

Village Board of Trustees
Regular Meeting
October 19, 2006
7:30 p.m.

A 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 19th of October commencing at 7:30 p.m.

Present

William J. Vescio, Mayor
David Venditti, Deputy Mayor
Robert Mayer, Trustee
Elsie Smith, Trustee
Gayle Waxenberg, Trustee

Also Present

Michael Blau, Village Manager
Ingrid Richards, Assistant Village Manager
Clinton Smith, Village Attorney
Christine Dennett, Village Clerk

**Public Hearing; Amendment to Chapter 220, Zoning, Districts and Maps –
Change of Zoning District for Parcel of Property**

Mayor Vescio explained the proposed changes to the property adjacent to Wachovia Bank. He stated the commercial tax base was low and the Village was looking to move forward with open space preservation. He further stated the property was a vacant piece of land that could be put back on the tax rolls and if it was approved the Board would send out a Request For Proposal to see what type of interest there would be in the property. He further stated the potential uses for the money gained would include preservation of open space, improving and upgrading the infrastructure, downtown business improvement and to help minimize the tax burden to the taxpayers and for necessary capital improvements.

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

Ms. Ellen Melnick of 333 North State Road stated she found it interesting this meeting marked the first time the public was being told about selling off Village owned property right in the heart of Briarcliff. She further stated developing the property would impact the congestion, traffic and school taxes none of which the people want. She further stated \$114,000 was spent on a survey in which the

public stated they didn't want more traffic or busier schools and the Board hasn't gotten the message.

Mr. Jerry Morrissy of 50 Orchard Road stated he was on the Conservation Advisory Council and he recognized their role was strictly advisory. He further stated a trust fund should be opened and put a side for open space preservation. He further stated a couple of million dollars could potentially be made by selling different smaller parcels and also money could be obtained by applying for grants from the County and the State. He further stated the trust fund could be used to obtain a larger parcel. He stated the CAC didn't have an opinion on the potential sale of the property in question but felt the area was a green welcoming gate. He stated the CAC looked forward to hearing what the Board had in mind for that area.

Mr. Rick Sider of 82 Long Hill Road stated it was difficult to come to grips with selling open land. He further stated there was no telling when another parcel of value would become available and instead maybe the parcel could be turned into an area with benches and a fountain.

Mayor Vescio stated the property was currently zoned as residential and re-zoning it to commercial will be more valuable to the Village. He further stated if the money was put into a dedicated fund it couldn't be used for anything else. He stated this hearing was the beginning of the process and nothing was being sold yet.

Ms. Stephanie Driver of 16 Ash Road asked if the Board looked at the impact on the Pocantico River.

Mayor Vescio stated any development would have no impact on the river. He further stated the runoff would have to be contained in storage on site and development would require a full environmental assessment review.

Mr. Jay Teitelbaum of 107 Holly Place stated the zoning change should be at the end of the process. He further stated a plan should be developed first. He stated it appeared decisions had already been made.

Mr. John Kanovsky of 1065 Pleasantville Road stated he would be directly impacted by changing the use of the property. He stated he wondered if it could be put up for referendum. He further stated it was making a Village of concrete. He stated he moved to the Village in 2002 and there has never been a shortage of stores. He further stated as this process moves further the Ethics Board should become involved.

Mr. Stewart Kamen of 1073 Pleasantville Road stated it was a residential area for a reason and how would they sleep at night with lights from a strip mall in their

faces. He further stated he hoped the families that lived in that area were being considered.

Ms. Sherri Alberti of 34 Ash Road stated the whole idea of selling the property was ridiculous and removing trees would look terrible. She further stated it was a residential area and developing it would create more runoff into the Pocantico River. She asked why more commercial development was needed when we have vacant stores. She stated school taxes are high enough and there should be a moratorium on all development.

Mr. David Kane of 365 Elm Road stated he tried to imagine what would be built on the property and he couldn't imagine it without the trees. He further stated he was probably the only person that remembered Mayor Kenard but when the Village acquired the land he assured everyone it would always be an entrance to the Village.

Ms. Nadia Bernstein of 1 Sunnyside Court stated if this is the beginning stage we are putting the cart before the horse. She further stated she would still be opposed to developing the property, it was the gateway to the Village and there was other commercial space available.

Mr. Fred Westendorf of 1055 Pleasantville Road stated he lived in the home closest to the Atria and the property across the street offered shade and comfort to their homes. He stated the thought of having a strip mall reminds him of the Village turning into Eastchester or Yonkers and it was very upsetting to him. He further stated it was a natural area and he loved the Village. He stated the whole atmosphere would change and property values would drop.

Mr. Stuart Holzer of 142 Law Road stated it was the entrance to the Village and it should be given serious consideration on how changing it would impact the character. He suggested improving the current commercial properties that are shabby looking.

Mr. Steve Kavee of 20 Ingham Road stated he served for many years on the CAC and there should be a sequence of events if the Board is really interested in land preservation. He stated a trust fund should first be created if this was going to be a credible argument. He further stated even if the property could be sold for money it was a bad development area. He stated it had steep slopes and was very challenged. He stated the rest of the park land in the Village was not protected from being sold and it should be dedicated as park land.

Village Attorney Smith stated the park land could be dedicated as an overt act of a governing board or by its use over time and much of the Village's park land would qualify.

Mr. Kavee stated he has studied the land use in this Village and with all due respect there is only one piece of property in the Village that is dedicated park land.

Trustee Waxenberg stated a committee was recently started for land use preservation. She further stated they met for the first time and they'd like to maintain the character of the Village while keeping in compliance. She further stated they would use many resources such as the Westchester Land Trust, Hudson Valley Greenway and the Pace University Land Use Law Center. She stated some possibilities would be conservation and cluster developments, conservation easements, recreation development and they were also using the Comprehensive Plan Survey as a tool. She stated they'd like to set a precedent for land preservation and make the Village eligible for funding. She stated there were parcels the Village could purchase and go beyond the earmarked parcels. She further stated they were researching land preservation legislation and they want to become a greenway Village. She stated this clearly sets a tone that they are not about selling one piece of property and they want to be prepared for things before they happen.

Mr. Teitelbaum stated the zoning issue should be taken off the table to give the public some assurance. He stated the Board made a public statement that their policy is not to sell open space and he thought that was inaccurate and misleading.

Upon motion by Deputy Mayor Venditti, seconded by Trustee Smith, the Board voted unanimously to adjourn the public hearing to a future date to be determined.

Board of Trustees Announcements

- The project on Route 9 would not be completed this fall but would be done in the Spring/Summer season of 2007.
- The water supply project consultants Hazen and Sawyer finished task two and will be presenting to the Board in November.
- The BMCC is sponsoring a program on October 25th at the Briarcliff Manor Middle School regarding parents partnering with the community to prevent substance abuse.
- An informational meeting would be held by the Library Board on October 26th at 7:30pm in the Fire Department.
- Harvest in the Village will be October 27th – October 28th
- A pamphlet would be distributed via mail in November to familiarize residents with the local merchants.

Village Managers Report

- The paving program was completed.

- Leaf collection began on Monday and 3-4 laps will be done of the entire Village.

Public Comments

Mr. Nick Evanchik of 119 Alder Drive stated he'd like to comment on the Gorlin affair. He stated he only knew him by name but he'd been demeaned and denied of his rights. He further stated Mr. Morrissy addressed the Board as a member of the CAC and a representative of that council and he didn't have permission from the group as a whole. He stated he should be subjected to the same treatment Mr. Gorlin was. He further stated Mr. Gorlin's opinions were not in keeping with Boards and that's why he was dismissed. He stated it was plain wrong to humiliate Mr. Gorlin but then allow others to exercise their rights.

Trustee Smith stated two of the people that signed the letter have since withdrawn their signatures.

Mr. Jerry Morrissy of 50 Orchard Road stated if he purported to represent the committee he apologized.

Mr. Tom Leihbacher of 36 Maple Road stated he was interested in water figures stated in the "Residents" mailing. He asked if residents were paying 60% more.

Mayor Vescio stated he couldn't speak about that newsletter however the increase was nowhere near 60%. He stated the Village was paying more because the NYCDEP put the Village off the Croton system and we had to purchase water from Ossining at a substantially higher rate. He further stated the Village was now purchasing water at a much lower rate.

Mr. Jay Teitelbaum of 107 Holly Place asked what steps that Board had taken with the prospective development of the Hyatt Property. He requested an explanation for the proposed local law to allow the alternate Planning Board member to vote.

Mayor Vescio stated the property was still owned by Barrington Ventures and they had several parties interested in the property. He further stated they would inform the public of any new information. He stated the proposed local law would allow the alternate to participate in the discussion and vote in the absence of a member or if a member recuses them self.

Mr. Rick Sider of 82 Long Hill Road stated the Village needed to balance its interests. He stated the development next to his home was debated about for almost six years and the developer has not complied with some of the stipulations. He stated the road had not been put back to its original condition, the Recreation Path is not open, a stone wall was supposed to be put back, there

have been noise violations and this is just a microcosm of what is going on in the Village. He further stated he lost the right to open his window and that wasn't fair. He stated he thought it was time the rebalancing began.

Ms. Sherri Alberti of 34 Ash Road requested an update on the Pocantico River and storm drainage. She asked if Echo Lake was still a possibility and she felt it was justified to dredge the river.

Mayor Vescio stated the Village couldn't dredge the river because of the DEC and the Echo Lake project was also being held up by the DEC.

Village Manager Blau stated the Village would push the DEC to find out when they would get back to Echo Lake.

Mr. Steve Kavee of 20 Ingham Road stated the proposed subdivision on Old Sleepy Hollow Road was owned by a member of the ZBA and it was adjacent to a critical environmental area. He stated he was disappointed the CAC wouldn't take a position with the property across the street.

Ms. Ellen Melnick of 333 North State Road asked if the new parking committee was dealing with the short term loss of parking spaces or if they were looking at a long term solution. She asked that when an item on the agenda is a public hearing that it be more specific.

Trustee Mayer stated the parking committee was looking at the current need and the long term solutions were up in the air. He stated they were dealing with the immediate problem and the work could possibly be used for the future as well.

Mr. Clay Tiffany of Hall Road asked if there was still a ban on him at the Library. He stated there was illegal parking at Scarborough Park. He further stated there were four officers out on sick leave and asked why the Village was spending so much money on the worst Police Department in New York State.

Ms. Nancy Pine of Aspinwall Road stated she was one of the editors for the "Residents" newsletter. She stated some people are not comfortable with paying now for a project that is happening down the road. She further stated Trustee Smith accused Bill Gorlin of manipulating the other "signers" of the letter and that was an insult to them. She stated they were intelligent adults and knew what they were doing. She stated everyone had a right to express their opinion and there was nothing bigger than insulting a volunteer in this community.

Mr. Dan Zucchi of 161 Locust Road stated he listened to the things that were discussed at Board meetings and the current Board has taken on many major issues that hadn't been addressed in years. He stated these issues were not easy and people have very strong opinions but the Board listened to people no matter how insulting they were. He stated the Board was doing its job and what

bothers him the most is there are a bunch of people that come to the meetings and give no suggestions but just try to make the Board look bad. He further stated it was very sad that people had axes to grind. He asked that people talk about the issues for a change and try a different tact.

**Schedule Public Hearing; Amendment to Chapter 45, Planning Board –
Deliberations by Alternative Planning Board Members**

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

BE IT RESOLVED that a Public Hearing is hereby scheduled for November 2, 2006 to hear and discuss an amendment to the Code of the Village of Briarcliff Manor, Chapter 45, Planning Board, to provide for participation in deliberations by Alternate Planning Board members.

School Board Recognition Week

Mayor Vescio read aloud proclamations to the Briarcliff Manor and Ossining School Boards. He stated that October 23rd through October 27th would be School Board Recognition Week.

Adjournment

Upon motion by Trustee Mayer, seconded by Trustee Waxenberg, the Board voted unanimously to adjourn the regular meeting at 9:50pm.

Respectfully submitted by,

Christine Dennett