

MINUTES OF PUBLIC HEARING HELD BY BOARD OF TRUSTEES OF VILLAGE OF
BRONXVILLE ON NOVEMBER 11, 2002 AT VILLAGE HALL, 200 PONDFIELD ROAD,
BRONXVILLE, N.Y.

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| PRESENT: | Nancy D. Hand | Mayor |
| | Thomas M. Leslie | |
| | Frank V. Sica | |
| | John O'Callahan | |
| | Mary C. Marvin | Trustees |
| ALSO PRESENT: | 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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There were approximately 30 visitors present.

Mayor Hand called the public hearing to order at 8:10 p.m. She advised that the purpose of the public hearing was to hear and consider comments regarding two proposed Local Laws and a Code Amendment Resolution. (Copies of the proposed Local Laws and Code Amendment Resolution are annexed to the official minutes.)

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

PROPOSED LOCAL LAW NO. 4 - 2002

Mayor Hand opened the hearing on proposed Local Law No. 4 - 2002. She explained that the proposed Local Law would raise the maximum income limit for people over 65 years of age to qualify for the Senior Citizens Exemption on property taxes. The increased income levels to qualify for the tax reduction, on a sliding scale from less than \$21,500 to a maximum of \$28,999, would apply to the tax bills starting in June 2003.

Mayor Hand then called for comments from the public and the Trustees. There being none, the public hearing on proposed Local Law No. 4 - 2002 was adjourned.

PROPOSED LOCAL LAW NO. 5 - 2002

Mayor Hand opened the hearing on proposed Local Law No. 5 - 2002. She explained that this Local Law would regulate for a period of six months certain applications for building permits and certificates of occupancy. The law is intended to allow the Village time to review the Village Zoning Code and to consider the adoption of local laws, rules, regulations and procedures regarding certain residential demolition, construction and additions. Mayor Hand outlined the scope of the proposed legislation and the activities that would be prohibited within all Residential Districts within the Village. She noted that there is an appeal process which is outlined in the law if there is a hardship case. She asked Superintendent of Buildings Vincent Pici if he wanted to add anything further.

Mr. Pici said the subcommittee comprised of representatives of the Planning Board and Zoning Board is already looking at the Zoning Code and held a meeting. He said they are

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working very diligently in getting the regulations revised and it might not take a full six months.

Mayor Hand then called for public comments.

Gail Haller, 8 Sunnybrae Place said she was here to express her very strong support for a six month moratorium and the need to preserve the integrity of the Village. She said that six years ago her family moved from Glen Cove, Long Island, which was very much like Bronxville when it was developed in the early 1900's. She watched as larger and larger houses were built there and completely changed the character of the neighborhood. She said now she is facing the same situation in her own neighborhood. One of her neighbors is planning to tear down and replace their house that, if built, would be twice the size of the largest house on the block. Mrs. Haller strongly urged the Board to support the moratorium.

John Corry, 2 Dusenberry Road, said the moratorium is of particular concern to him and his wife, since in the next few months they will be selling their home of 37 years. He said his experience as a practicing lawyer of more than forty years has been that six months temporary legislation is likely to be extended beyond the six months. He said he had no objection to the idea of a moratorium or restrictions. He said he was concerned about the 15% limitation on additions to existing structures without any relation to the size of the lot. He said that there are some houses on large lots where 15, 20 or 25% would do no damage at all to the relationship of the property to the lot. He suggested that the proposal be revised to reflect what he thought was the real intention of the legislation.

Marie Maran, 28 Park Avenue, said she wished this legislation had been passed six months ago before a house on Tanglewylde Avenue behind her house was renovated. She said they basically took an existing house and went out every which way. It was a large house to begin with. It went out on all four sides and now they are adding an attached garage. She pointed out that this was not a "tear down" – they left the shell intact and went all around its perimeter. She said there were six or seven examples of this in the Village during the last year or so. She said there are a number of things this legislation needs to look at besides the 15% footprint limitation. She said there are a lot of issues here and all of this impacts the quality of life in the Village. Mrs. Maran said she agreed wholeheartedly that we do need the moratorium but asked the Trustees to please look at all the angles.

Mary Mahon, 10 Kraft Avenue, said her home burned down on June 22nd and she was concerned that the proposed legislation would affect their effort to rebuild. She thought the 15% footprint regulation was somewhat rigid.

Tom Boyle, 229 Pondfield Road, said he didn't necessarily agree that there should be a moratorium. He said he agreed with the other gentleman that it might be extended – it might go on for two years. He said he felt the rights of property owners and the purchase and sale of houses in Bronxville will be effectively stifled.

Mayor Hand said that is a concern that we all had and that's why we will really try to stay within the six month period.

Elisa Rizzo, indicated she has been a resident of Bronxville since 1970, and said that other communities have been sued on the grounds that a temporary moratorium is illegal and asked if the Board was prepared to face such lawsuits. She said there are a lot of smaller houses in the Village that were built in the 1950's that are out of character in the Village and might not be approved today. Mrs. Rizzo said she thought a six month moratorium was a bad idea.

Sharon Bush, 6 Sunny Brae Place, said her family moved here from Pelham that has an architectural review board, but unfortunately they didn't have as much protection as they thought. If they wanted to live in a community with huge "McMansions" they would have moved further north where the houses are larger. She said we need to take this time to study

our Zoning Code to see what we need to protect the Village. She quoted a recent newspaper article about Larchmont placing a six month moratorium in order to restrict the increasing size of homes. Mrs. Bush said that she and her husband respectfully requested that the Board consider this moratorium very strongly to protect the appearance and character of the Village of Bronxville.

Mayor Hand asked Mr. Pici to explain about the term "demolition" referred to in the law.

Mr. Pici said the intention really would apply to the Kraft Avenue property that was destroyed by fire.

The Trustees discussed the request by Mr. and Mrs. Mahon for their assurance that they would be able to rebuild their home. It was pointed out that the Mahons would qualify for a variance because their circumstances demonstrated hardship, but Mr. and Mrs. Mahon asked the board to modify the law so that renovation work could begin as soon as possible. The Mahons would need a variance because they said the new construction would exceed limits in the law. Mr. Pici said that the Mahon's appeal could take up to two months because the application would need to be cleared by his office and the village clerk. As a result, he said, the Planning Board could not feasibly address the matter until a mid-December meeting, prohibiting the Village Board from considering such a variance until late December or January. The Board concluded that they could accommodate the Mahon's request by modifying Section 2, subparagraph (b) (1) to add the phrase "and reconstruction" after the word "Demolition", to read: "Demolition and reconstruction of any existing structure, including one- and two-family dwellings or accessory structures, except if the structure has been damaged by fire, storm or other casualty and poses an imminent threat to health or safety."

Mayor Hand then asked for comments from the Trustees.

Trustee Leslie stated that this six months is an important period of time and we should do everything we can to stick with it and come to as much resolution as possible. He suggested that if the Zoning Review Committee gets everything done in six months they go with what they have and come back at a later time with other suggestions. He said it is important to him to be sure that we pass this legislation and he was in favor of it.

Trustee O'Callahan was in agreement that the time for the moratorium should be kept to six months.

Trustee Marvin said she felt it was her duty as a Trustee to endorse the legislation. She said that the village is so small that what one home owner does affects us all – it sets a precedent. She said she realized some people would be disadvantaged. She said we should stop and review the whole zoning law and look at it in terms of what we are as a Village.

Trustee Sica said he was happy they could accommodate the Mahons. He pointed out that the Trustees were also homeowners and it affects them as well. Trustee Sica said he was not in favor of going beyond the six months.

PROPOSED CODE AMENDMENT RESOLUTION NO. 3 - 2002

Mayor Hand opened the hearing on a proposed Code Amendment to extend the parking restrictions on the south side of Midland Avenue from a point 10 feet west of the curblin of Alden Place Drive. Mayor Hand said we have had several complaints from residents who find it difficult to exit the driveway from Alden Place onto Midland Avenue and the proposed restrictions gives ten feet of clearance so they can see oncoming cars.

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Mayor Hand called for public comments.

Dorothy Brennan, 69 Sagamore Road, said she didn't think it was necessary. She said we have other streets in Bronxville where you simply can't see. She comes by that area every morning and doesn't see any problem with cars coming out of Alden Place because there's a traffic light there.

Chief Downey explained that the intent of the legislation is to move the first car off that corner. The way the Code reads now is: "from the east curbline of Alden Place Drive, easterly therefrom, to the west curbline of Masterton Road. He said we are just extending it ten feet west to improve the public safety.

Mayor Hand called for Trustee comments and there were none

The public hearing on proposed Code Amendment Resolution No. 3 - 2002 was adjourned at 9:00 p.m.

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William T. Regan, Village Clerk

MINUTES OF REGULAR MEETING OF BOARD OF TRUSTEES OF VILLAGE OF BRONXVILLE HELD
ON NOVEMBER 11, 2002 AT VILLAGE HALL, 200 PONDFIELD ROAD, BRONXVILLE, N.Y.

PRESENT:	Nancy D. Hand	Mayor
	Thomas M. Leslie	
	Frank V. Sica	
	John O'Callahan	
	Mary C. Marvin	Trustees
ALSO PRESENT:	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

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

EXECUTIVE SESSION

The Board discussed a personnel matter in the police department, the Kensington Road development site, and the moratorium law for residential properties. No action was taken in executive session which ended at 8:00 p.m.

Following public hearings, the regular meeting was reconvened at 9:00 p.m.

RESOLUTION – Local Law No. 4 - 2002 – Senior Citizens Property Tax Exemption

On motion of Trustee Leslie, seconded by Trustee Sica, and unanimously carried, the Board enacted the following resolution (4-0):

BE IT RESOLVED the Board of Trustees approves an amendment to the Code of the Village of Bronxville, Chapter, 268, Article II, to provide for an increase in the exemption levels to be eligible for a senior citizen property tax exemption (schedule attached).

SEQRA RESOLUTION – 2002 Moratorium Law

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

BE IT RESOLVED the Board of Trustees determines that the enactment of the 2002 Moratorium Law of the Village of Bronxville will not have a negative effect on the environment in accordance with the New York State Environmental Quality Review Act (SEQRA).

RESOLUTION – Local Law No. 5 - 2002 – Moratorium Law of the Village of Bronxville

On motion of Trustee O'Callahan, seconded by Trustee Marvin, and unanimously carried, the Board enacted the following resolution (4-0):

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BE IT RESOLVED the Board of Trustees approves Local Law No. 5 - 2002, the 2002 Moratorium Law of the Village of Bronxville, with one amendment in Section 2, Scope of Controls, subparagraph (b) (1) to add the phrase "and reconstruction" after the word Demolition (copy attached).

CODE AMENDMENT RESOLUTION NO. 3 - 2002

On motion of Trustee Sica, seconded by Trustee Leslie, the Board approved the following resolution (4-0):

BE IT RESOLVED the Board of Trustees adopts the following Amendment to the Code of the Village of Bronxville, Article IX, Chapter 290, Vehicles and Traffic, Section 290-28 A. (14) (d):

§ 290-28. Parking prohibited in designated locations.

A. (14) Midland Avenue.

Amend paragraph (d) to read as follows:

"On the south side, from a point 10 feet west of the west curblin of Alden Place Drive, easterly therefrom, to the west curblin of Masterton Road."

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 O'Callahan, seconded by Trustee Sica, the Board approved the minutes of the Regular Meeting of October 14, 2002 and the Public Hearing of October 14, 2002, as drafted.

EASTCHESTER FIRE DISTRICT

Eastchester Fire Commissioner George Mayer said he was here tonight on behalf of the Board of Fire Commissioners to report that the Eastchester Fire District has experienced a large number of false alarms. Under the Town laws there is no provision for the Fire District to impose a fine or penalty. In addition, there are an increasing number of automatic alarms being installed. He said that well in excess of 20% of all of their calls are false alarms -- one out of every five calls where we're going nowhere is too much. When he reviewed the false alarms he found many of them are repeat offenders. For each call that they receive, he said, they send out a ladder fire truck, two engines and a command car, so that's eight men right there.

Mr. Mayer said the Fire Board has passed a resolution recommending that the Villages of Tuckahoe and Bronxville and the Town of Eastchester adopt legislation to incorporate fines for false fire alarms. He said their proposal is very liberal and you are given about three chances before a fine is imposed. On behalf of the Eastchester Fire District, Mr. Mayer asked the Board of Trustees to consider it. Mr. Mayer provided to the Board a copy of the Scarsdale law concerning fines for false fire alarms. He said the Chief of the Scarsdale Fire Department reports that their experience has been positive and the number of false alarms was reduced.

Mr. Mayer said that both Tuckahoe and the Town of Eastchester thought the proposal was a good idea. He said Tuckahoe has a burglar alarm law similar to Bronxville's. Eastchester does not have a burglar alarm law at this time, but he thinks they are considering it.

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DEPARTMENT REPORTS

Department reports were presented by Chief of Police Downey, Superintendent of Buildings Vincent Pici, Superintendent of Public Works Woodcock, Village Treasurer Fels, Parking Commissioner Murphy and Village Administrator Regan.

RESOLUTION - Free Parking Days in December

Mayor Hand stated that it has been a Village tradition to offer free parking days in December to encourage people to do their holiday buying in the Village. She said Houlihan-Lawrence will be providing free parking on Saturday, December 7th.

On motion of Trustee O'Callahan, seconded by Trustee Sica, the Board adopted the following resolution:

BE IT RESOLVED the Board of Trustees approves free parking in the Kraft Avenue and Garden Avenue parking lots and on Paxton Avenue for Saturday, December 14, 2002 and Saturday, December 21, 2002.

RESOLUTION - Village Election

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

BE IT RESOLVED the Village Election Day will be held on Tuesday, March 18, 2003 and offices to be filled are one Mayor and two Trustees, each for a two year term.

RESOLUTION - Agreement with COMI Telecommunications Services

Mayor Hand stated that the Planning Board would like to enter into an agreement with COMI Telecommunication Services for the purpose of assisting, advising and representing the Village on matters relating to the preparation of a Wireless Telecommunications Facilities Local Law.

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

BE IT RESOLVED the Board of Trustees authorizes the Planning Board to enter into an agreement with COMI Telecommunication Services in association with Monroe Telecom Associates for professional services as described in the attached agreement and compensation for said services shall be paid by the applicant before the Planning Board in accordance with the Code of the Village of Bronxville Chapter 310, ZONING, Article VI Section 310-27 B.

RESOLUTION - To Schedule Executive Session

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

BE IT RESOLVED the Board of Trustees will meet in executive session on December 5 at 6:30 PM, and December 12, 2002 at 7:00 PM, to be held in Village Hall.

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TRUSTEE REPORTS

Trustee Sica reported on a meeting he attended with Bob Fels and the Finance Committee. He said the Village saved about \$125,000 by refinancing bonds. He said the Village has an excellent bond rating and we are rated about as high as we can be, given the size of the Village. They also met with the auditor who informed them that the Village is in good financial health. They talked about funding pensions expenses which will be going up, and rising health care costs. He concluded that Village management has expenses under control.

Trustee Marvin extended thanks to the Chamber of Commerce for all their hard work on the Fall Festival. She said they did a great job. Noting that November 11th was Veterans Day, she thanked all the veterans.

PUBLIC COMMENTS

Dorothy Brennan, 69 Sagamore Road, made some comments concerning the Moratorium Law that was just passed. She said she has been appalled by the size of additions to dwellings for some time, and there are certain times when the government has to step in. She said she appreciated what the Trustees did tonight.

Mrs. Brennan thanked Peter Woodcock and the Department of Public Works employees for doing a beautiful job at Sagamore Park.

Mary Mahon, 10 Kraft Avenue, thanked the Board of Trustees for being sympathetic to their situation with regard to the Moratorium Law. She also thanked Mr. Pici, who spent time with their builders.

On motion of Trustee Leslie, seconded by Trustee O'Callahan, the Board adjourned for Executive Session at 9:45 p.m.

EXECUTIVE SESSION

The Board continued discussion of personnel matters. At 10:00 p.m. the Board, on motion of Trustee Marvin, seconded by Trustee Leslie, voted to end executive session and reopen the public meeting. No members of the public were present at this time.

On motion of Trustee O'Callahan, seconded by Trustee Sica, the Board unanimously adopted the following resolution:

BE IT RESOLVED the Board of Trustees authorizes the Mayor to sign an agreement with Briccetti, Calhoun & Lawrence, L.L.P. for services as Special Counsel to the Board of Trustees as per the attached proposal.

On motion of Trustee O'Callahan, seconded by Trustee Leslie the Board unanimously adopted the following resolution:

BE IT RESOLVED the Board of Trustees approves the following appointments:

Anna K. Longobardo to the Planning Board for a term expiring 2007;
Anna K. Longobardo as Chairman of the Design Review Committee for a term expiring in 2003;
John Westerfield to the Planning Board for a term expiring 2003;
Donald B. Henderson, Jr. to the Planning Board for a term expiring 2007;
Andrew Garvey to the Planning Board as an Alternate Member for a term expiring 2003;

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Eugene Elliott and Jeffrey J. Faville to the Design Review Committee for terms expiring 2003;

Glenn D. Bellitto to the Zoning Board of Appeals for a term expiring 2005;
Richard M. Szypula to the Zoning Board of Appeals for a term expiring 2007;
Betty Crowley to the Zoning Board of Appeals as an Alternate Member for a term expiring 2004;

Eloise L. Morgan, Henry L. Coon and Thomas J. Welling to the Library Board of Trustees for terms expiring 2004;

Jayne Warman and William H. Yankus to the Library Board of Trustees for terms expiring 2003;

Mildred Marshall, William H. Slattery, John W. Priesing, and John A. Hill to the Board of Ethics for terms expiring 2004;

William T. Regan as Village Clerk for a term expiring 2003;
Robert J. Fels as Collector of Taxes for a term expiring 2003;
Robert J. Fels as Treasurer & Budget Officer for a term expiring 2004.

The meeting adjourned at 10:05 p.m.

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William T. Regan, Village Clerk