limited to non-agenda items and no more than five minutes.

Robert Little, Save Scarborough, stated he found the past work session extremely focused and commended the Board of Trustees for listening to everyone.

Nick Evanchik, 119 Alder Drive, said when the Board looks into the concept of a shuttle to the train station, the Board should consider not increasing additional traffic.

Clay Tiffany, 16 Hall Road, expressed concern about his dissatisfaction with the Police Department. He said that he has not been allowed to meet with Police Chief Campion and that his meeting with him was cancelled. He blamed the Board for the cancellation of the meeting. Village Manager Blau stated that the reason why the Chief had to cancel the meeting was because his father-in-law died. He further stated that Mr. Tiffany was then asked to provide additional dates he could meet with the Police Chief, and he has not provided any dates.

AMENDMENT TO MASTER FEE SCHEDULE, RECREATION AND PARKS RECREATION

Henry Jamin, Superintendent of Recreation, made a presentation to the Board regarding proposed amendments to the Master Fee Schedule relating to the summer programs offered by the Recreation Department. Mr. Jamin stated at this time every year he comes before the Board to discuss fees for the summer programs so that he can go to print with

the summer brochure. Mr. Jamin stated there would be no increase for pool and tennis permits, but there was a proposed increase in fees for the day camp programs. The fees range from a \$20-\$60 increase per child depending upon the camp and the attendance option selected.

Trustee Wilde asked what determines the increases to the budget for camp. Mr. Jamin responded the cost for buses for transportation, salaries for staff, and increased prices for admission for day camp trips.

Mayor Chatzky asked if there was a profit to be gained in the summer programs. Village Manager Blau responded that the Village covers the direct costs of operation. Mr. Jamin stated the total expenditures last year for the four day camps totaled \$352,500, and \$351,949 was brought in.

Nick Evanchik, 119 Alder Drive, asked what the ratio is of expenditures not covered by fees. Mr. Jamin responded he did not have that information with him. Mr. Evanchik also asked if borrowing costs are included in costs and are they substantial. Village Manager Blau stated the costs are substantial because of the outstanding debt for debt service.

Mr. Jamin stated that there would be an additional increase in the tennis lesson program fee for youth and adult tennis lessons. He added that last year's tennis lesson program fees were \$70 for children and \$85 for adults, and this year it will be \$75 for children and \$90 for adults.

Deputy Mayor Venditti moved, seconded by Trustee Vescio and the Board voted 5-0 to approve the following resolution:

BE IT RESOLVED that the Board of Trustees does hereby amend the Master Fee Schedule for the Village of Briarcliff Manor as follows:

<u>Program</u>	<u>From</u>	<u>To</u>
Tree Camp		
Half Day - entire 6 weeks	475.00	510.00
Half Day – first 3 weeks	285.00	305.00
Half Day – second 3 weeks	285.00	305.00
Full Day – entire 6 weeks	755.00	810.00
Full Day – first 3 weeks	435.00	465.00
Full Day – second 3 weeks	435.00	465.00
Super Camp		
Half Day – entire 6 weeks	475.00	510.00
Half Day – first 3 weeks	285.00	305.00
Half Day – second 3 weeks	285.00	305.00
Full Day – entire 6 weeks	755.00	810.00
Full Day – first 3 weeks	435.00	465.00

Full Day – second 3 weeks	435.00	465.00
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Camp Adventure

Half Day – entire 6 weeks	650.00	700.00
Half Day – first 3 weeks	370.00	400.00
Half Day – second 3 weeks	370.00	400.00
Full Day – entire 6 weeks	790.00	850.00
Full Day – first 3 weeks	475.00	510.00
Full Day – second 3 weeks	475.00	510.00

Camp Horizon

Half Day Plus – entire 6 weeks	790.00	850.00
Half Day Plus – first 3 weeks	475.00	510.00
Half Day Plus – second 3 weeks	475.00	510.00

Youth Programs

Tennis Lessons	70.00	75.00
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Adult Programs

Group Tennis Lessons	85.00	90.00
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VERIFICATION OF CITIZENSHIP FOR VOTING

Mayor Chatzky stated this resolution is in response to a movement started by City of Rye to confirm citizenship for new voter registrations.

Clay Tiffany, 16 Hall Road, noted he was opposed to this resolution and feels it is politically motivated.

Mayor Chatzky stated this is merely stating that the people who say they have a right to vote actually do in fact have that right to vote.

Upon motion by Trustee Wilde and seconded by Deputy Mayor Venditti, the Board voted 5-0 to approve the following resolution:

WHEREAS, Article II, Section 1 of the Constitution of the State of New York provides, in part, that “Every citizen shall be entitled to vote at every election for all officers elected by the people and upon all questions submitted to the vote of the people, provided that such citizen is 18 years of the age or over ...”; and

WHEREAS, Article II, Section 5, entitled “Registration of Voters” provides, in part, that “laws shall be made for ascertaining, by proper proofs, the citizens who shall be entitled to the right of suffrage hereby established, and for the registration of voters, which registration shall be completed at least 10 days before each election. Such registration should not be required for town and village elections except by express provisions of law”; and

WHEREAS, Section 5 – 102 of New York’s Election Law provides, in part, that “no person shall be qualified to register for and vote at any election and must be a citizen of the United States”; and

WHEREAS, Section 5 – 102 of New York’s Election Law provides, in part, that a person may apply for registration upon signing an affidavit, which states in part:

AFFIDAVIT: I swear or affirm that:

- I am a citizen of the United States.
- I will have lived in the county, city or village for at least 30 days before the election.
- I meet all of the requirements to register to vote in New York State.
- This is my signature or mark on the line below.
- All the information contained on this application is true. I understand that if it is not true , I can be convicted , and fined up to \$5,000 and/or jailed for up to four years ...; and

NOW THEREFORE BE IT RESOLVED that in order to clearly establish that only citizens of the United States be entitled to vote at elections, that the New York State legislature enact legislation requiring proof of citizenship, either in the form of a valid birth certificate or proof of naturalization, to be furnished to the authorities by any person wishing to register to vote in any future election.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the New York State Senators and Assemblypeople representing the Village of Briarcliff Manor, and also to all municipalities in Westchester County.

RESOLUTION EXPRESSING SUPPORT FOR WESTCHESTER COUNTY’S APPLICATION TO HOST THE 2007 EMPIRE STATE GAMES

Village Manager Blau stated the County of Westchester would like to host the 2007 Empire State Games, and they are asking municipalities throughout the County to pass a resolution expressing support for the County’s application to host the games.

Mayor Chatzky asked if there would be impacts to the community. Village Manager Blau noted that the County proposal calls for using the Pace University campus in the Village for housing of the athletes, there would be some impact. Trustee Vescio stated he supports this resolution and feels it would be great to have the games in Westchester County. Trustee Smith agreed.

Clay Tiffany, 16 Hall Road, noted he opposes the Empire State Games in Westchester County and feels they should still remain in the middle of the state in order to make it easier for athletes throughout the state to travel to the games.

Trustee Vescio stated he would like to include in the resolution a paragraph that encourages volunteerism to assist in the games. The Board agreed.

Upon motion by Trustee Smith and seconded by Trustee Vescio, the Board voted 5-0 to approve the following resolution:

WHEREAS, Westchester County has recently submitted an application to host the Empire State Games in 2007; and

WHEREAS, the Empire State Games is the largest competition of its kind in the United States; a multi-sport event for amateur athletes patterned after the Olympic Games; and

WHEREAS, the Empire State Games in Westchester County are expected to attract 6,000 athletes, their families, friends and coaches to the County, boosting the economy for local restaurants, hotels, retail stores and entertainment and recreational venues; and

WHEREAS, Westchester County's many student athletes and excellent athletic programs stand to benefit if Westchester County hosts the Empire State Games in 2007; and

WHEREAS, hosting the Empire State Games is a great opportunity for the county to publicize its cultural, recreational and historical attractions to the entire State of New York; and

WHEREAS, Westchester has never been given the opportunity to host the Empire State games before; and

WHEREAS, every municipality in Westchester County stands to benefit from the county hosting the Empire State games in 2007.

NOW THEREFORE BE IT RESOLVED that the Village of Briarcliff Manor supports Westchester County's application to host the Empire State Games in 2007.

NOW THEREFORE BE IT RESOLVED that the Village of Briarcliff Manor encourages our elected officials to proactively promote "volunteerism" to assist in the Empire Games of 2007 should they be held in Westchester County.

BE IT FURTHER RESOLVED that the Village of Briarcliff Manor urges Governor George Pataki to select Westchester County as the host of the 2007 Empire State Games.

BE IT FURTHER RESOLVED that a copy of this resolution be transmitted to Governor George Pataki, New York State Office of Parks, Recreation and Historic Preservation Commissioner Bernadette Castro and Westchester County Executive Andrew J. Spano.

APPROVAL OF MINUTES

December 16, 2004

Upon motion by Trustee Vescio and seconded by Deputy Mayor Venditti the Board voted 5-0 to approve the minutes of December 16, 2004 as amended.

Page 3: 3rd to last paragraph: Add: Village Manager Blau stated this program does not pay for benefits.

ADJOURNMENT

Upon motion by Trustee Vescio and seconded by Trustee Smith the Board voted unanimously to close the Regular Meeting of the Board of Trustees at 9:00 p.m.