

Village Board of Trustees
Regular Meeting
June 16, 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 Village Hall, at 1111 Pleasantville Road, Briarcliff Manor, New York of the 16th of June commencing at 7:30 p.m.

Present

William J. Vescio, Mayor
David Venditti, Deputy Mayor
Elsie Smith, Trustee
Donald Wilde, Trustee
Gayle Waxenberg, Trustee

Also Present

Ingrid Richards, Assistant Village Manager
Clinton Smith, Village Counsel

Absent

Michael Blau, Village Manager
Stephanie Ippoliti, Village Clerk

Certificate of Appreciation

Mayor Vescio presented a certificate of appreciation to Jeffrey Bassett for his heroic efforts in rescuing a resident from a fire. Mayor Vescio thanked the entire Fire Department for their quick response time.

Presentation by Laberge Group

Mr. Richard Laberge, President of Laberge Group a municipal consulting firm introduced Mr. Ben Sider to the Board.

Mr. Ben Sider presented to the Board and the Public.

Mr. Clay Tiffany 16 Hall Road stated the Laberge Group was an example of secret government and further stated using the firm was a bad idea.

Mrs. Margot Berger of 2 Elizabeth Court asked what the purpose of inviting the firm to present was.

Mayor Vescio stated Deputy Mayor Venditti and Trustee Smith attended a NYCOM Conference where the Laberge Group made a presentation of the

various services their group provided. He further stated the Laberge Group focuses on issues that the Village deals with.

Mrs. Berger asked what the next step would be.

Mayor Vescio stated the next step would be to request to see if their services could be utilized by the Village.

Mr. Tiffany asked how much the firm charged.

Mayor Vescio stated the presentation was free and the firm hadn't been hired yet. He thanked the Laberge Group for their presentation.

Public Hearing - Amendment to Special Use Permit, Congregation Sons of Israel

Mayor Vescio stated the Board would open the public comment period. He further stated the Board would not vote until they received a written recommendation from the Planning Board.

Upon motion by Trustee Waxenberg, seconded by Deputy Mayor Venditti, the Board voted unanimously to open the public comment period.

Mr. Andrew Tung of 588 Scarborough Road, Chairman of the Planning Board, stated the Planning Board received advice from various consultants and respectfully asked that the Board of Trustees vote after a written recommendation had been submitted.

Mr. William Null of Cuddy & Feder presented for the applicant Congregation Sons of Israel to the Board. He explained to the Board the requested amendment to the special use permit.

Dr. John Collins, Traffic Consultant for the applicant stated the current idea to regrade the neighbor's property would increase the site line to 335 feet. He further stated they obtained a permit from the County but wouldn't proceed with the project until the Village granted permission.

Mr. Null stated the number of parking spaces would remain the same and Congregation Sons of Israel would still hire Police Officers during special events and high holy days. He further stated the proposed changes would benefit the Village as a whole regarding safety and eliminate u-turns and illegal turns.

Mayor Vescio asked if Congregation Sons of Israel had an agreement in place with the private property owner.

Mr. Null stated an agreement was in place.

Mr. Chris Flynn of Pleasantville Road stated he has lived directly across the street from CSI since 1985 and the volume of traffic has greatly increased since moving in. He further stated the proposed change would reduce the enjoyment of his property and endanger his family.

Mayor Vescio asked Mr. Flynn if the embankment currently blocked his view to the right.

Mr. Flynn stated his view was obstructed.

Mr. Clay Tiffany stated he knew the history of the road and traffic has increased tremendously on a dangerous road. He asked if the second lane would be changed into a left turn lane.

Mr. Null explained the striping and travel lanes to Mr. Tiffany.

Mr. Tiffany stated he appreciated the explanation. He further stated there was a reason for the no left turn sign, if one person gets injured, what is the worth. He asked if a traffic light could be a solution.

Mayor Vescio stated the applicant has been in front of the Planning Board since February. The Planning Board made a recommendation to the Board of Trustees and the Board of Trustees was making a decision on the Special Use Permit amendment based on the Planning Board recommendation.

Mr. Tiffany asked who was paying for the changes.

Mr. Null stated the temple was paying with not for profit money.

Mr. Morton Berger of 2 Elizabeth Court stated he attended the June 14th Planning Board meeting. He further stated he was concerned about left turns into 9A.

Mr. Ronnie Meyers a resident and past president of CSI stated the location of the driveway had nothing to do with finances. He further stated a driveway off of Old Briarcliff Road would have a greater impact on Pleasantville Road and well over 100 trees would have to be taken down. He further stated topographically, ecologically and environmentally it would be too detrimental to the area. He stated not allowing the left turn made more traffic on the neighborhood streets.

Upon motion by Deputy Mayor Venditti, seconded by Trustee Wilde, the Board voted unanimously to adjourn the public hearing to the July 6th meeting.

Village Managers Report

Mayor Vescio reported on behalf of the Village Manager.

- Mayor Vescio gave an update of upcoming changes in the Board of Trustees Calendar. He stated that the July 7th meeting had been changed to July 6th at 3:00pm. There was an executive session scheduled for June 22nd at 8:15am. The work session scheduled for June 28th had been rescheduled for June 27th at 6:00pm. A work session had been scheduled for July 19th at 6:30pm with an information session at 7:30pm to discuss water issues and rates.
- Mayor Vescio stated the Scarborough Road Project would start in two weeks in conjunction with Leicester Road to Brookwood Drive.
- Mayor Vescio stated the contractor had resumed working on the Intersection Improvement at South State and Pleasantville Roads. He further stated a right of way had been secured from the Greco's to provide a sidewalk. He further stated the drainage issue had been addressed and the contractor was working diligently to complete the project in three to four weeks.

Public Comments

Mr. Clay Tiffany stated that after five and a half years of repeatedly foiling he was given a report dealing with Officer Tom Farrington. He further stated he approached the Police Chief whom refused to speak with him. He stated he had been mistreated by the Briarcliff Manor Police Department and further stated his displeasure with them. Mr. Tiffany stated the statute of limitations hadn't run out regarding the alleged "Beer Bash". He further stated it was covered up due to the possible attendance of the District Attorney's children. Mr. Tiffany stated his displeasure with the newly named street after former Mayor Austin. He submitted to the Board a tape dated October 14, 2000.

Mayor Vescio asked Village Counsel for an opinion regarding the statute of limitations for the alleged "Beer Bash".

Village Counsel Smith stated the statute had run out.

Mayor Vescio asked if the opinion was public record.

Village Counsel Smith stated one opinion is confidential; the second speaks to the generic regarding the two-year statute of limitations of serving alcohol to minors.

Mayor Vescio asked Mr. Tiffany for the specific date the Police Chief refused to meet with him.

Village Counselor Smith stated the Police Chief had met with Mr. Tiffany and himself on numerous occasions.

Mr. Tiffany stated the refusal was on or around June 3, 2005.

Rezoning Request – Briarcliff Executive Park

Mayor Vescio stated Briarcliff Executive Park was the new name for the property formerly known as Mearle.

Mr. David Steinmetz for the applicant presented to the Board the proposal to rezone the property on Old Briarcliff Road. He stated they had an interested buyer and had entered a contract of sale with ECCO Development. He further stated the applicant was looking to change from a single-tenant use to a multi-tenant use in the Laboratory “B” Zone. He explained possible tenants if the proposed rezoning was approved.

Mayor Vescio asked Mr. Steinmetz for the property lines to be defined in future maps submitted to the Board for review. He stated he didn’t have an objection and he would like to see the property utilized.

Trustee Waxenberg stated she would like to see a traffic study and she further stated she would like to see some green space given back to the Village.

Deputy Mayor Venditti stated he currently had no predisposition with the proposal. He was not against multi-tenant use.

Trustee Smith stated she would like the property to be revitalized.

Trustee Wilde stated the property was an eyesore currently.

Mayor Vescio stated the request would be discussed at the next work session more in depth. He asked Village Counsel if it was appropriate to pose a question to the Planning Board asking for their advice.

Village Counsel Smith stated the Board could seek the advice regarding a special use permit and multi-tenant usage.

Mr. Clay Tiffany asked how much the property was selling for and why the Village didn’t purchase it for ball fields.

Mayor Vescio stated the price was between the applicant and the buyer.

Village Counsel Smith posed the following question:

The Board of Trustees resolved to ask the Planning Board for advice and consultation under New York State Village Law Section 7-718(14) on the following three issues: (i) amending Village Code Section 220-6(L)(1) to relax the requirements for multi-tenant use of Office Buildings in the Planned Office Building and Laboratory B District and the Business Transitional BT District, (ii) amending Village Code Section 220-5(A), Village Code Section 220-4 and the schedule identified therein, and the other provisions governing the Planned Office Building and Laboratory B District and the Business Transitional BT District to allow multi-tenant use of Office Buildings generally, and (iii) amending Village Code Section 220-5(A), Village Code Section 220-4 and the schedule identified therein, and the other provisions governing the Planned Office Building and Laboratory B District to allow private schools and childcare facilities as permitted uses.

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

BE IT RESOLVED that the request by Briarcliff Executive Park, LLC and ECCO Development, LLC for consideration, consultation and advise, by the Board of Trustees to utilize the subject property for multi-tenancy are hereby directed to the Planning Board for review and recommendation.

Amendment to Master Fee Schedule – Water Rates

Assistant Village Manager Richards presented the proposed rates to the Board. She stated the increase was for one year to compensate for the shortfall of funds due to emergency water purchases.

Trustee Smith asked if the rates would decrease after the year was completed.

Assistant Village Manager Richards stated the rates would be reevaluated next year.

Mayor Vescio stated the Village is currently negotiating an agreement with the Village of Sleepy Hollow to purchase water during the times the Village is off the Croton Aqueduct. He further stated a special meeting was being held July 19th at 7:30pm to discuss the water situation.

Mr. Nick Evanchik of 119 Alder Drive stated he would have liked to see the volume of water that was used and how much was pumped. He asked what the percentage of unaccounted for water was.

Mayor Vescio stated the percentage of unaccounted for water was 23%. He further stated the Village had hired a leak detection company who found significant leaks, which have since been repaired. He stated Village Manager Blau would have a report ready for the next Board of Trustees meeting.

Mr. Clay Tiffany asked how much was the hidden cost by Trump National Golf Course and Sleepy Hollow Country Club.

Mayor Vescio stated Trump National Golf Course used well water.

Mr. Evanchik stated there were two things the Board needed to consider. How much of the water expenses could be shifted to the General Fund and higher operating costs when a new system comes in.

Trustee Waxenberg stated the entire Board was taking the water situation very seriously and she urged the public to attend the meeting on July 19th.

Upon motion by Trustee Smith, seconded by Trustee Wilde, the Board voted unanimously 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>FROM</u>	<u>TO</u>
Water Rents – Inside Village	\$50.77	\$79.10
Water Rents – Outside Village	\$88.86	\$138.43

Budget Amendments

Assistant Village Manager Richards stated it was a bookkeeping issue and read amounts aloud.

Upon motion by Trustee Wilde, seconded by Trustee Waxenberg, the Board voted unanimously to approve the following resolution:

BE IT RESOLVED that the budget for Fiscal Year 2004-2005 is hereby amended as follows:

Increase Appropriation – Insurance Recovery Expense (A1989.425) by \$4,373.41

Increase Revenue – Insurance Recovery, Property Damage (A0101.3680) by \$4,373.41

Increase Appropriation – Off Duty Employment (A3120.112) by \$2,394.85

Increase Revenue – Off Duty Fees (A0103.1521) by \$2,394.85

Authorize Village Manager to Submit Grant Applications – Scarborough Park

Deputy Mayor Venditti asked if the grants were outright or matching.

Assistant Village Manager Richards stated the grants involved some matching.

Mr. Clay Tiffany stated he used the park often and the park is filled with glass and other debris and the grass wasn't tended to regularly. He asked that parking be enforced more often and that the steps be left for canoe or kayak access.

Deputy Mayor Venditti asked Assistant Village Manager Richards to contact the Department of Public Works and have the area inspected.

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

BE IT RESOLVED that the Village Manager of the Village of Briarcliff Manor is hereby authorized and directed to file an application for funds from the New York State Department of State for grant funding from the Environmental Protection Fund, in an amount not to exceed \$35,000 and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to the Village of Briarcliff Manor for a community visioning and development of revitalization strategies associated with the improvement of Scarborough Park.

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

BE IT RESOLVED that the Village Manager of the Village of Briarcliff Manor is hereby authorized and directed to file an application for funds from the Hudson River Estuary Program in accordance with the provisions of the Hudson River Estuary Management Act (ECL 11-0306) of the New York State Department of Environmental Conservation in an amount not to exceed \$100,000, and upon approval of said request to enter into and execute a project agreement with the Hudson River Estuary Program for such financial assistance to the Village of Briarcliff Manor for improvements to Scarborough Park.

Fire Department Membership

Upon motion by Trustee Smith, seconded by Trustee Wilde, the Board unanimously voted to approve the following resolution:

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

Board Announcements

Mayor Vescio reminded the public the next Board of Trustees meeting would be Wednesday, July 6, 2005 at 3:00pm.

Trustee Smith announced the first Summer Fun Sidewalk Sale would be held in the downtown district June 24th – 25th.

Adjournment

Upon motion by Trustee Wilde, seconded by Trustee Waxenberg, the Board voted unanimously to close the Regular meeting of the Board of Trustees at 10:30pm.

Respectfully submitted by,

Christine Dennett