

MINUTES OF PUBLIC HEARING HELD BY BOARD OF TRUSTEES OF VILLAGE OF
BRONXVILLE ON JANUARY 10, 2000 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	Trustees
ABSENT:	Mary C. Marvin	Trustee
ALSO PRESENT:	Bohn C. Vergari	Village Attorney
	William T. Regan	Village Administrator
	Peter J. Woodcock	Superintendent of Public Works
	Alexander W. DiVernieri	Chief of Police
	Vincent Pici, P.E.	Superintendent of Buildings
	Robert J. Fels	Village Treasurer
	William J. Murphy	Parking Commissioner

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Mayor Hand called the public hearing to order at 8:00 P.M. She advised that the purpose of the public hearing was to hear and consider comments regarding proposed changes to the Village Code.

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

Mayor Hand asked Corwin Frost, Chairman of the Planning Board, to give a brief history of why this recommendation or change is coming before the Board and to describe what the process has been.

Mr. Frost stated that the proposed zoning amendment contains a number of different provisions. Some are just housekeeping items that came to their attention and are flaws in the existing wording or things that need clarification. The main substantive change has to do with alternate members.

Items 1 & 2 clarify the applicability of the code to Village-owned properties. This clarification resolves a question that arose with respect to the proposed additions and alterations to the Bronxville Public Library. The wording in the present code was ambiguous and legal counsel advised that the Code does not apply to Village-owned properties.

Item 3 clarifies the intent of the Code provisions that limits the power of the Planning Board to waive certain standards by up to 10%. This provision applies only to numerical standards such as the number of parking spaces required by the Code or to area or dimensional standards.

Item 4 deletes language that was never used. The existing code provides for the appointment of an unpaid Secretary for a two year term. For as long as anyone can remember, this provision has not been used and the Planning Board sees no need for it.

Item 5 provides for alternate members to the Planning Board and Zoning Board. This applies in slightly different ways to both the Planning Board and the Zoning Board. Both boards have five members, but if one of the members is recused from processing an application that leaves a board of four, and that is a very awkward number to work with in terms of voting. In the case of the Planning Board, a suggestion was made that since the Design Review

Committee members work very closely with the Planning Board and tend to be very familiar with the applications before them, that they be construed as the alternates. They are referred to in the existing code as "Advisors".

Items 6 and 7 are really the same provisions for the Zoning Board with the exception that they don't have the members of the Design Review Committee to draw on as advisors, so in that case it provides for the appointment of two alternate members. In both instances there is wording that invokes the Municipal Home Rule law to override Village Law. The reasoning for this is that Village law is somewhat limiting – it allows the use of alternates but only in cases of conflict of interest. It was felt that was excessively inflexible.

Item 8 attempts to clarify the relationship between the Planning Board and the Zoning Board of Appeals where approval of both Boards is required as to a single application. As a practical matter, this provision would relate to area variances only. In many instances the Planning Board leads off where there are a whole lot of standards that have to be met. The Planning Board will not consider an application requiring a use variance unless the Zoning Board of Appeals first grants the use variance. The Zoning Board has its own standards which can be fairly broadly construed. The intent of the wording is to have the standards set by the Planning Board take primary consideration.

Trustee O'Callahan asked if there was a need for this in the past.

Mr. Frost recalled only one case recently where this section might apply and this ordinance would not affect that application.

Mayor Hand thanked Mr. Frost and the members of the Planning Board and Zoning Board for all the time they spent drafting this legislation.

Mayor Hand noted that many other villages in Westchester have similar legislation that permits alternate members. She said that rather than just limiting us to members of the Design Review Committee as alternates to the Planning Board, we might want to include that anyone might serve as an alternate appointed by the Board of Trustees.

Mr. Frost agreed this was a valid point and that greater flexibility would be his personal preference, however, not having discussed this with the Planning Board, he wouldn't want to propose that now. He will ask the Planning Board Counsel to look at the specific wording.

At this point Mayor Hand said she would proceed with the public hearing as normal and receive views of the public and the trustees and then make a decision on how the Board wants to proceed this evening and whether they want the Planning Board to take another look at the legislation.

Mayor Hand said she spoke to Jim Fischer, Chairman of the Zoning Board of Appeals, and he and the Zoning Board members are in full support of the legislation as it pertains to the Zoning Board specifically and would very much welcome having the alternate member status available to them.

The mayor then called for public comments.

Dorothy Brennan, 69 Sagamore Road, said she thinks the idea of alternates is a good one. Many members of the Planning Board and Zoning Board have other commitments and can't always get to meetings. She thinks it's important to have alternates.

Mayor Hand agreed that people lead busy lives and are often out of town and can't be present at a meeting. This proposal would help that situation and also enable more people to have a chance to be involved in Village government.

The mayor then called for trustee comments.

Trustee Leslie said he would prefer to have a copy of the chapter of the code in front of him before he votes on the legislation.

Trustee O'Callahan pointed out that the wording states "members shall attend meetings", which seems a little excessive. If the code presently says that all members shall attend meetings, he said this comment could be disregarded.

Mayor Hand said she would be interested in the Trustees' opinions on broadening the Planning Board alternate members clause so that it could potentially include not only Design Review Committee members but also other members.

Trustee O'Callahan said he thought there shouldn't be any limit on who the Mayor and Board of Trustees can appoint, and Trustee Leslie agreed.

Trustee Sica said he couldn't stress enough the importance of having an additional pool of members to draw on so that it's not critical that a member be present. It would make people more likely to serve, which is to the benefit of the Village. As a former member of the Zoning Board of Appeals, he expressed concern that item 8 would limit the number of forums for discussion of changes. He wasn't certain if that's the consequence of what is proposed here.

Mr. Frost said the intent of that is not to limit anything but to shift the emphasis slightly with respect to an application that is being reviewed by both parties. The Planning Board would take precedence on broad planning issues. It's a subtle reminder that planning issues are one area and variance issues should be looked at in the context of what has already been reviewed and discussed at length. It is not intended to limit the process but to be somewhat more efficient.

Trustee O'Callahan questioned what the statement "shall rely primarily", is meant to convey to the members of the Zoning Board. Can they ignore what the Planning Board says if they think it is unwise? There was some further discussion on the implications of this section.

Mr. Frost said he will take up the question of broadening the ordinance to include others than Design Review Committee members as alternates at the next Planning Board meeting.

There being no further comments, the public hearing was adjourned at 8:30 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 JANUARY 10, 2000 AT VILLAGE HALL, 200 PONDFIELD ROAD, BRONXVILLE, N.Y.

PRESENT:	Nancy D. Hand	Mayor
	Thomas M. Leslie	
	Frank V. Sica	
	John O'Callahan	Trustees
ABSENT:	Mary C. Marvin	Trustee
ALSO PRESENT:	Bohn C. Vergari	Village Attorney
	William T. Regan	Village Administrator
	Peter J. Woodcock	Superintendent of Public Works
	Alexander W. DiVernieri	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 7:35PM. On motion of Trustee O'Callahan, seconded by Trustee Sica, the Board voted to enter executive session to discuss personnel and litigation items. No votes were taken at this session. (Present were Mayor and Trustees Leslie, Sica and O'Callahan, Village Counsel and Village Administrator.)

PROPOSED LOCAL LAW NO. 1 - 2000

Noting that several questions were raised during the public hearing on proposed Local Law No. 1, the vote was postponed until the February meeting. The Board agreed to send the legislation back to the Planning Board to consider the proposed change for alternates and to clarify other questions that were raised during the public hearing. The public hearing will be continued at the February meeting since there could be potential changes to the original legislation.

APPROVAL OF MINUTES

On motion of Trustee O'Callahan, seconded by Trustee Leslie, the minutes of the Regular Meeting of December 13, 1999 was approved as drafted.

DEPARTMENT REPORTS

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

RESOLUTION - Emergency Sewer Repairs

Mr. Woodcock advised the Board that emergency repairs were needed for a broken sanitary sewer line on Valley Road between Pondfield Road and Prescott Avenue over the recent holidays. A contractor was called in and repairs were completed in a short period of time with a minimum of inconvenience. He estimated the cost of labor and materials will be approximately \$37,000.

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

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BE IT RESOLVED the Board of Trustees, in accordance with NYS General Municipal Law, Article 5A, Section 103(4), declares the repairs necessary for the Valley Road sanitary sewer line an emergency.

RESOLUTION - Board of Assessment Review

On motion made by Trustee O'Callahan, seconded by Trustee Sica, and unanimously carried, the following Resolution was hereby adopted:

BE IT RESOLVED the Board of Trustees, as the Board of Assessment Review, will meet on Tuesday, February 15, 2000 from 5:00 PM to 9:00 PM at Village Hall, 200 Pondfield Road, to hear and consider grievances relating to the 2000 tentative Village assessment roll.

RESOLUTIONS - Annual Village Election

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

BE IT RESOLVED the hours for Village Election Day, Tuesday, March 21, 2000 be set from 7:00 a.m. to 9:00 p.m., and that the polling place shall be Village Hall, 200 Pondfield Road, Bronxville, N.Y.

BE IT RESOLVED the Village Clerk is authorized to contact the Town of Eastchester Clerk requesting the use of four voting machines.

BE IT RESOLVED the Village Clerk be authorized to appoint four inspectors each from the Democratic and Republican parties to serve on Election Day.

BE IT RESOLVED the Board of Trustees appoints Frank Luiso, 585 McLean Avenue, Yonkers, N.Y. as custodian of voting machines for the annual Village Election on March 21, 2000 at the rate of \$500.00 for services provided.

MAYOR'S REPORT

Mayor Hand stated that the League of Women Voters has asked her to comment on the "State of the Village" on January 19th at Village Hall. On January 20th she will be attending a Council of Governments meeting in White Plains. Dr. Harold Adel, Westchester County Commissioner of Health, will brief the Council on the County's mosquito surveillance and control action plan for 2000. The mayor also spoke about the upcoming census and the importance of getting an accurate count.

Mayor Hand reported that with the help of Congresswoman Nita Lowey she organized a meeting with representatives from the Army Corps of Engineers, the State Department of Environmental Conservation and the Westchester County Parks Department along with village officials to visit the areas most affected by flooding along the Bronx River at Parkway Road and Paxton Avenue. They also visited with school officials to discuss the flooding issues in and around the area of the school. The meeting was extremely useful and we were able to ask for their recommendations about potential solutions, what alternatives might be explored and the process that might be followed if various options are selected. Village officials will continue to evaluate our potential options over the next few months.

Mayor Hand advised that on January 6th village officials met with Metro-North officials for the first time since 1995, even though the railroad had promised meetings throughout the EIS process. At this time we were able to raise several serious concerns, including Metro-North's lack of justification of need for building the third track, their unwillingness to look at the alternatives, segmentation issues, noise and vibration issues, the negative effects of this project on historic resources in Bronxville, flooding issues in the area of the Bronx River, visual and aesthetic impacts, and serious errors and omissions in the document. The mayor said it was a useful and productive discussion and she is hopeful that Metro-North will make a serious attempt to respond to our comments.

PUBLIC COMMENTS

Dorothy Brennan, 69 Sagamore Road, who has been managing the Girl Scout Cabin since 1982 when she was a Trustee, reminded the Board that maintenance work is greatly needed. Mrs. Brennan noted that next month is the deadline for Kensington Manor to meet the pre-sale requirements. She asked the Board to give serious thought to parking on this site before taking on another builder if the developer defaults.

Trustee O'Callahan offered a motion, seconded by Trustee Sica to adjourn to go into executive session to discuss personnel matters at 8:45 PM.

EXECUTIVE SESSION

The Board continued its discussion of personnel. No votes were taken during executive session. At 9:30 PM on motion of Trustee Leslie, seconded by Trustee Sica, the Board voted to close the executive session and reopen the regular meeting. No members of the public were present at this time.

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

BE IT RESOLVED the Board of Trustees approves a salary increase of \$1,000 effective June 1, 1999 for Linda Henry, Suzanne Smith, and Kenneth Zepp; a \$500 increase effective June 1, 1999 for MaryAnn Urrico; and an increase in the hourly rate for Angela Foley to \$15.554.

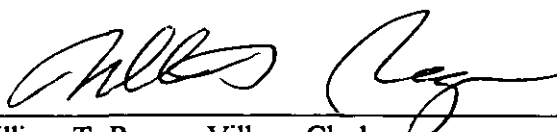
BE IT RESOLVED the Board of Trustees approves the following salary adjustments, effective June 1, 1999: an increase of \$500 in the base salary for William T. Regan, Robert Fels, Vincent Pici, and Peter Woodcock; and an increase of \$1,000 in the base salary for Alexander DiVernieri, and

BE IT FURTHER RESOLVED the Board of Trustees approves the following one time payment of \$1,500 for William T. Regan and \$1,000 for Alexander DiVernieri, Robert Fels, Vincent Pici, and Peter Woodcock for the 1999-2000 Fiscal Year.

BE IT RESOLVED the Board of Trustees approves the appointment of Susan Ricci, 61 Belmont Avenue, Yonkers, NY to the position of Court Clerk at an annual salary of \$21,000 effective January 17, 2000 on a probationary basis subject to the rules and regulations of Westchester County civil service.

On motion of Trustee Leslie, seconded by Trustee Sica, the Board voted to adjourn at 9:35 PM.

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William T. Regan, Village Clerk