

MINUTES OF PUBLIC HEARING HELD BY BOARD OF TRUSTEES OF VILLAGE OF
BRONXVILLE ON JANUARY 12, 2004 AT VILLAGE HALL, 200 PONDFIELD ROAD,
BRONXVILLE, N.Y.

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PRESENT:	Nancy D. Hand	Mayor
	Thomas M. Leslie	
	Frank V. Sica	
	Mary C. Marvin	
	Glenn D. Bellitto	Trustees
ALSO PRESENT:	Ned W. Branthover	Village Counsel
	William T. Regan	Village Administrator
	Peter J. Woodcock	Superintendent of Public Works
	Brian M. Downey	Chief of Police
	Vincent Pici, P.E.	Superintendent of Buildings
	Robert J. Fels	Village Treasurer
	William J. Murphy	Parking Commissioner

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Mayor Hand called the public hearing to order at 8:00 P.M. She noted that this was a continuation of the public hearing from December 8, 2003, concerning a proposed Local Law revising Chapter 310, Section 310-42A, Satellite earth stations and communications facilities, of the Zoning Code of the Village of Bronxville. (Copy of the Local Law is annexed to the official minutes.)

Village Administrator Regan verified that due notice of the public hearing had been given by posting and publication.

Mayor Hand asked if there were any further public comments.

Douglas Warden, an attorney with the law firm of Snyder & Snyder, said he was representing Nextel which currently has an application pending before the Planning Board. He said that under General Municipal Law a final version of the law to be enacted has to be referred to the County Planning Commission at least 30 days prior to the enactment of the law and according to Municipal Home Rule the final version of the law must be placed upon the desks of all members of the Board seven days prior to the enactment of a local law. Mr. Warden asked whether it was the older December 8th law or the new revised version that was referred to the County Planning Board, and if the older or the newer version of the law was placed upon the desks of the Board of Trustees. Mr. Warden said he believed that the version under consideration tonight had changed in a number of ways.

Mr. Regan responded that the changes were made at the last meeting in December and the law has not been changed since that meeting. He said the Board had the changes on their desks at the last meeting.

Mr. Warden said he was referring to the changes in Section A (3) (d) having to do with wireless fidelity, Section A (4) having to do with proprietary business terms, and Section A (7) giving very broad powers to waive numerical standards. He asked if the version of the law that contains those changes was sent to the County Planning Commission and on the desks of the Trustees.

Mr. Regan responded "yes" to both questions. Mr. Regan said he received a letter in reply from the County Planning Commissioner dated January 2, 2004. He read the letter into the record, as follows:

January 12, 2004

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"Dear Mr. Regan:

Thank you for the notification concerning the following proposed action:

Project Name/File Number: Village Code Amendments to Zoning Law — BXV
03-005

Action: Revisions to Code Regarding Communications
Facilities

Location: Village-Wide

We have received this matter under the provisions of Section 239 L, M and N of the General Municipal Law and Section 277.61 of the County Administrative Code and find that there are no County or intermunicipal planning issues of concern to the County Planning Board. This action is a matter for local determination in accordance with your community's planning and zoning policies.

Thank you for calling this matter to our attention."

Mr. Warden asked when the proposed law was sent to the County Planning Commission.

Mr. Regan said he believed that the law was sent in sufficient time. He added that he didn't believe our legal counsel concurred with Mr. Warden's 30 day notice statement.

Mayor Hand said that this may all be a moot point. She said she knew there were a few changes suggested by some of the Trustees around the time of the December 8th meeting and that those changes have been referred to the Planning Board for their comment.

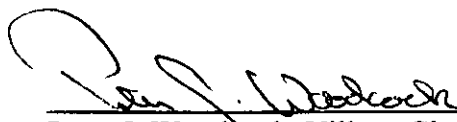
Mr. Pici said he received a call from Don Henderson of the Planning Board on Friday who informed him that he and Adrienne Smith were currently reviewing the proposed changes and would have a recommendation shortly for the Board of Trustees. Mr. Pici said it would probably be beneficial to wait for those comments before adopting the legislation.

Mayor Hand asked if there were any other comments.

Trustee Leslie suggested that the public comment period be left open until the Planning Board's comments are received and the latest version has been properly circulated. He suggested continuing the public hearing at the February meeting.

Mayor Hand adjourned the public hearing at 8:10 P.M., stating that the hearing would be continued at the February 9th meeting.

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Peter J. Woodcock, Village Clerk