

Village Board of Trustees  
Special Meeting  
January 29, 2007  
7:30 p.m.

A Special Meeting of the Board of Trustees of the Village of Briarcliff Manor, New York was held in the Municipal Building, at 1111 Pleasantville Road, Briarcliff Manor, New York of the 29<sup>th</sup> of January 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  
David Turiano, Village Engineer/Building Inspector  
Clinton Smith, Village Attorney  
Christine Dennett, Village Clerk

**Public Hearing, Chapter 220 Zoning, commonly known as the Bulk Housing Law**

Mayor Vescio stated the rules of procedures for the Public Hearing.

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

Mayor Vescio gave a PowerPoint presentation explaining the intent of the current law, whether the current law was working, objectives of the proposed law, the proposed mandatory tree planting plan, benefits of the proposed law and how the proposed law had been strengthened.

Mrs. Kane of 365 Elm Road stated it seemed to her that it couldn't be disputed that the proposed changes will result in bigger homes that are closer together and closer to the street. She further stated a comment was submitted by a current Zoning Board member stating an existing homeowner could build within a foot of the property line. She further stated the proposed law was against the public opinion survey sent out by the board and they shouldn't legislate for the exception. She stated the Village has a Zoning Board for a reason and urged the Board to consult further with the Zoning and Planning Boards to address their particular comments.

Dr. Stephen Seligman of 48 Locust Road stated he was a retired physician but was formerly involved with development in Putnam County. He stated he attended a previous public hearing and it seems the changes are not that drastic in comparison to the changes that occurred in 2003. He stated the previous Board may have "railroaded" the law through but it shouldn't influence the current Board. He stated if the Mayor was a builder or not is irrelevant but if anyone has a financial interest they should recuse themselves.

Mr. Andrew Tung of 588 Scarborough Road stated he was a landscape architect an attorney and a professional planner for 29 years and he was currently the Chairman of the Planning Board. He further stated his comments were his own.

Mr. Tung's Comments:

I submit the following as my personal opinion regarding the proposed December 2006 revisions to the residential sections of the Briarcliff Manor zoning code. I have chosen not to comment on the latest proposed changes point by point, as I trust you have received and will receive a variety of suggestions as to how each section should or should not be further "tweaked," but instead offer a broader view for your consideration.

It may be helpful for us all to understand and acknowledge that the tool that the zoning code provides to control the juxtaposition of a house to the public street and any adjoining houses consists of a series of dimensional regulations and calculations that result in the creation of two (2) invisible boxes for each property. This was true of the pre-2003 code, the code as amended in 2003, and the code as it may be amended in 2007.

The outer invisible box governs how close a house can be to its boundary lines, and is formed by the front, side and rear yard setbacks. The inner invisible box controls in some manner how large the house can be, and is shaped by a combination of maximum building coverage, building area, and height.

- The pre-2003 invisible boxes were fairly simple to understand, to calculate and to administer. Each zoning district had a single set of setbacks that formed the outer box, and a single set of maximum building height and coverage limitations that formed the inner box. This set of regulations did, however, permit the construction of what was seen by some to be too large a house on too small a lot. The effect of the 2003 amendments, passed ostensibly to protect against the negative visual effects of these too large houses, was to make the outer invisible box variable and sometimes smaller (by increasing the setbacks for larger houses), and the inner box also sometimes smaller (depending on the proposed size and design of the house), significantly more complex to calculate, and in my view, non-intuitive, generally incomprehensible to the layperson, and not particularly successful in achieving its unstated objectives (see my memo of May 22, 2006 for further discussion of the 2003 amendments).

- The 2007 amendments, if adopted in close to their current form, will make the outer invisible box a little less variable (by increasing setbacks for larger houses

by only one increment in each residential zone) and the inner invisible box perhaps smaller or larger in slightly different ways (again depending on the proposed size and design of the house), slightly easier to calculate, and to my mind, slightly more comprehensible and intuitive.

I apologize for repeating the term “invisible box,” but I do so to make a point – although almost all of the impassioned discourse regarding the bulk provisions of the zoning code has related in some way to the visual impact or effect of large houses, there seems to have been little recognition that all of the revisions (with the exception of the landscaping provisions –see below) have had or would have only the effect of changing the location, shape and size of two INVISIBLE BOXES that can not be seen, either before or after construction. Once again I submit that the objectives of any and all of these revisions can easily be thwarted by insensitively designed or located houses and site work. An undistinguished house of nearly any size on a flat site with no intervening topographic relief, existing vegetation, proposed trees or other landscape features will look “big” whether set back 40, 50, or 60 feet from the road – and I don’t believe that most people’s visual perception of such a house would be affected by such a difference in setback.

As to the illustrations of houses offered by some to show the potentially catastrophic effects of changing Briarcliff’s two sets of invisible boxes from the 2003 version to the proposed 2007 revisions – exactly how far is the viewer standing from those houses? It is of course impossible to discern that from a two-dimensional image, and even from a particular vantage point in 3-D space, the actual visual effect of a house being a few feet closer or further away, or a few square feet smaller or larger, is negligible. What we see, in fact, is the house itself and not the intervening distances. Remember, all that these dimensional regulations result in is a pair of invisible boxes.

I have also heard claims that to touch any aspect of the 2003 amendments would be disastrous as it would “result in the loss of open space,” or “change the character of Briarcliff Manor” or “favor developers.” In my opinion, none of this is true, as none of the various versions of the invisible boxes change the underlying lot size or density within a district, reduce the amount of open space or number of trees in Briarcliff, or benefit any particular type of property owner. Further, as an infinite number of house designs – good, bad and indifferent - can be created to comply with any of the dimensional schemes, to believe that somehow the 2003 amendments happened to result in the perfect set of regulations that should never be amended is rather absurd –especially since all they result in is a pair of invisible boxes.

While I am generally in favor of fewer rather than more regulations, I believe the tree planting requirement in the December 2006 draft would help to soften or mitigate the view of larger houses from the street or adjoining properties – it would be, in fact, the only component of any amendments since 2003 that would

not be invisible and would be actually seen. I believe that the number and size of trees required would not be a financial burden to homeowners or builders in the context of the costs of home construction above 3,500 square feet, and that there are adequate provisions included to ensure that different, less or no plantings could be required, dependent on the specifics of a particular site and proposed design.

While I continue to believe that some provisions of the proposed amendments should in the future be coordinated with other revisions to the zoning code that hopefully will be considered following the adoption of the updated Comprehensive Plan, I believe that taken as a whole, the Board of Trustees has done a good job of listening to the public and incorporating adjustments to the law that will make it easier to understand, comply with and administer. I would encourage you to act on these measures in the very near future so that we might all move on to other issues of interest to the Village.

Ms. Margo Berger of 2 Elizabeth Court stated she was still pondering the invisible boxes but she was going to direct her remarks to open space. She stated she didn't just think of open space as parkland or dedicated recreation space but as a larger meaning. She further stated she felt open space was something you feel when you drive through a community or look out your window towards your neighbor. She stated if this is encroached upon it would be a problem. She stated planting trees wouldn't solve the entire problem. She further stated the expectations for the tree planting plan are great but enforcing it will be an issue. She asked who would enforce the plan and the maintenance. She stated the Bulk Law should be congruent with the Comprehensive Plan and it was an odd coincidence that both are in progress.

Mr. Lynn Kenner of 70 Old Sleepy Hollow Road stated his major problem was the one size fits all approach the Board was taking. He stated it was better to have a professional have difficulty filling out the GFA worksheet than having a neighbor that is too close to you. He stated he moved from New Castle because a home was built right on top of his. He asked for the Zoning Board to be allowed to use their discretion. He stated all lots were different and the majority of the Zoning Board preferred not having two fixed sets of setbacks.

Ms. Shelley Lotter of 823 Long Hill Road West stated she was a member of the Planning Board and read the letter she submitted to the Board regarding her opinions relating to the Bulk Law. She stated she wasn't sure if the Comprehensive Plan survey can be used as a true opinion as it only reflects about 7.7% of the residents in the Village. She further stated the survey shouldn't be used to mandate the law.

Ms. Lotter's Comments:

I would like to thank and acknowledge the Board of Trustees for reaching out to Members of the Planning and Zoning Boards for input as well as for conducting public hearings which have yielded valuable information and have provided those with strong opinions on this subject an appropriate and useful forum for expressing their views.

The following comments are my own and do not represent positions taken by the Village Planning Board as a whole.

220-2 – Definition; Enclosed Porch or Breezeway: I support the addition of this definition.

220-2 – Definition; Story: I support this proposed modification which makes our definition consistent with the NYS Building Code.

220:A5; Note 1 – 500 s.f. addition: I support the addition of this provision to provide owners of existing homes additional flexibility in improving our homes. The Board might consider whether this provision should be extended to homes of more than 3,500 s.f.

220: A5; Columns 6 & 7 - Maximum Lot Coverage: I support this proposed change. I understand the Board will incorporate consideration of other impervious surfaces (e.g. driveways) in the future.

220: A5; Note 1: Sloped Properties /GFA Calculation: I support the inclusion of this modification. As there are many existing homes in the Village built on sloped property, I believe this is an appropriate adjustment to GFA for homeowners who wish to improve their properties. Laws and procedures pertaining to steep slopes will continue to apply to the building of new homes and well as improvements of existing properties.

220-2 – Definition; Floor Area, Gross (Sub. A) - Attics: I have concerns about this amendment. Including attics in GFA is not architecturally neutral. If there are a substantial number of existing homes in the Village with storage attics which have become non-conforming because of the attic provision in the current law, I support the amendment. If not, I would consider leaving the law as is or modifying the amendment in a way that is similar to the current proposed change for decks. This would reduce but not eliminate its impact on the GFA of homes with steeper pitch roof styles.

220-2 – Definition; Floor Area, Gross (Sub. D) – Ceiling Height: I support the inclusion of this modification increasing the ceiling height from 14 feet to 16 feet.

220-2 – Definition; Floor Area, Gross (Sub. E and F) - Decks: I support this amendment. I think this is an appropriate compromise which takes into consideration the visual impact of an above-ground deck beyond a certain size,

and balances it with the concern that an owner not be penalized for building a deck instead of patio, especially when the topography of the land and architectural style of the house support building a deck. Also, if the back of a home faces a downward slope, I believe the visual impact to a neighbor who sees that façade can actually be reduced by the inclusion of an appropriately sized above ground deck. Such a deck can reduce the visual impact of an otherwise architecturally neutral facade consisting of two or three stories of uninterrupted siding and windows.

220-9.B. Mandatory Tree Planting Plan: I support the inclusion of this provision. Landscaping is a significant factor in the visual impact of a home and an important part of good planning. I am open to modifications of specific elements of this provision. Valid questions have been raised e.g. regarding monitoring and enforcement, the types of trees required and the possible need for certain applicants for a building permit to request a waiver of specific requirements based on their existing trees, topography, etc. Important details need to be worked out and this provision deemed workable by those who will be involved in its implementation; however, I welcome it as an important addition to Chapter 220.

Schedule 220: A5; Columns 8 through 11 – Schedule Limiting the Use of Buildings and Land:

I have a great deal of respect for those who spent significant time developing the rationale for and implementing the current Bulk Law. This approach as well as others require ongoing evaluation regarding efficacy. As the newest Member of the Planning Board, I am still absorbing data and collecting anecdotal evidence regarding the degree to which GFA calculations help accurately predict visual impact, and whether the use of these calculations is the most effective method of measuring and regulating visual impact.

I do not support the improvement or building of houses that will be inappropriately large for their lots or which will unfairly impinge upon the rights of neighbors to enjoy their properties; however, I believe we can work with a modification of the current law to avoid having houses that are inappropriately sized for specific lots without Briarcliff being a Village that has the most restrictive, or one of the most restrictive laws among municipalities in our County that use GFA as a basis for setback calculations.

(Note: With regard to the number of requests for variances since the Bulk Law was adopted, I suspect there are homeowners who have been confused about the Bulk Law and have held off on making plans for improvements because of their confusion and uncertainty, especially given that the law may change based on the proposed amendments.)

If we graph the curves that show us the side and rear setbacks for GFA's based on the First Proposed Amendment, we see curves that are less steep than the ones calculated under the current law; however, the First Proposed Amendment

to the Bulk Law would still have mandated more restrictive side and rear setbacks than had been in place prior to the adoption of the Bulk Law. I believe we can find a balance between wanting to provide additional flexibility for homeowners to make improvements or build new homes on sloped, irregularly shaped lots and being reluctant to make any changes to the current law that could impact the size of houses in the Village. Looking back, perhaps we could have worked with the 50% figure or another factor applied to the existing formula for setbacks, also taking into consideration changes that may occur if and when some of the other amendment provisions impacting GFA are implemented.

It made sense to me, with the First Proposed Amendment, that setback values were adjusted proportionally to the increase in GFA; but the advantage to the Second Proposed Amendment is that it provides a chart which is more user-friendly than the mathematical formula currently in use which has apparently created challenges for professionals and homeowners as they explore and/or implement plans to improve a property.

The two-tier structure of the Second Proposed Amendment makes it simpler to determine the setbacks. However, the changes in setbacks are no longer proportional to the changes in GFA. Since all GFA's within a tier have the same setback, setbacks for GFA's toward the bottom of each tier are greater than they would have been using the formula from the First Proposed Amendment, and setbacks for GFA's toward the top of each tier are less than they would have been using the formula from the First Proposed Amendment. There will be one GFA in each tier for which the setback using the formula and the setback in the chart are the same.

Questions have been raised about the results that would be produced with the Second Proposed Amendment and about whether the approach used in the First Proposed Amendment and the current law is more desirable. I am still looking at the advantages and disadvantages of each; however, as we continue our discussion, I am wondering if it might be possible for us to use some of the features from each proposed amendment. We might consider going back to using the formula, and, at the same time, create a user-friendly chart people can reference to approximate the setbacks for their GFA. The chart(s) could include setback values for every 250 or 500 s.f. of GFA. When homeowners or builders make actual plans, they would have the support of the Building Dept. to ensure their GFA and corresponding setback calculations are accurate. With a hybrid solution, we could have changes in setbacks that are proportional to changes in GFA's. We could also provide an easy way for residents or their contractors to approximate setbacks if they are beginning to explore alternatives.

Thank you for giving me the opportunity to share my current thinking on the proposed changes. I hope the above input will be useful.

Mr. Rick Sider of 82 Long Hill Road stated you say tomato I say tomato and language can get in the way. He stated it was hard to know what to do when someone is suggesting discrediting the survey. He further stated the people that wanted to respond did so and the people that want to speak at the public hearing do so. He stated it denies people the right to know what argument they should be responding to. He stated he would have signed the petition against the Bulk Law and he always wanted to change laws. He stated the houses on Austin Place are a real world example of what the current Bulk Law allows and people should go and take a look at them. He commended the Board for holding multiple public hearings. He stated it didn't matter how big people build their homes they just need to buy big enough land to build them. He stated open space was very important and at what point are houses too close together.

Mr. Sy Spiegel of 122 Ridgecrest Road stated there were at least two sides to this controversy. He stated on the one hand the residents group wants the law to remain as it is and on the other hand the Board is relentlessly pursuing efforts to change the law. He stated that each side claims the majority and we should stop it before it becomes a costly legal battle. He asked what the urgency in amending the law was and a moratorium should be called. He stated cooling the atmosphere rests with Board.

Ms. Kim Izarrelli of 12 Deertree Lane stated she was a resident since 1996 and most of the Board knew her. She stated she attended most of the meetings and viewed them on television and she was disappointed with the Board. She stated she supported them and helped them to get elected and they had lost her support. She stated that Briarcliff Manor was viewed as an affluent community when in fact it was a middle class community with affluent individuals. She further stated there were many R-20 lots that exist in the Village. She stated the new law will make it harder for smaller homes to expand and the Board had turned their back on the middle class residents. She stated the news had made a spectacle of Briarcliff Manor and it should concern the Board that they were putting a calling card out to developers. She stated the Village was moving in a different direction than the rest of the communities in the area. She stated she visited Melville, Long Island over the weekend and saw enormous homes that were built on top of each other. She further stated if she wanted Long Island she would have bought there. She stated the Board was out of touch with the desires of the residents and the majority doesn't want to see larger homes. She stated at the last public Hearing Nancy Pine discussed quality of life issues and by passing the law it opens the doors for overdevelopment. She stated what attracted people to Briarcliff Manor was the balance of the community and the economic diversity. She stated that the people that work in the Village should be able to afford to live here and as Trustees the Board should want that. She stated a travesty had occurred and freedom of speech was a very precious thing. She stated the Board dishonored the community by not allowing people to speak and by making it a special club. She further stated she was horrified by the manner in which the Board runs their government.



Village Attorney Smith asked Ms. Izarelli to keep her comments to the current proposal.

Ms. Izarelli asked why tax dollars were wasted on a Comprehensive Plan study that they aren't even using and all public documents should be available on the internet. She stated the Board had no position to vote on the matter.

Mr. Mort Berger of 2 Elizabeth Court stated he wanted to be the spokesperson for trees; he loved trees and loved seeing them. He further stated there were undeveloped areas that won't remain that way for long and Briarcliff Manor is heavily treed and sloped. He stated he was concerned too many trees will be taken down to develop.

Ms. Elaine Heyda of Tuttle Road stated she hadn't planned on speaking but wondered if Ms. Izzarelli knew the history of the previous Bulk Law and its public hearings. She further stated in 2003 there were only 2 hearings and it was voted on at the second which was back to school night. She stated the law was passed with a 3-2 vote. She stated the two that voted against it are currently on the Board and one of the gentlemen that voted yes was very ill and died in the following months.

Village Attorney Smith asked Ms. Heyda to keep her comments to the merit of the Board.

Mr. Jay Teitelbaum of 107 Holly Place stated he was a member of the Planning Board, not a developer and had no financial stake in the matter. He stated the Board requested the Planning Board and Zoning Board comments to be submitted by January 19<sup>th</sup> and his were submitted in a timely manner. He stated to his knowledge on 7 members of the respective Boards submitted comments and nobody wants homes even an inch bigger. He stated it was supposed to be a public hearing and nobody should have to FOIL documents. He stated they all had day jobs in order to afford living in the community. He stated it troubled him the juxtaposition of how the law was being handled in comparison to the current law. He stated the current law was a joint effort of the Zoning Board, Planning Board, the Board of Trustees, and consultants and 60 homes were studied. He further stated the decision wasn't unanimous but the process worked. He stated if the process was correct only one public hearing would be necessary. He stated he wasn't interested in making the Village a builder friendly community that it should be a neighbor friendly community. He stated the Board is trying to camouflage the proposed law with the mandatory tree planting plan. He stated the MTTP could be used as a guideline but shouldn't be mandatory. He stated he hoped his comments he submitted to the Board would be part of the public record and the Planning Board was very well intentioned. He stated while he had been on the Planning Board 4 subdivisions had been approved and the Planning Board did the best they could. He stated he only voted positively for one and

even that one demolished all of the trees. He stated the Board was being driven inappropriately and for the wrong reasons.

Mr. John O'Leary of South State Road read the statement he submitted to the Board of Trustees. First of all, I would like to extend my appreciation to you for the thorough process you have taken in an effort to improve the current bulk law. Four public hearings, numerous work sessions, in depth analysis of other communities and how they are dealing with the same issues- quite a contrast from how the current law was put into place. What is so evident is how you have listened to public comments and suggestions and taken them to heart by further modifying the proposed changes. It is crystal clear that there is no one right or one wrong answer in addressing these issues. However, what is important to understand is that the majority of property owners in our village – their rights - be protected. I feel your latest changes do just that.

Your proposed 10 modifications on additions to the current law covering everything from lot coverage to ceiling heights, decks to setbacks, and more. Four of these changes were proposed because the current law did not address them at all. They include:

1. A definition of enclosed porches or enclosed breezeways was added.
2. A mandatory tree planning/landscaping plan was added (after input from one of the earlier Public Hearings).
3. A Maximum lot coverage law was added.
4. A provision relating to additions where existing homes were constructed at minimum set backs (also further modified after public input).

Several other proposed changes that make sense include:

5. Modification of floor area calculations for ceiling heights was proposed at 17' vs. the 14' in the current law. After public input – again you listened – this was reduced to 16'.
6. Consideration of how decks are considered in floor area was proposed. This too was modified after public input, and input from the ZBA, to count decks in excess of 1% of the area (square footage) of the lot. So, for an R40 lot - 1 acre - a 400' deck would not count.
7. A proposal to bring our village into compliance with N.Y.S. Building Code – increasing to 6' from 5', the definition of a story.

The remaining three address attics, a proposal to establish fixed minimum yard set backs (modified after public input) and sloped property (most of Briarcliff).

So 7 out of 10 of the proposed modifications were to address 4 points not covered in the current law, 3 were modest tweaks (5' to 6', 14' to 16') and how decks are counted. And, two of these changes were even further modified after public input.

All 10 of the changes (7 of them very minor) are meant to protect the vast majority of Briarcliff's property owners, not the exceptions. I commend you for the fair, open process as well as your willingness to listen and continually modify your proposed changes throughout the process. You have asked the ZBA members for their individual comments. These above are my thoughts, in conjunction with the comments I submitted to you previously and during the joint meeting the BOT held with the ZBA on this law. . I think the new, improved and modified proposal makes great sense and I am in favor of its passage.

Ms. Hillary Messer of 144 Sleepy Hollow Road stated she was a current Zoning Board member and she was asked to submit a response to the Board of Trustees. She further stated she submitted her response by January 19<sup>th</sup> and to date had not received any comments from any of the Planning Board members.

Mr. Stephen Barshov of Sive, Paget & Riesel, P.C. stated that he had been a practicing attorney since 1980 and he was hired by Lawrence Lenihan and Mark Kaminsky to review the proposed law. He stated he reviewed the proposals to date and there had been no factual identification of what the law would do. He further stated there apparently had been no systematic identification of how many and the type and nature of lots in the zones. He stated there was no basis for determining an environmental impact and the Village's environmental assessment form was blank. He stated the law was clear in New York State that the effect of a law to a community must be provided and the form hadn't been updated since 2003. He stated that perhaps the document is in draft form and hadn't been finalized but he encouraged the Board to identify the actual impacts the law will have. He stated he had no axe to grind and there was no way the Board could make a determination that will withstand a legal challenge. He stated he asked for a planning consultants report and didn't receive it. He suggested when you release a new version of a proposed law that it be "black lined" because it is difficult to decipher the changes. He stated it should be posted with "black lines" and without. He stated it seems the references to other communities are misplaced. He stated the Comprehensive Plan was a proposed amendment that affects the entire Village and there was hardly anything more comprehensive than its progression of bulk matters. He stated the only reason to use landscaping to soften the impact is if there is an impact. He stated he taught land use laws and the invisible box doesn't matter it's what goes in them. He stated the Board should not proceed in his opinion.

Deputy Mayor Venditti stated he was intrigued by some of the legal issues. He asked if Mr. Barshov was talking about the Environmental Assessment Form from 2003. He further asked if without identifying the various impacts would it affect the validity of a law passed thereafter. He stated the EAF in 2003 was prepared on September 2, 2003 for the passage of the law on September 3, 2003.

Mr. Barshov stated he couldn't comment on what happened in 2003.

Ms. Dawn Orza of 35 Tulip Road stated she grew up in Briarcliff Manor and has lived her for 40 years because she likes the character of the Village. She stated the proposed changes will not affect her property but she didn't want homes closer together or large re-builds. She further stated if homes don't meet the required setbacks they can go before the Zoning Board. She stated the house should be appropriate for the lot not make the lot fit the house. She stated there was a trend in the mid-west to have more environmentally responsible homes and we shouldn't disturb the steep slopes.

Mr. Dan Zucchi of Locust Road stated the meetings never failed to disappoint him. He stated he found it difficult to listen to some of the speakers and he extended his support to the Zoning changes proposed by the Board. He stated in 2003 many voters were disturbed a law was passed by only 3 members on back to school night and 300 people ask that the law be reviewed. He stated decks and attics were included in the law and were asked to be reviewed at a public meeting. He stated it spoke volumes about the flaws and inconsistencies of the law. He stated sometimes terms can be used in the wrong context and a McMansion is a large home on a small lot. He further stated the term was used as a criticism to negatively reflect the homeowner. He asked who the judge was, and who the jury was. He stated family's needs had changed over the years and they want more things and the people who have them pay a tremendous amount in taxes. He further stated everyone has opinions but nobody has the answers. He stated the Zoning Board should be able to enforce a law they can interpret and they were a group of dedicated individuals. He stated false information had been spread that was disingenuous and mean-spirited. He stated the current law has such obvious flaws and he applauded the Board for their due diligence throughout the process. He stated it was a welcomed change from the process that brought the Village here in the first place.

Mrs. Liz Peldunas of 50 Ridgecrest Road stated after she left the previous public hearing Mayor Vescio stated she didn't know what she was talking about. She stated the Board didn't listen to what she said. She further stated she sent an email to the Board and nobody had responded to her. She stated she knew it was hard to admit when you're wrong but not responding is rude. She stated the proposed tree plan is a tax on current home owners and the 13 colonies split from Britain for a tax on tea and the Board might want to think about that with an upcoming election.

Ms. Bonnie Fenster of 1 Chestnut Hill Lane thanked the Board for having four public hearings and she didn't have an axe to grind she just wanted the Board to do right by the Village. She stated she was happy when she found out the bulk law was being reexamined because a house was literally built on top of hers. She stated in 2003 the other administration passed a law that was too little, too late for her. She stated only one person on the Zoning Board even questioned

why her neighbors needed an addition. She stated there was a minimum education requirement for Zoning Board members and it should be compiled of people with expertise. She stated the currently law doesn't protect us and the new one will harm us further. She asked the Board to explain why they were changing the law to enable my neighbors to build even closer to my home without a variance.

Village Manager Blau read two letters submitted by residents.

Alice Herbst  
33 Purdy Court  
Briarcliff Manor, NY 10510

I am out of town on business and will be unable to attend tonight's meeting. I would appreciate it if you would please let the Board know that I want to thank them for making the law fairer to property owners and for having our law conform to standard practices in the County.

Thanks very much,

Alice Herbst

To Whom It May Concern:

I have read with interest the variety of views of Briarcliff Manor residents regarding whether or not to change the bulk zoning law. Those in favor of change say the law is overly restrictive. Those who oppose change say that doing so will lead to McMansions.

I have some knowledge of the bulk zoning law, as I was among the first, if not the first, to receive a variance under it. And I can assure you, it is overly restrictive. I argued with the Zoning Board for a full hour regarding the merits of my addition. (I am a lawyer by profession, though not a real estate lawyer.) The Zoning Board was thoughtful but clearly constrained by the bulk zoning law in what it could do for me. I got what I requested in the end, on a four to one vote. As my building plans were a product of the bulk zoning law, they were less than ideal. But given the law, I was ecstatic with the result. And the only person who voted against me? The former Chairman of the Zoning Board and a principal architect of the current bulk zoning law, Jonathan Lerner. Why did he vote against me? In his own words, it was because if I received a waiver without extraordinary circumstances, then anyone would be entitled to a waiver. And that's the problem with the law -- unless your home sits on an odd parcel of land and you are not asking for too much, your options when it comes to adding on to your home are minimal.

My wife and I purchased our home new in 1987. It is a “salt box” style farm house, with a high pitched roof. That aspect of the house gives it a very distinctive, and in our view attractive, appearance. The basement, which can’t be seen from the street, lets out to the back yard as our property slopes down from the front yard. When we drew up plans to add on to the house, we increased the size of our family room and kitchen, which increased our basement, and added a third bay to our garage. Our neighbors were all alerted, and seeing the plans were highly supportive. With the additions, our home is clearly more attractive and a betterment to our community. Ask anyone on Farm Road.

But under the new bulk zoning law, it is a “McMansion.” We exceeded the permitted gross floor area allowed under the current bulk zoning law by 851 square feet. Of that amount, 410 square feet was attributable to our high-pitched roof. Space in our attic counted against us even though, by law, it is uninhabitable. Another 155 square feet was attributable to our basement, which is unfinished and not visible from the street. Hard to understand the rationale for including a below ground basement when visual mass is presumably what the bulk zoning law seeks to restrict. And the remainder of the space? To add a third bay garage, which would allow us to move my son’s car inside and out of sight of our neighbors. I’ll add that the biggest complement we receive on the house today has to do with the carriage doors that adorn the three bay garage.

As we had a satisfactory ending, isn’t that proof the law works? Not at all. We have a back deck that is smaller than our old one. Our builder agonized over whether we shouldn’t return to the well for another variance. I assured him we didn’t stand a prayer as we had already pressed our luck with the Zoning Board. Among the changes being considered to the bulk zoning law? Taking decks out of the equation.

There was absolutely no reason for us to have gone through the trauma, cost and time we did to get our plans approved. And had I not been a lawyer by trade and had access to real estate lawyers in my office, I doubt we would have gotten our variance without professional assistance. I spent a significant amount of time working on my arguments and trying to understand the intricacies of the bulk zoning law, and paid the cost of having my architect available at the Zoning Board meeting for questions. Had Mr. Lerner had his way, who I understand is a proponent of not changing the bulk zoning law, our home would not be as attractive as it is today. Should the bulk zoning law be revised? I have absolutely no doubt that it should.

Bob Murray  
Farm Road  
Briarcliff Manor, NY

Upon motion by Trustee Smith, seconded by Deputy Mayor Venditti, the Board voted unanimously to close the public hearing at 9:50pm.

