

MINUTES OF PUBLIC HEARING HELD BY BOARD OF TRUSTEES OF VILLAGE OF
BRONXVILLE ON JULY 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
	Harold Porr III	Village Administrator
	Rocco Circosta	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 8:10 P.M.

PROPOSED LOCAL LAW NO. 3 - 2004

Mayor Hand opened the hearing continued from last month to hear and consider comments on proposed Local Law No. 3 of 2004, as revised, 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.

Before taking public comments, Mayor Hand highlighted the main revisions to the proposed law since the last meeting. She noted that at the last meeting one of the most substantive changes was that we adjusted the square footage limit for residential units in the business district by special permit to give the Planning Board the ability to grant up to 6,600 sq. ft., which is similar to the maximum allowed in the residential district.

Vincent Pici said that revision and the one increasing the number of bedrooms from three to six were the most substantive revisions. He said there were a couple of less significant changes regarding parking and a clarification of the language. The new provisions allow parking in a building which is set back from the street. This was done in response to suggestions from Mr. Davis. Mr. Pici said there were a couple of typographical changes such as changing "of" to "on". He said there was one change that would now allow personal service establishments on Palmer Avenue. Other than that, he said the law is pretty much the same as it was at the last meeting.

Mayor Hand asked Anna Longobardo, Chair of the CBD Zoning Committee, to speak about the work they did. She said Frank Fish, consultant to the committee, was also here this evening. She said the Board has received letters from him providing some background information and comments he had with regard to unit size and maximum sizes that might be allowed for residential uses in the business district.

Mrs. Longobardo reiterated some of the comments she made before the Board of Trustees at their March meeting. She said she thought long and hard about what we have done and where we are on this. She said she had some concerns about some of the changes that have been made.

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Mrs. Longobardo noted that the Board of Trustees, having received substantial comment and being concerned about the potential impact on the Village's community character and economic potential resulting from the change of uses and expansion of uses in the Village's Central Business A and Service Business B Districts, adopted a local law in October 2003 imposing a 180 day moratorium on those activities which might continue the changes and expansion of uses. The Village Board asked the Planning Board to examine changes to the Village Zoning Law that might better preserve the community and economic character of the Village. A committee was appointed to examine, evaluate and recommend language to appropriately make changes to the zoning text to address the Village Board concerns. The committee considered how to restrict the size of retail establishments and residential space in the business district and rewrote zoning text for the CBD. Mrs. Longobardo summarized their recommendations. She said there would be no permitted use greater than 3,500 sq. ft. on the principal street level without going through the special permit process to be reviewed by the Planning Board. As to residential use in the business district, they recommended that no one dwelling shall be larger than 2,000 sq. ft. and have no more than three bedrooms. In no case shall parking or residential use be allowed on the street level. She said the residential size limitation that the committee arrived at and recommended met several objectives. They wanted to maintain street life and support the merchants. She said Vincent Pici surveyed apartments downtown and they generally are between 1,500 to 1,800 sq. ft. They wanted sensitivity to the school district by controlling the number of bedrooms. Apartments downtown generally do not have school age children.

Mrs. Longobardo pointed out that residential limits of stand alone houses with bulk setback and side yard restrictions seemed irrelevant to downtown apartment sizes. They were not comparing CBD apartments with mansions. Sizes were not discussed by their committee – that was not part of the consideration. She stated that the change proposed by the Trustees is substantially different from the limit on apartment size their committee recommended to the Board.

Mrs. Longobardo said that before the Trustees make such a fundamental change to the committee's recommendations, she respectfully asked that they should have an opportunity to study it and give the Board the benefit of their review. She didn't know where the committee would come out on this. She thought their advice would be very important to the Board before they come to a final decision. She said the committee has proposed no more than 2,000 sq. ft. apartments in the downtown. They felt that this was a very reasonable limitation. With such a size limitation you could be assured of many units rather than very few in the Village center. Its important to support the restaurants and retail merchants. Any gradual transition to very few units is not in the best interest of the Village.

Mayor Hand then called for public comments.

Robert Davis, attorney for Steven Green and 100 Pondfield Road Corp., said the proposed amendments are of most concern to his client and his property at 100 Pondfield Road, especially those imposing further restrictions on dwellings in the CBD. He said he submitted an additional letter to the Board on July 2nd, with a Supplemental Saccardi & Schiff Report. He would not reiterate tonight the contents of all of their prior submissions and comments and those of their client's planning consultant, but a number of general points bear reiteration, before he turns specifically to the revisions which were circulated since the last meeting.

Mr. Davis said Bronxville is certainly a wonderfully unique community, but it certainly bears noting that in all of Westchester County, there are no other communities which restrict the size of dwellings in the business district or which impose such cumulative dwelling restrictions in the business district as do the proposed amendments. They certainly have not been demonstrated to be necessary in any way and, to some extent, he said they are devoid of sound planning rationale. They weren't in the original draft, nor the latest Master Plan. He maintained that the original focus of the amendments and the moratorium was the commercial uses, not dwellings.

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Mr. Davis said that despite his calling attention to the issue now on numerous occasions, as yet, no one has pointed to any existing or potential possibility in the CBD for any large dwelling unit in an existing or potential new building, other than his client's, which would even amount to the 2,000-6,600 sq. ft. set forth in the proposed amendment, let alone exceed that square footage as his client's proposal does.

Despite the apparent coincidence that these dwelling amendments were proposed by the Planning Board's Special Task Force on the amendments, Mr. Davis pointed out that only after his client's application was before the Planning Board, and despite Trustee Bellitto's statement at the last meeting that these amendments were not directed at his client, whom he assumed would receive a variance because of his unique property, has anyone addressed the issue of why, in the interest of fundamental fairness, his client's application, which has now been pending for over a year before the Village, and which was the subject of at least three Planning Board meetings – and the only application to which these particular amendments are relevant – should not be grandfathered or exempted from the new amendments. He said this is a perfectly appropriate legal procedure and one which would obviate a lot of problems, including possible litigation, while the amendments would still be applicable to any future application, however unforeseeable at this time.

Finally, Mr. Davis said it doesn't seem that the Board is under any political pressure to adopt these dwelling restrictions. He said he has not seen one person stand up at these public hearing sessions and say that the Village really needs these restrictions on dwellings in the CBD, that this is a real problem. Nor did anyone stand up at the Planning Board public hearing and object to his client's application.

Mr. Davis said the question remains – why? Why would you do this? Why do you need these particular amendments? What purpose do they serve?

With respect to the latest revisions, Mr. Davis asked the Board, before they take any action on the amendments, if they would discuss some of the general comments and specific comments they have raised with respect to the revisions. He said some of the wording of these revisions is something the Board may want to change. Some of it is ambiguous and he didn't think it reflects the intent.

With respect to dwelling size, Mr. Davis said the way it is set forth in the latest revised amendments – 2,000 square foot limit, up to 6,600 square feet by special permit of the Planning Board, anything greater by variance from the Zoning Board. You now have three layers of review for one dwelling unit. He said this is particularly arbitrary with respect to an existing building, such as his client's building, the size of which will not change. Mr. Davis said there is no reason to impose so many layers of review. If you are going to have a base square footage figure at all, why not provide that any larger size requires Planning Board approval, rather than both Planning Board and Zoning Board approval, just as you already provide for 7,500 square foot homes in the residential districts. He said there is no limitation on dwelling size in residence districts other than F.A.R.

As the Saccardi & Shiff Supplemental Report points out, he said, it is the F.A.R. ratio which primarily controls the issue of scale in the business district, not the dwelling size within the building. He said there is no logic to the analogy presented by Mr. Pici at the last meeting for basing a 6,600 limitation in the CBD on the size of a house allowed in the residential district based on the F.A.R. for a 30,000 square foot lot in those districts. He pointed out there are no lot size limitations in the commercial zone, and why pick the F.A.R. requirement for a 30,000 square foot lot, why not pick 38,000 which would allow a dwelling of 7,220 square feet, or one greater than 39,000 which would allow 7,700 square feet, or even greater, subject to review by the Planning Board? He said they feel the dwelling size is completely ill-conceived and arbitrary, as well as unnecessary. It would seem to be only an *ad hoc* response to his client's project, that is, zoning by application rather than by any comprehensive plan.

With respect to bedroom count, Mr. Davis said he would respectfully submit that people really have no business counting someone's bedrooms, particularly when you are talking about

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larger dwellings, where a large number of bedrooms doesn't equate to any additional impact on the school. In addition, the Village has no such limits on bedrooms in the residential districts. He said this issue seems to be about the number of bedrooms in his client's proposed project. He added, why not leave it to the Planning Board, in its discretion, without some arbitrary cap?

Mr. Davis said the circulated revision did not accurately reflect what the Board decided at the last meeting with respect to bedrooms, to raise the arbitrary cap to 6 and discuss additional Planning Board discretion above that. He requested that the Trustees completely drop the issue of bedroom limits from the amendments.

Mr. Davis said dwellings must already have separate entrances, be separate from non-residential uses, and not be on street level, where commercial uses are permitted. Given all those separations, he asked what was the basis for the new requirement which was not in the original proposal and which was not discussed at the last meeting? He said even the more restrictive multiple dwelling districts allow professional offices and studios on the same floor as residential units, not to mention home occupations, which are also permitted. As pointed out in the Saccardi & Schiff Supplemental Report, there is simply no planning rationale for this requirement. There already exists throughout the commercial district a mix of commercial and residential uses, which are compatible on the same floor as long as properly separated as in his client's proposal.

Mr. Davis said there was an issue with the separate entrance requirements as newly drafted. He said you have re-worded the requirements for separate exterior entrances in such a way, presumably unintended, which read literally would require each and every dwelling unit in a building in the commercial district to have its own separate exterior entrance and also prohibit a dwelling from having an entrance from permitted indoor parking. He did not believe this was what was intended. If it were, he said it is extraordinarily arbitrary, so he suggested some wording to correct the ambiguity and unintended result, which he hoped the Board would adopt.

In conclusion, Mr. Davis said there were significant legal and planning problems with the proposed dwelling restrictions in the CBD. He suggested that if the Board feels it has not had adequate time to review their submissions and to discuss them with counsel, the Board should not rush the judgment this evening, but should engage in further consideration, at least with respect to the dwelling restrictions until the next meeting. He believes his client is the only application affected. Mr. Davis submitted that they have given the Board ample basis in the event that they do wish to adopt some dwelling related amendments this evening that they should: (1) grandfather his client, and/or (2) at the very least, leave such matters as dwelling size, bedrooms, and configuration with others uses within the purview of the Planning Board's site plan review, without imposing the dual level of Planning Board and Zoning Board review on those few applicants who would not meet the fairly arbitrary restrictions which would be imposed by the amendments.

In closing, Mr. Davis said that on the front page of the Real Estate/Home section of the weekend Journal News of July 10-11, there was an article on "uncommon houses" in the Village of Bronxville. The article noted that in his book entitled "Building a Suburban Village: Bronxville, New York 1898-1998" Kenneth T. Jackson, President of the New York Historical Society, called Bronxville "a place endlessly copied but never matched" and noted that Bronxville "embodies the rare combination of characteristics that city planners now recognize as crucial in a successful community and a rare sense of place, pedestrian scale, and house and street placement guided by topography, a mix of housing from artist studio to mansion" Likewise, his client's property is unique. His proposal for it is unique. Mr. Davis suggested that it falls within the unique character of Bronxville and its unique housing array, which the Planning Board Chairman and the Chairman of the Special Task Force mentioned at the very first Planning Board meeting regarding the project, when the Board enthusiastically encouraged his client to go forward. Whether by grandfathering his client's pending application or by modifying the dwelling amendments as they have suggested, he said he hopes that rather than enacting still more needless and even counterproductive regulations, the Trustees will think for a moment outside of the proverbial box, and that they will invoke that unique Bronxville vision which has guided its planning process, and again encourage his client's project, in cooperation with the Village planners, to move forward and achieve fruition.

Trustee Bellitto made one correction. In Mr. Davis' comments he referred to a statement made by Trustee Bellitto at the last meeting. Trustee Bellitto said he did not say "that these amendments were not directed at your client, who he assumed would receive a variance because of his unique property". Mr. Bellitto said he did say "that he assumed that 100 Pondfield Road would need a zoning variance."

Thomas Wolff, a Village resident, said he had a small technical question. He noted that it was proposed at the last meeting of the Board that the sentence on page 3, under 8 e) "In no case shall parking be allowed as a street level use" be deleted, and that it was deleted. He said he also thought that the sentence "Parking shall be on a separate floor from residences" would be moved to the section on off-street parking. He wanted to know why section 8 e) was left in the revised law.

Vincent Pici said that according to his notes from the last meeting that sentence was going to stay because it applied specifically to residences. He said it may be a little redundant but we saw no harm in leaving it in there.

Rene Atayan, 5 Oval Court, said she was surprised that no other residents vocally objected to Mr. Green's project earlier. She said she objected to Mr. Green's project. It does seem out of character for Bronxville. It's a very large residential project in the middle of town.

Mayor Hand pointed out it is an application for the Planning Board at this point.

Ms. Atayan said she was going on record saying that she would be very uncomfortable, as a resident, having a residential project of that magnitude in the middle of town. You're converting a warehouse to a residence in the center of town - it's out of character with the center of town. It doesn't make any sense. She thought the larger residences belong on the periphery of town, not in the middle of town.

Mayor Hand noted that tonight we have present Frank Fish, consultant not only to the subcommittee but to the Planning Board as a whole, and also Jim Staudt who has been advising us, as counsel on the revisions to the code. She said she believes the original intention as this subcommittee got under way was to examine the entire zoning code as it pertains to the business district and make recommendations for the future. The Mayor asked Mr. Fish if he had any other comments before the Village Board proceeds on their discussion.

Mr. Fish said he thought Anna Longobardo did a very good job in summarizing the work they did and presenting the background on the limitation of commercial and residential units. He said that they tried to maintain the scale downtown with mixed uses. The vitality of the central business district is dependent somewhat in encouraging people to live downtown. Very large unit dwellings don't accomplish that goal as well as being able to have a mixture of units as you now have that have ground floor retail and residential units above. He said he often sites this Village to other places. He often quotes how residences can be above stores. If those units that are above stores provide residents they are going to support the merchants and add vitality to the street. The thinking was that was a good goal to achieve.

Mayor Hand asked Mr. Fish if she was correct that it was the original intent to look at the entire code as it relates to the business district with regard to both businesses and residences.

Mr. Fish said yes. He said when he began this process he didn't know who Mr. Green was. He said he didn't advise the committee with any preconceived notion of that particular building or any knowledge about it. Although the end result of this legislation may very well affect Mr. Green's property, he said he didn't have any preconceived notion of that.

Mayor Hand said the Village Board intended to fully consider suggested changes to the proposed law. She noted Mr. Davis referred to two letters he sent to the Board. She thought the Board had responded to some of his original comments and have in fact made some changes to

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the proposed law already. She said that the Board may want to discuss this evening some of the points Mr. Davis has raised, then she would take comments from the Trustees.

Mayor Hand said when we began this process we wanted to give the Planning Board some flexibility in the future and at the same time wanted to take a look not only at the size of businesses but at residential units as well. This was a very important way to give some diversity in the Village as to the types of businesses so the business district continues to be vital, and at the same time, provide for a small town ambiance. Our review resulted in the decision to place some limitations on businesses in terms of the amount of square footage we would permit – 3,000 sq. ft. and up to 5,000 sq. ft. by special permit. She said at the last meeting we made revisions to the code with regard to dwelling units, increasing the limits up to 6,600 sq. ft. by special permit of the Planning Board.

Mayor Hand said she wished that the information from the consultant that we received subsequent to the last meeting had been received before that meeting. She said we want to be very careful when we are drafting this code. There are a lot of residential units in the business district which help to keep it active and vital. She said she wasn't comfortable with the fact that some of the larger apartment houses suddenly might convert units into larger units by combining two of three floors into one unit. She stated that it's a balancing act between what currently exists and appropriateness of scale, and what we permit for individual units now and in the future.

Mayor Hand said at this time she would discuss some of the points Mr. Davis raised.

With regard to the Section 310-14 A 8 d) regarding the language for separate entrance requirements, she said she spoke to Vincent Pici today. She said she was comfortable with the language that has been proposed. She did think Mr. Davis had a point with regard to clarifying the language. Mayor Hand said she would be comfortable substituting the language that was in the revision with the following sentence: "The entrance to the dwelling unit(s) shall be separate from that of any non residential use."

Vincent Pici said he would have no objection to this change as the wording is clearer and it doesn't necessarily have any effect on the intent.

Jim Staudt said he thought we can make this change without noticing another hearing because it doesn't change the intent and it would be less restrictive.

Mayor Hand discussed changing Section 310-14 8 a) by deleting "or on the same floor level as a non-residential use."

Mr. Pici said he thought the intent of the committee was to verbalize, put down in writing and describe what we have there now. He said there is no mixed use on the same floor currently and this language was intended to reflect that. He knew of no instance in the business district where there is a residential and business use on the same floor. He said typically you have a commercial use on the ground floor and a residential use above that. Mayor Hand said that although Mr. Pici brought it up at the last meeting the Board did not have full discussion on this change. Mr. Pici said he was sure there had been discussion during the past year as far as residential uses and business uses and the separation between them. He said if the Board was uncomfortable with this there are other references built into the language that are not quite as specific as this. Mayor Hand said it was mentioned last month but the Board of Trustees really didn't have full discussion of it. She wasn't sure how the Board felt about keeping this language or deleting it. She asked Jim Staudt if we delete this would it make the code less restrictive?

Mr. Staudt said yes. Mayor said her instinct was to delete this reference.

The Trustees agreed with deleting the wording in 8 a): "or on the same floor level as a non-residential use."

Mayor Hand noted that there was quite a bit of discussion at the last meeting concerning the bedroom requirement. Since the last meeting we revised the code to permit an increase from three to six bedrooms by special permit of the Planning Board. At the last meeting one Board member suggested eliminating the cap and it was mentioned that it would be hard to enforce.

Mayor Hand asked for Trustee comment with regard to the bedroom requirement.

Trustee Leslie gave some general comments. He said the thought Mr. Davis' application is very thorough, he is right – this is a unique village. His application is a unique application. Unfortunately, it is not in front of this Board. Trustee Leslie said he can live with the number of bedrooms as it is currently drafted even though he would prefer no cap. He said we undertook a very aggressive approach to revising our code with regard to our residences and he believes it was very successful. It would be easy to say that there are certain things in this statute that he's uncomfortable with and he's going to vote against it. The problem with that is it does not serve the commercial portion of the village which has been waiting a long time for the moratorium to end.

Mayor Hand asked for any other comments with regard to the bedroom requirement. She said it was a difficult decision to increase it from three to six. She noted that Trustee Leslie was in favor of eliminating the cap altogether. She has been mulling it over during the last month. She was worried about how the cap would be enforced. She said she would be amenable to deleting the cap on bedrooms as has been suggested.

Trustee Leslie said he would be more comfortable with that.

Mayor Hand said she would be guided by what the other Trustees thought before we make any determination to leave the cap in or delete it.

Trustee Bellitto said he thought about it over the last month. He said he had lived in a two bedroom cooperative apartment and there was a den, a study, and a sun room. He said the enforceability would be very difficult. He was in favor of eliminating the cap.

Trustee Marvin said she was in favor of eliminating the cap. She didn't see how we could enforce it.

Mayor Hand said the final point has to do with the fact that we increased the limit of total square footage on dwelling units not to exceed 6,600 sq. ft. by special permit. The Board of Trustees all felt strongly that the Planning Board should have flexibility. She said we were all concerned about the appropriateness of scale in the CBD with respect to both business and residential use. She said we recognize there are unique properties in the business district so the Planning Board needs flexibility to adjust to those. We are trying to find a balance from minimum to maximum. By special permit we're allowing businesses up to a certain square footage and we would like to do the same thing with regard to residential use as well.

Mayor Hand said the Board received some of the background material from the consultant after our June meeting. She said she would like to reserve the right to adjust these maximums in the future if we think it's necessary. She said she was personally comfortable going with the statute as drafted with up to 6,600 sq. ft. by special permit. We want the Planning Board to have flexibility and she thought this was one way to do it.

Mayor Hand asked the Trustees for their feeling on this issue.

Trustee Sica said he thinks there has been a lot said about the unique nature of Bronxville. He thought what we are doing is to try to preserve that unique nature and that unique nature has been laid out. He said he was comfortable with having a maximum residential unit size at 2,000 sq. ft. because that preserves what we have. He thought 2,000 sq. ft. was appropriate. He said allowing the Planning Board to consider that because of special circumstances a unit could be up to three times the size gives them the flexibility for unique circumstances. He thinks it should be for a unique situation as opposed to somebody who has

two units and wants to break through the walls to combine two or three units into one or they want to redevelop a building to make bigger units. He said we have to look at not just a particular building but what would happen in the future. We don't want to see massive residential units in the central business district in the Village. Trustee Sica thought that the 2,000 sq. ft. limitation is appropriate. The 6,600 sq. ft. allows for a unique circumstance and should not be looked at as a general upper limit. It has to be looked at very hard and very carefully and with a great deal of scepticism, but again, if there is a unique circumstance that would allow it without changing the character of the central business district he thought it would be okay because we can't have one size fits all when you have that kind of mix of properties.

Trustee Marvin said she was comfortable with allowing 6,600 sq. ft. by special permit because it gives our Planning Board the latitude to respond to whatever situation comes to them. She believes the 6,600 sq. ft. limit is not an endorsement but simply a way to give the Planning Board some guidelines and the latitude to respond to each individual situation.

Trustee Bellitto said he was pleased with the proposed zoning amendments. He likes it that residences can be up to 2,000 sq. ft. One problem he did have with the amendments is that with special permit a residence could go up to 6,600 sq. ft. but we have to look at things on balance. We had a moratorium that has been extended once, and he wouldn't want to see it extended again. He too has great faith in the Planning Board and giving them the discretion of up to 6,600 sq. ft. is not ideal for him but he said he supports it as it is written.

Trustee Leslie also said he supports the square footage limitation as it is written.

Mayor Hand then said she would like to clarify some of the deletions and changes made this evening. She said there were also some editing or housekeeping changes, some section symbols are missing, some periods are missing, and there were some sections lettered that didn't need to be lettered.

Mayor Hand said that before each section there should be a section symbol when a section is mentioned in the code. For example, under Article III, Section 310.14 should be § 310-14 and should be continued that way throughout the code.

Section 310-14 A. Principal Permitted Uses.

There doesn't need to be an a) under 1) because there is a single item. It should be continued that way throughout the code.

Under 2) a period is missing at the end of the sentence ending with "processor."

Mayor Hand then outlined the changes made this evening.

Section 310-14 A. Principal Permitted Uses.

8) d) – We are changing this subsection to read: "The exterior entrance to the dwelling unit(s) shall be separate from that of any non residential use."

8) c) – We are deleting the entire subsection c) "No one dwelling unit shall have more than three bedrooms. . . ."

8) b) – We are leaving this subsection as is. "No one dwelling unit shall exceed 2,000 gross square feet in area. Such limit may be increased by special permit of the Planning Board in accordance with standards of Article VII of this chapter to a gross square footage not exceeding 6,600 sq. ft."

8) a) – We are deleting "or on the same floor level as a non-residential use."

Mayor Hand asked Jim Staudt if she was correct that we don't need to notice these revisions as we are actually making the code less restrictive.

Mr. Staudt said that was correct. He noted that at the last meeting the Mayor left the public hearing on the proposed law open, so the public was on notice that it could be adopted and they could come here and comment on it in the alternative.

The public hearing on proposed Local Law No. 3 of 2004 was closed at 9:15 P.M.

PROPOSED CODE AMENDMENT NO. 2 - 2004

Mayor Hand opened the public hearing to hear and consider comments concerning a Code Amendment Resolution to prohibit public parking along Kraft Avenue on the east side, from the north side of the driveway of number 20-22 Kraft Avenue and heading north to the south corner of Meadow Avenue.

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

Mayor Hand said this was something we discussed at the last meeting. We received notification from the Eastchester Fire Department recommending that the parking spaces opposite the Midland Gardens driveway on Kraft Avenue be removed in order to permit fire apparatus easier access to Midland Gardens. It was a potential safety issue. They found that as their ladder trucks approached the Midland Gardens driveway from either direction access was impeded by parked cars on Kraft Avenue. The Mayor said we would be losing approximately six parking spaces.

Mayor Hand then called for public comment.

James Mahon, 10 Kraft Avenue, said he was not opposed to the legislation as it is a public safety issue. He asked the Board to consider the impact of losing those parking spaces. He said that there are churches at either end of that block and there are a limited number of parking spaces. On Sundays, he said, losing those parking spaces will have an impact on St. Joseph's Church and the Reformed Church. Secondly, he pointed out that for five days a week, nine months of the year, we have two schools operating on this street. He said the six parking spaces that you're taking are spaces that are used by parents of both St. Joseph's School and the Reformed Church Nursery School. He asked the Trustees to consider how to make it a little less burdensome to those who live on Kraft Avenue. He said he was told that the Reformed Church had asked for a cut-in to permit additional parking and suggested that the issued be reopened now. He said that by passing this amendment to the code you are adding an extraordinary burden to an already overburdened street. Mr. Mahon asked the Board to consider, sometime in the future, something to alleviate the parking situation on Kraft Avenue.

Mayor Hand said that all of us are concerned that parking is at a premium. When we received the letter from the Fire Department we were surprised. It is impossible to have parking on both sides of Kraft Avenue because of its narrowness. However, if it's a safety issue, we feel compelled to comply with the Fire Department's request. She said we will look at various parking alternatives. We do recognize that parking is an issue.

Mayor Hand then called for Trustee comments.

Trustee Sica said some good points were raised by Mr. Mahon and we will have to deal with them.

There being no further comments, the public hearing on Code Amendment Resolution No. 2 - 2004 was adjourned at 9:20 P.M.

PROPOSED CODE AMENDMENT NO. 3 - 2004

Mayor Hand opened the public hearing to hear and consider comments concerning a Code Amendment Resolution to prohibit parking between the hours of 7:00 a.m. and 3:00 p.m., school days, on Crows Nest Road: (1) On the north side, between Midland Avenue and Village Lane, and (2) on the south side, from the east curbline of Midland Avenue, for a distance of 264 feet easterly therefrom.

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

Mayor Hand said that residents of Crows Nest Road had approached village officials and the police department about a dangerous parking problem on Crows Nest Road, between Midland Avenue and Village Lane. A study was conducted by the police department and a report was forwarded to the Trustees. The study revealed that there are serious safety issues that must be addressed with regard to vehicles parked on the roadway. There was also concern for the safety of vehicles and fire apparatus getting through. She said Chief Downey had met with the residents and the study conducted by Lt. Satriale raises a lot of safety issues. Chief Downey has made a recommendation to limit parking of vehicles on school days between the hours of 7:00 a.m. and 3:00 p.m. on Crows Nest Road on the north side, between Midland Avenue and Village Lane, and on the south side, from the east curbline of Midland Avenue, for a distance of 264 feet easterly therefrom.

Mayor Hand called for public comment.

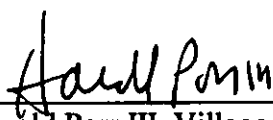
Dorothy Brennan, a village resident, said she was thinking that part of the problem is that many of the children going to the Bronxville School have been parking in those areas. She said many of the parking spaces by the Library are taken up by school children. She asked the Board if they shouldn't approach the school about this problem. She said when her children attended school, students weren't allowed to drive to school unless they worked after school. She said the League of Women Voters couldn't use the Yeager Room at the Library for their meetings because of the lack of parking near the Library.

Mayor Hand said student parking has been a particular problem especially because during construction at the school several parking places were removed on Meadow Avenue. She said next year in September we will have additional spaces on Meadow Avenue. Over the years she has tried to get school officials to encourage students to walk if they live close by. It's an ongoing problem and something that has to be addressed.

Mayor Hand then called for Trustee comments.

There being no further comments, the public hearing on Code Amendment Resolution No. 3 - 2004 was adjourned at 9:30 P.M.

* * * * *



Harold Porr III, Village Clerk

MINUTES OF REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF BRONXVILLE
HELD ON JULY 12, 2004 AT VILLAGE HALL, 200 PONDFIELD ROAD, BRONXVILLE, N.Y.

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
	Harold Porr III	Village Administrator
	Rocco Circosta	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

Mayor Hand called the meeting to order at 7:10 p.m. On motion of Trustee Marvin, seconded by Trustee Bellitto, the Board voted to enter executive session to discuss litigation, personnel and contractual matters.

EXECUTIVE SESSION

(Present were Mayor and Trustees, Village Counsel, Village Administrator, Village Treasurer and Village Assessor.)

By motion of Trustee Bellitto, seconded by Trustee Leslie the Board voted to come out of executive session at 8:00 p.m. and continue at the close of the regular meeting.

Mayor Hand opened the regular monthly meeting of the Village Board of Trustees at 8:00 p.m.

PRESENTATION OF PROCLAMATION

Mayor Hand presented a proclamation to Eloise L. Morgan publicly recognizing and commending her for her outstanding contributions to the Village as a member of the Library Board of Trustees from December 8, 1997 to April 5, 2004. Mrs. Morgan provided outstanding leadership and guidance to the Library Board by acting as its President for four years beginning in April 2000 and by overseeing the most significant change in Library history in the form of the expansion and renovation of the building. Mayor Hand said that Mrs. Morgan was a treasured Village volunteer who not only served on the Library Board but as Village Historian she acted as editor of the Centennial book "Building a Suburban Village".

Mayor Hand also prepared a proclamation for Thomas J. Welling commending him for his outstanding contributions to the Village as a member of Library Board of Trustees from May 1998 to April 2004. While on the Library Board Mr. Welling also undertook a complete revision of the personnel policy for the board, and as a member of the Finance Committee provided valuable advice and the format by which annual capital and operating budgets could be reported on a year-to-date basis to the board. Mr. Welling was unable to attend the meeting this evening to accept the proclamation and Mayor Hand said she would make sure he received it.

The regular meeting was recessed at 8:12 p.m. to go to a public hearing, and reopened at 9:30 p.m.

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**SEORA Resolution Regarding Village of Bronxville Zoning Code Amendments –
Central Business District**

On motion of Trustee Marvin, seconded by Trustee Leslie, and unanimously carried, the following resolution was adopted (5-0):

WHEREAS, the Board of Trustees of the Village of Bronxville has before it proposed Local Law Number 3 of 2004 providing for certain zoning law text amendments relating to the Village's Central Business District, and

WHEREAS, the Board of Trustees has before it Draft Environmental Assessment Form (Parts 1 and 2) regarding the proposed Local Law; and

NOW THEREFORE, BE IT RESOLVED, as follows:

1. The Board of Trustees hereby adopts the Environmental Assessment Form which it has before it.
2. The Board of Trustees hereby adopts and issues the Negative Declaration (Notice of Determination of Non-significance) which it has before it for the reasons set forth therein.
3. The Board of Trustees hereby directs that the Negative Declaration (Notice of Determination of Non-significance) be filed, published and circulated in accordance with the terms of the applicable laws and regulations.

RESOLUTION – Local Law No. 3- 2004 – Amending Chapter 310 of Code of the Village of Bronxville

Mayor Hand noted that Anna Longobardo, Chair of the CBD Zoning Committee remarked during the Public Hearing on Local Law No. 3 that she would like to see the amendments go back to the committee and have another chance to look at them. Mayor Hand said that originally we had a six month moratorium in the central business district. When we started this process we were determined to keep the moratorium to six months and reluctantly extended it for ninety days. The Mayor asked the trustees if they were ready to vote on this legislation this evening.

Trustee Marvin said she thought we should vote on the legislation tonight. She said that for many people in the business district it has been a financial burden. Trustees Sica, Bellitto and Leslie also agreed to put it to a vote this evening.

On motion of Trustee Bellitto, seconded by Trustee Sica, and unanimously carried, the following resolution was adopted (5-0):

BE IT RESOLVED the Board of Trustees approves Law No. 3 of 2004 amending Chapter 310 of the Code of the Village of Bronxville, including Article III, District Use and Bulk Regulations, Section 310-14, Central business A District, and Section 310-15, Service Business B District; Article VII, Special Permits; Article I, General Provisions, and Article V, Supplementary Regulations and Nonconforming Buildings as per the copy attached and the agreed to amendments to the revised local law that the Board discussed this evening.

CODE AMENDMENT RESOLUTION # 2 - 2004

On motion of Trustee Sica, seconded by Trustee Leslie, and unanimously carried, the following resolution was adopted (5-0):

BE IT RESOLVED the Board of Trustees adopts the following Amendment to the Code of the Village of Bronxville, Chapter 290, Vehicles and Traffic, Section 290-28:

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§ 290-28. Parking prohibited in designated locations.

A. (9) Kraft Avenue.

Add the following location:

- (h) On the east side, from the north side of the driveway of number 20-22 Kraft Avenue and heading north to the south corner of Meadow Avenue.

BE IT FURTHER RESOLVED, that these regulations shall become effective immediately upon adoption by the Board of Trustees.

CODE AMENDMENT RESOLUTION # 3 - 2004

On motion of Trustee Sica, seconded by Trustee Bellitto, and unanimously carried, the following resolution was adopted (5-0):

BE IT RESOLVED the Board of Trustees adopts the following Amendment to the Code of the Village of Bronxville, Chapter 290, Vehicles and Traffic, Section 290-28:

§ 290-28. Parking prohibited in designated locations.

Add the following location:

- O. Crows Nest Road. The parking of vehicles is hereby prohibited between the hours of 7:00 a.m. and 3:00 p.m., school days, on Crows Nest Road:

- (1) On the north side, between Midland Avenue and Village Lane.
(2) On the south side, from the east curblin of Midland Avenue, for a distance of 264 feet easterly therefrom.

BE IT FURTHER RESOLVED, that these regulations shall become effective immediately upon adoption by the Board of Trustees.

APPROVAL OF MINUTES

On motion of Trustee Marvin, seconded by Trustee Leslie, the Board approved the minutes of the Regular Meeting and Public Hearing of June 14, 2004, as drafted.

DEPARTMENT REPORTS

Department reports were presented by Chief of Police Downey, Superintendent of Buildings Pici, Village Treasurer Fels, Parking Commissioner Murphy and Village Administrator Porr.

RESOLUTION – 2004/2005 Capital Budget – CHIPS Funding

Village Treasurer Fels stated that on May 10, 2004, the Trustees adopted the 2004/2005 Capital Budget. Since that date, the Village received a notice, dated June 15, 2004, from the NYS Department of Transportation notifying us that our CHIPS Capital Aid for 2004/2005 was available in the amount of \$72,834.56. This amount includes \$15,200.00 that the Village has already included in the General Fund estimated revenues, to be used to offset principle and interest payments on our capital road improvements. As such, Mr. Fels recommended that the Village establish a capital project for the balance of \$57,634.56.

On motion of Trustee Leslie, seconded by Trustee Marvin, and unanimously carried, the following resolution was adopted:

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BE IT RESOLVED that the Board of Trustees authorizes the Village Treasurer to amend the 2004/2005 Capital Budget to include the 2004/2005 CHIPS capital reimbursement state aid of \$57,634.56 and to establish project number 20042005-0041-5110.

RESOLUTION – 2003/2004 General Fund Budget Amendment

Village Treasurer Fels requested that the following budget amendments be approved.

On motion of Trustee Bellitto, seconded by Trustee Marvin, and unanimously carried, the following resolution was adopted:

BE IT RESOLVED that the Board of Trustees authorizes the Village Treasurer to amend the General Fund Budget for the fiscal year ended May 31, 2004 as follows:

Increase:	Hospitalization (A.9060800)	\$	<u>145,000.00</u>
Increase:	Int & Pen (A.1090000)	\$	35,000.00
	Sales Tax (A.1125000)		35,000.00
	Util Gross Rec Tax (A.1130000)		50,000.00
	Mortgage Tax (A.3005000)		<u>25,000.00</u>
Total		\$	<u>145,000.00</u>

BID RESOLUTION – Curbing

Village Administrator Porr advised that bids for the restoration of existing curbing and possible new installations were advertised in the Review Press on June 10, 2004, and The Journal News on June 2, 2004, and as advertised were opened on July 6, 2004.

Nine bids were mailed and/or given to various vendors with two being returned for the opening.

RESUME OF BIDS:

	Restore Existing /foot	New Curb Install /foot	Georgia Granite /foot	Granite Curb Restore Split Face, Sawn Top /foot	Concrete Curb /foot	New Concrete /foot
Tony Casale Inc. 1185 Saw Mill River Rd. Yonkers, NY 10710	\$12.00	\$14.50	\$10.50	\$38.00	\$17.00	\$24.00
Acocella Contracting 68 Gaylor Road Scarsdale, NY 10583	\$16.00	\$20.00	\$15.00	\$42.00	\$18.00	\$26.00

Administrator Porr recommended that the bid be awarded to the lowest responsible bidder meeting specifications, Tony Casale, Inc.

On motion of Trustee Marvin, seconded by Trustee Leslie, and unanimously carried, the following resolution was adopted:

BE IT RESOLVED the Board of Trustees awards the bid for restoration and installation of curbing to the lowest responsible bidder, Tony Casale, Inc., 1185 Saw Mill River Road, Yonkers, NY.

BID RESOLUTION – General Repairs, Masonry Work, etc.

Village Administrator Porr advised that bids for general repairs, masonry work, meter post installations, curb repairs, sidewalk installations and repairs for both blacktop and concrete were

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advertised in the Review Press on June 10, 2004 and The Journal News on June 2, 2004, and as advertised were opened on July 6, 2004.

Nine bids were mailed and/or given to various vendors with two being returned for the opening.

RESUME OF BIDS:

	FOREMAN		MASON		LABORER	
	<u>St. Time</u>	<u>Overtime</u>	<u>St. Time</u>	<u>Overtime</u>	<u>St. Time</u>	<u>Overtime</u>
Tony Casale, Inc. 1185 Saw Mill River Rd. Yonkers, NY 10710	\$35.00	\$35.00	\$34.00	\$34.00	\$30.00	\$30.00
Acocella Contracting 68 Gaylor Road Scarsdale, NY 10583	\$65.00	\$75.00	\$60.00	\$70.00	\$50.00	\$60.00

Administrator Porr recommended that the bid be awarded to the lowest responsible bidder meeting specifications, Tony Casale, Inc.

On motion of Trustee Bellitto, seconded by Trustee Leslie, and unanimously carried, the following resolution was adopted:

BE IT RESOLVED the Board of Trustees awards the bid for general repairs, masonry work, meter post installations, curb repairs, sidewalk installations and repairs for both blacktop and concrete to the lowest responsible bidder, Tony Casale, Inc., 1185 Saw Mill River Road, Yonkers, NY.

RESOLUTION CONSENTING TO PLANNING BOARD'S STATUS AS LEAD AGENCY FOR SPECTRUM KENSINGTON LLC APPLICATION AND REFERRING THE PROPOSED ZONING PETITION FOR THE APPLICATION TO THE PLANNING BOARD FOR RECOMMENDATION

On motion of Trustee Sica, seconded by Trustee Marvin, and unanimously carried, the following resolution was adopted:

WHEREAS, the Board of Trustees of the Village of Bronxville ("Board of Trustees") has received a petition from Spectrum Kensington LLC to make certain zone text amendments to the Code of the Village of Bronxville, Chapter 310, Zoning, creating a new special permit use in the Residence D zoning district; and

WHEREAS, the Board of Trustees has received a Lead Agency Determination Notice from the Planning Board of the Village of Bronxville ("Planning Board") which indicates that Spectrum Kensington LLC has filed an application with the Planning Board for, among other things, site plan approval and special permit approval to construct an approximately 110,000 square foot, 4 story, 65 unit condominium development with a 300 space parking garage underneath; and

WHEREAS, the Lead Agency Determination Notice also indicates that the Planning Board intends to declare itself Lead Agency pursuant to the implementing regulations of the State Environmental Quality Review Act ("SEQRA Regulations") in connection with the Spectrum Kensington LLC proposal should the Planning Board not receive any objection to its being Lead Agency within 30 days of the date of the Notice.

NOW THEREFORE, BE IT RESOLVED:

1. That the Board of Trustees has no objection and consents to the Planning Board serving as Lead Agency for the Spectrum Kensington LLC application pursuant to the SEQRA Regulations.

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2. That the Board of Trustees requests the Planning Board to review and issue a recommendation on the zone text amendments proposed by Spectrum Kensington LLC.

VILLAGE HALL RENOVATION

Mayor Hand stated that Village officials have been planning the renovation of Village Hall for the past two years. Village Hall was constructed in 1942 and it has have gotten to the point now where it is in dire need of renovation. The project includes a full renovation of Village Hall from top to bottom and two additions from the back of the building to include an elevator, ADA compliant bathrooms, a new parking office and court clerk's office. The project includes a new roof, new mechanical systems, heating and air-conditioning, reconfiguration of office space, new bathrooms, the renovation of the entire lower level for police as well as public space adding another 5,500 sq. ft. in useable space to the building.

Mayor Hand said at this point we have basic design documents that have been completed. Once the final cost estimates are received and we are comfortable with the final design, in the fall we will send residents an informational pamphlet describing the project in detail. The project is scheduled to begin in early spring 2005 and will take approximately nine months to complete. She said we have a preliminary estimate that the project will cost approximately \$5 million. The Finance Committee has met to consider the funding sources for the project including funds which have already been put aside by the Village. They have advised the Board, and we concur, that it would be prudent to consider a bond resolution to cover the cost of the project of up to \$5 million. Although we don't expect to borrow the total amount, we are advised to proceed with a resolution as it can take 90 to 120 days to complete the transaction and we want to take advantage of low interest rates which may be increased before the end of the year.

After Mayor Hand explained the background of the project, she asked the Board to consider a resolution to authorize the borrowing of up to \$5 million. Before that can take place, she said that the Board will have to adopt a negative declaration.

SEORA RESOLUTION – Adopting a Negative Declaration regarding the Village Hall Renovation Project

On motion of Trustee Marvin, seconded by Trustee Sica, and unanimously carried, the following resolution was adopted:

WHEREAS a short environmental assessment form, Parts 1 & 2 has been completed, and

WHEREAS a determination of non-significance has been established,

NOW, THEREFORE, BE IT RESOLVED the Mayor and Trustees of the Village of Bronxville adopt a negative declaration for the Village Hall renovation project.

BOND RESOLUTION – Renovation of Village Hall

On motion of Trustee Marvin, seconded by Trustee Sica, and unanimously carried, the following resolutions were adopted:

BE IT RESOLVED the Board of Trustees authorizes the issuance of \$5,000,000 serial bonds of the Village of Bronxville, Westchester County, New York, to pay the cost of the partial reconstruction and renovation of Village Hall in and for said Village as per the attached outline.

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RESOLUTION – Architectural Services – Village Hall Renovation

Mayor Hand said that if the cost estimates are within the proper range, we would like the architect to begin to prepare the construction documents during the summer and have them finished so we can go out to bid in December, allowing the project can begin in early spring 2005. The project itself is estimated to take approximately nine months to a year from the time it begins.

On motion of Trustee Sica, seconded by Trustee Marvin, the Board unanimously adopted the following resolution:

BE IT RESOLVED the Board of Trustees authorizes the expenditure of up to \$207,000 for the preparation of construction documents for the renovation of Village Hall by Peter Gisolfi Associates.

RESOLUTION – Intermunicipal Street Resurfacing Agreement

Mayor Hand stated that each year we join with the Town of Eastchester and the Village of Tuckahoe in participating in an Intermunicipal Street Resurfacing Agreement. The Town of Eastchester prepares the bid documents and awards the bid. This year the low bidder is Canal Ashpalt, Incorporated, Mt. Vernon, NY, for the total amount of \$314,999.82. The cost breakdown for the Village of Bronxville is \$77,015.70.

On motion of Trustee Sica, seconded by Trustee Bellitto, the Board unanimously adopted the following resolution:

BE IT RESOLVED the Board of Trustees authorizes the Mayor to execute an Intermunicipal Agreement with the Town of Eastchester, the Village of Tuckahoe, the Eastchester Union Free School District and the Tuckahoe Union Free School District for the resurfacing and repairing of various streets located within the Town, the Villages, and the grounds of the Schools.

BID RESOLUTION – Police Uniforms

Police Chief Downey advised that a bid for the purchase of Police Department uniforms was advertised in the Bronxville Review Press on May 27, 2004, and as advertised, was opened on July 6, 2004. Three bids were mailed and/or given to various vendors with one bid being returned for the opening. Chief Downey recommended that the sole responsible bidder, New England Sportswear, 495 Main Street, Armonk, New York, be awarded the contract.

On motion of Trustee Sica, seconded by Trustee Bellitto, the Board unanimously adopted the following resolution:

BE IT RESOLVED the Board of Trustees awards the contract for police uniforms to the sole bidder, New England Sportswear, 495 Main Street, Armonk, NY (copy of price list attached).

APPOINTMENT

Mayor Hand announced the appointment of Daniel M. Harrigan as Deputy Village Prosecutor for the one year term ending April, 2005.

On motion of Trustee Marvin, seconded by Trustee Bellitto, the Board unanimously adopted the following resolution:

BE IT RESOLVED the Board of Trustees hereby gives its advice and consent to the Mayor's appointment of Daniel M. Harrigan as Deputy Village Prosecutor at the hourly rate of Ninety Five Dollars for the one year term ending April, 2005.

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MAYOR'S REPORT

Mayor Hand reported that she and Harry Porr had met with Bob Elliott, the Mayor of Croton-on-Hudson to discuss Croton's experience with wind energy. The Village of Croton-on-Hudson is one of the few communities in Westchester County which currently uses renewable energy in the form of wind-generated electricity. Mayor Hand said she had received letters from residents asking her about renewable energy sources. She said that all New York State agencies with the responsibility for purchasing energy will be required to buy at least 10% of their energy from non-hydro, renewable sources by 2005 and 20% by 2010. Westchester County has passed a resolution calling for purchasing no less than 25% renewable energy by the year 2010. Twenty-four communities have signed on to this. They do this very successfully in California and other states.

Administrator Porr noted that this is a domestic source of energy and makes us self-dependent. Mayor Hand said that using 20% wind generated power is comparable to planting 12,000 trees a year. She thinks it's just a very environmentally smart alternative.

TRUSTEE REPORTS

Trustee Bellitto commented on the fund raising effort to help with renovation of the Girl Scout Cabin and said he recently attended one of the fund raisers. He noted that the Village has also set aside funds for this project.

PUBLIC COMMENTS

Jim Mahon, a resident, said he was here in the capacity as general counsel to Friends of Scout Field Park. He said the removal of a large number of trees there was newsworthy. He said he was proud to see what has been done at lower scout field by the public/private partnership. He said as you walk through the lower field it can only be described as "The Field of Dreams." Unfortunately, he said, we have a problem with upper scout field. The entire grass has been burned out. He said it happened several years ago when the Village dumped snow there. Meanwhile trees have been taken down and haven't been replanted. The beautiful meadow has been destroyed. He said: (1) You can bring it back to a meadow. (2) Look at what activities this kind of very fragile environment can sustain. He said that to have soccer going on three seasons destroys that field. We are all trustees of this very beautiful gift. He implored the Board of Trustees to revisit this issue and restore this field to what it was ten or fifteen years ago.

Dorothy Brennan gave the Board pictures of the field taken before 1997. She said she has been going to that field for 41 years. For those 41 years, up until the time Bronxville took over the lease, cars were not allowed to go on the field. The parents of children in day camp started driving on the field when we got the contract with the County. She said now there's a black driveway and we have these trees taken out so the mothers with their giant SUV'S can turn around. They have buses going on the field. She said she called the Commissioner about this. She said the whole thing is shameful. It's not just for dogs and people. She said that field is part of the eastern flyway for birds. She understand that the soccer team has to use it. She hopes that if they are not going to use that field any more they bring that field back to the way it was. She said the Audubon Society is willing to do something.

Mayor Hand said that in recent years Scout Field has gotten much use. The school uses it for soccer practices for the teams. It is also used by the Eastchester Youth Soccer League. We have conflicting interests. It's a space so many people want to use. She said all of us agree that the field should be kept in good condition for all those who want to use it. The camp is a busy place - 214 children from all over lower Westchester attended this summer. It's a wonderful community service. Quite frankly, the field is getting too much use. What we have to do is figure out a way to restore it and balance out the needs of all these groups. One of the reasons why the new driveway was put in there was to keep vehicles off the grass. The county took a look at everything that was proposed and we had

written approval from the county to proceed with the recent changes. Mayor Hand said the trees over a certain diameter that were removed were all approved by the county.

Dennis During, a resident of Mount Vernon, said he was representing people who use the park from the surrounding area. On behalf of Friends of Scout Field, he said he appreciates the role Bronxville has played in making improvements. He was really impressed by Bronxville's role in making sure that money was spent wisely. Mr. During asked if he, as a citizen of Mount Vernon, had a right to speak to the Bronxville Board.

Mayor Hand said we do receive comments from anyone who comes before us. She said it has been our practice to take public comment regardless of whether you are a resident of the Village if it's something that affects you.

Mr. During said he believes many of the users of the park are upset because they do not feel they have an effective means of making their voice heard. Those who do not vote for the Trustees, do not have the same level of comfort as those who live in the Village. He wondered whether there are such things as a budget process that he would get to vote on. He asked if there is a planning process open to all representatives of the citizens of Westchester that would allow them to have their opinion heard.

Mayor Hand said that any individual can speak at a public hearing; however, individuals do not have a say in the amount of money we spend on public parks. That is a matter for the Board of Trustees.

Mayor Hand explained briefly how the park operates. She said the Village of Bronxville and the City of Mount Vernon have leases for the whole area of upper and lower Scout Field. We have an agreement with the City of Mount Vernon to issue permits for use of the fields. Everything is administered with the consent of the County Parks Department. They had to approve the renovations in lower Scout Field. She said the next area we want to address now is upper Scout Field and we realize that the field needs renovation.

Trustee Sica said Mount Vernon is also part of this process so Mr. During could talk to his elected officials.

Mr. During said he also represents groups from White Plains, Larchmont and Yonkers.

Trustee Sica said if he wanted to protest the current arrangement to go to the County and the City of Mount Vernon.

There was further discussion about Scout Field.

Jim Mahon said he was speaking as a resident of Bronxville. He said maybe this fall no one should be allowed to use Scout Field to see how this little area can be regenerated. Now it's dying. It's time to exercise your discretion. A way to defend a natural resource.

Mayor Hand said we all treasure that area and we want to have it reseeded.

Former Mayor William Murphy said he has been an advisor on the Scout Field renovation. Both he and former Village Administrator Bill Regan were on a committee that oversaw that the renovations. He said he has an interest in seeing that upper Scout Field in good condition.

Mr. Murphy said the school is paying \$50,000 a year for maintenance, seeding and watering those two fields. He said the funds that were collected for lower Scout Field came close to \$480,000. He said there's a plan to reseed upper Scout Field. If it is reseeded the field will be closed – not the park. Lower Scout Field is in the process of reseeding. The field is closed to use for organized team play. The program will probably get under way this fall.

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On motion of Trustee Bellitto, seconded by Trustee Leslie, the regular meeting was adjourned at 10:55 p.m. for a work session with the Bronxville Paddle Tennis Committee to discuss their proposal for new paddle tennis facilities and various issues surrounding the topic.

WORK SESSION WITH PADDLE TENNIS COMMITTEE

After a thorough discussion of the various options available to the Village, Trustee Sica made a motion to go into executive session at 11:40 p.m. to discuss contractual matters, litigation and personnel matters. Trustee Marvin seconded the motion and the motion passed unanimously.

CONTINUATION OF EXECUTIVE SESSION

The Board came out of executive session at 11:56 p.m. on motion of Trustee Leslie, seconded by Trustee Sica, and approved unanimously.

REGULAR MEETING RE-OPENED

Upon return from executive session the Board re-opened the adjourned public meeting and took the following actions:

The following resolution was moved by Trustee Bellitto, seconded by Trustee Leslie, and passed unanimously:

#1 – RESOLUTION to allow Village Building Superintendent Vincent Pici to attend Pace University to study public administration with assistance from the village for credit cost. It was resolved that the Village would provide up to \$3,000 per year for a three year period towards the cost of a Masters Degree in Public Administration (MPA) at Pace. It is stated further that the Village will provide no more than 50% of any credit cost up to the \$3,000 annual allotment.

The following resolution was moved by Trustee Bellitto, seconded by Trustee Sica, and passed unanimously:

#2 – RESOLUTION to allow for a performance bonus of \$1,000 each to John DeCecco and MaryAnn Urrico in appreciation of their fine work filling the void in the Public Works Department during the vacancy between two department superintendents.

The following resolution was moved by Trustee Marvin, seconded by Trustee Leslie, and passed unanimously:

#3 – RESOLUTION to allow for the hiring of Appraisal Services Group, Inc. of Katonah, New York to undertake a Summary Appraisal Report of commercial land within the Village of Bronxville at a fee not to exceed \$7,500.

The following resolution was moved by Trustee Sica, seconded by Trustee Marvin, and passed unanimously:

#4 – RESOLUTION to allow for the hiring of RESCOM Consultants, LLC of Hartsdale, New York for appraisal work regarding up to 13 certiorari claims at a rate of \$500 per claim.

The following resolution was moved by Trustee Sica, seconded by Trustee Leslie, and passed unanimously:

#5 – RESOLUTION approving a settlement of certiorari claims by Avalon Bay Communities, Inc. properties located at 121-125 Parkway Road (Section 2, Block 3, Lot 1) within the parameters set forth by the village assessor.

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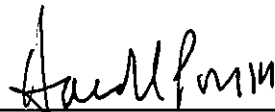
The following resolution was moved by Trustee Marvin, seconded by Trustee Bellitto, and passed unanimously:

#6 – RESOLUTION approving settlement of five pending certiorari claims within the parameters set forth in memoranda to the Board of Trustees from Special Counsel Ira S. Levy dated February 9, 2004, February 24, 2004 and March 5, 2004 for the following properties: Section 2, Block 3, Lot 13; Section 20, Block 2, Lot 60B; Section 4, Block 3, Lot 3A; Section 2, Block 3, Lots 53, 55-57; and Section 11, Block 6, Lots 2, 3 and 4.

The Board then returned to discussion of the proposal by the Paddle Tennis Committee to have the Village invest in new paddle tennis facilities. The Board agreed that if the Paddle Tennis committee could raise private donations of \$20,000 by March 1, 2005 the Village would then build two new courts combining the privately raised revenues with Village revenues to accomplish the work.

The meeting was adjourned at 12:05 a.m.

* * * * *



Harold Porr III, Village Clerk