

MINUTES OF PUBLIC HEARING HELD BY BOARD OF TRUSTEES OF VILLAGE OF
BRONXVILLE ON MAY 10, 2004 AT VILLAGE HALL, 200 PONDFIELD ROAD,
BRONXVILLE, N.Y.

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PRESENT:	Nancy D. Hand	Mayor
	Thomas M. Leslie	
	Mary C. Marvin	
	Glenn D. Bellitto	Trustees
ABSENT:	Frank V. Sica	Trustee
ALSO PRESENT:	Harold Porr III	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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CODE AMENDMENT RESOLUTION No. 1 - 2004

Mayor Hand called the public hearing to order at 8:15 P.M. to hear and consider comments concerning a Code Amendment Resolution amending Section A321-5 of Code of the Village of Bronxville pertaining to Parking Meter Rates. (Copy of the Code Amendment Resolution is attached.)

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

Mayor Hand stated that during the budget process, the Trustees had discussed ways to offset the very substantial increase in pension payments to the state in order to keep the budget increase down. One of the ways proposed to increase revenues was a relatively modest increase in meter fees. Mayor Hand explained that the proposed resolution would basically increase the parking meter fees from 25 cents for 25 minutes to 25 cents for 20 minutes at the meters for public parking on streets in the business district of the Village such as: Pondfield Road, Cedar Street, Kraft Avenue, Parkway Road, Palmer Avenue, and at the public meters in the lots. The rates would increase from 25 cents for 50 minutes to 25 cents for 40 minutes for long term parking at the meters for commuters and merchants. Those are the two most significant changes. The new rates will be factored into the fees for buy-out permits.

Mayor Hand called for comments from the public.

Florence Kooluris, a village resident and merchant, thanked the Board members for keeping the Village the way it is. Mrs. Kooluris then questioned where they were going with all of these increases in parking fees. She strongly objected to the increased parking rates. She said it is becoming extremely difficult for people to run businesses in this town. Most merchants have to park their cars and feed a 10 hour meter. She said we also have parking enforcement people who arrive at the Garden Avenue lot every day at 5:00 PM and ticket cars with expired meters. She said we never hear the dollar figure you collect for parking. Mrs. Kooluris said she will be paying approximately \$800 for the buyout sticker for the Garden Avenue lot. She said she has to get to work at 8:30 AM because there's no spot for her to park by 9:00 PM.

Mayor Hand said that if you look at comparable communities with business districts you will see we are very much in line. She said we're raising the parking rates because otherwise

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we would have to raise the taxes by 15%. The people who use the business district have to pay for the parking.

Mrs. Kooluris said we are the most unfriendly Village. She said, "you're ripping us out for a few cents – its got to be mismanaged funds in this Village. You can't keep doing that to us."

Trustee Leslie said he took offense and said we watch every single dime that comes in and every dime we take in is accounted for. To come to a public meeting and to suggest that public funds are misused is wrong.

Thomas Wolff, a resident, said he respectfully disagreed with the prior speaker. He said it has been his experience that the Mayor and Trustees have provided ample opportunity to hear all who wish to speak. He said the issue for raising the parking meters was discussed at the budget workshop and the Trustees debated this thoroughly and spent a considerable amount of time on this particular issue. Also, as far as the accounting for the Village, Mr. Wolff said Village Treasurer Robert Fels keeps accurate records.

Mayor Hand reminded everyone that we have an independent auditor who does a full audit every year.

Village Treasurer Fels noted that the Village's budget is monitored several ways, by the Board of Trustees, the Village Administrator, as well as by the state, and by an independent auditor. All financial information is available at Village Hall.

Mayor Hand then called for Trustee comments.

Trustee Leslie said the parking rate increase is not a desirable solution, but is a necessary one.

Trustee Bellitto said he was going to vote in favor of the increase. He pointed out that a 15% tax increase would affect only Village residents, whereas the parking rates will be raised for everyone who parks in the Village, regardless if they live in the Village or outside of Bronxville.

Trustee Marvin said none of us want to do this but the last time we raised the meter fees was in 1991.

Mayor Hand noted that the amount we're raising the fees is not a significant amount.

There being no further comments, the public hearing on the proposed Code Resolution was adjourned at 8:45 PM.

2004/2005 CAPITAL IMPROVEMENT PLAN

Mayor Hand opened the public hearing to hear and consider comments concerning the Capital Improvement Budget for fiscal year 2004/2005.

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

Mayor Hand stated that the Board had reviewed the proposed Capital Improvement Budget and looked for ways to keep this number down. Last year our total capital budget was \$891,000 and this year the total proposed is \$815,000.

Village Administrator Porr gave an overview of the proposed Capital Improvement Budget. Knowing the financial climate we are operating in, this year we tried to keep our

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needs down to the bare bones as much as possible. He reviewed each department's capital budget requests.

Mayor Hand called for comments from the public.

Dorothy Brennan, a resident and manager of the Girl Scout Cabin, said she has seen the Mayor and Trustees working for years on the budget to keep these costs down. She said they should talk to the School – they can't go on with that spending. She said the Village has been squeezing nickels for years and she thinks its unfair that we are being penalized by overspending by the Board of Education.

Mayor Hand then called for Trustee comments.

Trustee Bellitto said he was comfortable with the capital plan. He said that Superintendent of Public Works Woodcock had taken him on a tour of the garage and he had seen for himself the condition of the trucks that have to be replaced. He said it is cost effective to keep the vehicles in good working order.

Mayor Hand said that she would like to reduce the amount budgeted for the Library by \$6,000 since the Library does have the necessary funds for floor refinishing and furniture refinishing. This would reduce the total capital budget from \$815,000 to \$809,000.

There being no further comments, the public hearing on the Capital Improvement Budget was adjourned at 8:55 PM.

PROPOSED LOCAL LAW NO. 3 - 2004

Mayor Hand opened the public hearing to hear and consider comments concerning proposed Local Law No. 3 of 2004 amending Chapter 310 ZONING, of the Code of the Village of Bronxville pertaining to properties located in the Village's Central Business District A and Service Business District B zones.

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

Mayor Hand stated that a special committee of the Planning Board had been appointed and spent a period of about five months taking a look at the Zoning Code and they made several suggestions for changes. They took a look at the entire zoning code and made revisions which they presented to the Board of Trustees. She said the Board extended the moratorium in the business district for 90 days in order to have time to review the changes.

Harlen Saxton, an associate of Frank Fish of Buckhurst Fish & Jacquemart Inc., consultants for the Village, said they worked for many months on these revisions with a very dedicated committee. Ms. Saxton outlined the changes that were recommended in Central Business District A and Service Business District B. She said the three major changes to the Code were:

1. Additional area and bulk controls have been established, including setting floor area regulations limiting single uses to a maximum of 3,500 feet on the principal street level, and adding a street frontage requirement limiting the permitted street frontage to a maximum of 35 linear feet; gross square footage can be expanded to 5,000 square feet and linear feet to 50 feet by special permit.
2. More extensive regulations have been established for dwelling units in Central Business A districts, including establishing a maximum gross square footage per dwelling unit (2,000 square feet) and a maximum number of bedrooms per dwelling unit;

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3. The prohibition on street-level banks and offices along Pondfield Road is extended to encompass Palmer Avenue. Street-level service establishments are also now prohibited in these areas.

Mayor Hand then called for comments from the public.

Robert F. Davis, an attorney with the law firm Shamberg Marwell Hocherman Davis & Hollis, P.C., expressed best wishes to outgoing Planning Board Chairman Corwin Frost and complimented him on his fine service for the Village. Mr. Davis said he was here on behalf of his firm's client, Steven Green and his company, 100 Pondfield Road Corp., which owns the warehouse building at 100 Pondfield Road. He noted that also here on behalf of his client's planning consultant Saccardi & Schiff was Margaret Uhle, who also serves as Town Planner for the Town of Eastchester.

Mr. Davis said he had provided the Board members with a comprehensive submission on May 4th which addresses his client's situation and the proposed amendments in great detail. He said that submission also included Saccardi & Schiff's in-depth analysis of the amendments and their significant implications not only for his client's property but for the Village. He requested that the Board members read these materials carefully before taking any action because there is a great deal at stake here for his client and the Village. Mr. Davis provided background information on Mr. Green's application and said it had received a positive reception when first presented to the Planning Board in March 2003.

Mr. Davis said his client objects to the three proposed amendments which further restrict residential uses in the CBD – Sections 310-14(A)(8)(b),(c) and (e). He said they were devised only after his client's application and they are clearly aimed directly at his client's project. He believes that there is no other property in the CBD to which these restrictions would be relevant. The three amendments in question are:

1(b). No dwelling unit shall be larger than 2,000 gross square feet in area. His client's proposed dwelling space is much larger.

2(c). No one dwelling unit shall have more than three bedrooms. His client's proposal has more than three.

3(c). In no case shall parking be allowed as a street level use. Parking must be on a separate floor from residences. His client's project entails an indoor parking garage on street level.

Mr. Davis gave more specifics and elaborated on the reasons for their objections. He said that the Board should consult with legal counsel with respect to the state law requiring zoning amendments to be in accordance with a Comprehensive Plan and the law prohibiting ad hoc or spot zoning. He also suggested that the Board consult with counsel regarding the provisions of SEQRA which require you to take a hard look at the impacts of these proposed amendments on a host of factors such as the pattern of community growth and development, community character, and traffic and parking issues, and not just issue a negative declaration.

Mr. Davis also suggested that the Board consult with counsel with respect to the constitutional limitations on zoning amendments.

In conclusion, Mr. Davis asked the Board to review his firm's submission and the Saccardi & Schiff Report, seek legal counsel, and take the wise action, the legal action, and the right action, not only for his client, but for the Village. He requested that the Board decline to enact these three dwelling restrictions amendments. At the very least, he added, a property such as his client's, with an existing building, and which is the subject of a pending application, should be exempted or grandfathered from such legislation.

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Mayor Hand said she appreciated receiving Mr. Davis' comments, adding that she believed that the Planning Board committee did look at the entire code and it was not directed toward anyone. She said she had some comments after reading the proposed zoning amendments. The Board will take time to look at the changes over the next month.

Margaret Uhle of Sicardi & Schiff gave an in-depth analysis of the amendments and their significant implications.

Jonathan Gordon, President of Admiral Real Estate Services said he represents eight buildings in the Central Business District. Speaking to the limitations on commercial space, he asked, if a retailer vacates a space that exceeds the 3,500 sq. feet space requirement, will another retailer be permitted to move into that space or will the store have to be chopped up into smaller units to conform with the new regulations. Mr. Gordon also asked about special permit uses.

Superintendent of Buildings Pici said that basically another retailer could move into the vacated space as long as it is a permitted use.

Mr. Gordon said that his clients are very concerned by the fact that this amendment is being considered. He said they have more and more vacancies and he doesn't know whether they will be able to rent the space vacated by The Gap.

Mayor Hand said she did have some concerns about the sections regulating to the size of dwelling units and the number of bedrooms allowed. She said perhaps the Planning Board should be given more flexibility in this regard. She said we probably want to have more discussion about that and what we should require in terms of gross square footage and the maximum amount of bedrooms.

Mayor Hand asked if the Trustees had any comments.

Trustee Leslie said that Mr. Davis' comments were well taken and he thought we should review the amendments and have counsel review them. He said this is not a final product. He said it's a good start but we have a lot of work to do.

There being no further comments, the public hearing on the proposed local law was adjourned at 9:40 PM.

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Harold Porr III, Village Clerk