

**MINUTES OF REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE
VILLAGE OF BRONXVILLE HELD JANUARY 8, 2018
AT THE VILLAGE HALL, 200 PONDFIELD ROAD, BRONXVILLE, N.Y.**

PRESENT:	Mary C. Marvin	Mayor
	Robert S. Underhill	Deputy Mayor
	Anne Poorman	Trustee
	Randolph Mayer	Trustee
 ALSO PRESENT:	 James Staudt	 Village Attorney
	James Palmer	Village Administrator
	Amanda Brosy	Counsel
 EXCUSED ABSENCE:	 Guy Longobardo	 Trustee

WORK SESSION & EXECUTIVE SESSION

At 6:30pm, on motion by Trustee Mayer, seconded by Deputy Mayor Underhill, the Village Board of Trustees convened a Work Session. The Village Attorney took the Village Board through the proposed zoning changes. The Village Attorney explained that he still needed to propose zoning changes for recreational uses.

The Village Board authorized the Village Administrator to engage the services of Walker Parking Consultants to evaluate the feasibility of a pay structure in the Maltby Parking lot.

At 7:15pm, on a motion by Trustee Poorman, seconded by Deputy Mayor Underhill, the Village Board of Trustees closed the Work Session and entered into Executive Session to discuss a real estate matter.

At 7:55pm, on a motion by Deputy Mayor Underhill, seconded by Trustee Mayer, the Village Board closed the Executive Session.

At 8:04pm, Mayor Mary Marvin re-opened the Regular Meeting of the Board of Trustees.

MAYOR'S REPORT

No Mayor's Report

VILLAGE ADMINISTRATOR

Village Administrator, James Palmer, gave a brief update on what he's been working on. Mr. Palmer reminded all store owners and homeowners that they are responsible for maintaining their sidewalks clear of snow and ice. Contractors should be reminded that snow should not be pushed onto the roadway. All residents were reminded to sign up for emergency alerts through our website, www.villageofbronxville.com. Mr. Palmer also announced that if there are any residents interested in parking in the Kensington garage, to please email their request to parking@vobny.com. Mr. Palmer also thanked the residents for their patience and understanding regarding the pre-payment of 2018-2019 property taxes. All pre-payments will be processed during the week.

APPROVAL OF MINUTES

On motion of Trustee Poorman, seconded by Deputy Mayor Underhill, the Board approved the minutes of the following meetings:

- Executive/Work Session of December 11, 2017
- Regular Meeting of December 11, 2017
- Work Session of December 18, 2017
- Special Meeting of December 27, 2017

PUBLIC HEARING – LOCAL LAW 6, 7, 8, 9 and 10 - 2017

At 8:09pm, on motion of Trustee Poorman, seconded by Deputy Mayor Underhill, the Village Board of Trustees opened the public hearings for Proposed Local Laws 6, 7, 8, 9 and 10 – 2017. These local laws pertain to changes in the business district.

James Staudt, Village Attorney, gave a brief description of each local law.

PUBLIC COMMENT

Jerry Houlihan – local realtor representing Milburn Parkway building shared some of his concerns pertaining to Local Law 8 – 2017.

Jon Gordon of Admiral Real Estate thanked Mayor Marvin and the Board of Trustees for all their hard work in making some much needed changes to zoning codes.

James Staudt, Village Attorney, emphasized that although there are some changes made to the zoning codes, the Planning Board will continue to review each new commercial application on a case by case basis.

Mindy Schmidt of Mosbacher and also a landlord in Bronxville, shared some of her concerns about the zoning changes.

Lou Maggiotta and Nicole Tuck, both from the Bronxville Chamber of Commerce, also thanked Mayor Marvin and the Board of Trustees for the changes to the zoning codes.

At 8:38pm, there being no further comments, Mayor Marvin closed the Public Hearing on Local Laws 6, 7, 8, 9 and 10, 2017 on motion of Trustee Mayer, seconded by Trustee Poorman.

NEW BUSINESS

A. Adopting Local Laws 6, 7, 8, 9, and 10 – 2017, Filing as Local Laws 1, 2, 3, 4, 5 - 2018

1. RESOLUTION TO MAKE NEGATIVE DECLARATION UNDER SEQRA AND ADOPT PROPOSED LOCAL LAW 6-2017 (Filing as Local Law 1-2018)

On motion of Trustee Poorman, seconded by Deputy Mayor Underhill, the following resolution was unanimously approved:

RESOLVED that the Board of Trustees as Lead Agency under SEQRA has reviewed the proposed action and the Environmental Assessment Form and has determined, as set forth in Part II of the EAF attached, that the proposed action will not result in any significant adverse environmental impacts and therefore makes this Negative Declaration of Significance pursuant to SEQRA; and

BE IT FURTHER RESOLVED that Proposed Local Law 6-2017 be and is hereby adopted and shall read as follows:

**LOCAL LAW NO. 1-2018
A LOCAL LAW TO AMEND THE ZONING LAW OF THE VILLAGE OF BRONXVILLE,
CHAPTER 310, REGARDING THE DEFINITION OF A RETAIL ESTABLISHMENT**

Be it enacted by the Board of Trustees of the Village of Bronxville as follows:

Section 1: Section 310-3 of Chapter 310 of the Code of the Village of Bronxville is hereby amended in its entirety to read as follows:

RETAIL ESTABLISHMENT: An establishment engaged in selling goods, merchandise, and/or services on premises to the general public at retail for personal or household consumption or for business use. Such an establishment may also provide services related to the products it sells, such as an eyeglass store which provides eyeglass examinations, or a jewelry store that fabricates or repairs jewelry it sells. Such an establishment may have a retail food establishment as an accessory use located entirely within the principal structure and with no exterior entrance of its own.

Section 2: Severability. If any section, subsection, clause, phrase or other portion of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate distinct and independent portion. Such declaration

shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

Section 3: This Local Law shall take effect immediately upon filing with the Secretary of State.

2. RESOLUTION TO MAKE NEGATIVE DECLARATION UNDER SEQRA AND ADOPT PROPOSED LOCAL LAW 7-2017 (Filing as Local Law 2-2018)

On motion of Deputy Mayor Underhill, seconded by Trustee Mayer, the following resolution was unanimously approved:

RESOLVED that the Board of Trustees as Lead Agency under SEQRA has reviewed the proposed action and the Environmental Assessment Form and has determined, as set forth in Part II of the EAF attached, that the proposed action will not result in any significant adverse environmental impacts and therefore makes this Negative Declaration of Significance pursuant to SEQRA; and

BE IT FURTHER RESOLVED that Proposed Local Law 7-2017 be and is hereby adopted and shall read as follows:

LOCAL LAW NO. 2-2018

A LOCAL LAW TO AMEND THE ZONING LAW OF THE VILLAGE OF BRONXVILLE, CHAPTER 310, REGARDING PROXIMITY OF CERTAIN BUSINESSES OF THE SAME TYPE

Be it enacted by the Board of Trustees of the Village of Bronxville as follows:

Section 1: Section 310-14.A(9)(a) of Chapter 310 of the Code of the Village of Bronxville is hereby amended in its entirety to read as follows:

- (a) No carry-out food establishment shall be permitted within 100 linear feet of any other carry-out food establishment on the same side of the street. Such distance shall be measured from the closest point of each establishment to the other. The measurement shall be continued on the same side of the street around any street corner within the one-hundred-foot distance; provided, however, that the Planning Board may waive this requirement if it determines that such a waiver is appropriate given the particular circumstances of the proposed use and its location.

Section 2: Section 310-14.A(11)(b) of Chapter 310 of the Code of the Village of Bronxville is hereby amended in its entirety to read as follows:

- (b) In other locations, a bank or financial office may occupy street level, provided that the street level facade of the proposed use has at least 50% of its area in clear, unobstructed glass window and there is a minimum distance, measured from the closest point of each establishment to the other, of 150 feet between the proposed bank or financial office and any existing street level bank or financial office on the same side of the street. The measurement shall be continued on the same side of the street around any street corner within the one-hundred-foot distance; provided, however, that the Planning Board may waive this requirement if it determines that such a waiver is appropriate given the particular circumstances of the proposed use and its location.

Section 3: Section 310-42.J(1) of Chapter 310 of the Code of the Village of Bronxville is hereby amended in its entirety to read as follows:

- (1) A bank or financial office may occupy street level, provided that the street-level facade of the proposed use has at least 50% of its area in clear, unobstructed glass window and there is a minimum distance, measured from the closest point of each establishment to the other, of 150 feet between the proposed bank or financial office and any existing street-level bank or financial office on the same side of the street. The measurement shall be continued on the same side of the street around any street corner within the one-hundred-fifty-foot distance; provided, however, that the Planning Board may waive this requirement if it determines that such a waiver is appropriate given the particular circumstances of the proposed use and its location.

Section 4: Severability. If any section, subsection, clause, phrase or other portion of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

Section 5: This Local Law shall take effect immediately upon filing with the Secretary of State.

3. RESOLUTION TO MAKE NEGATIVE DECLARATION UNDER SEQRA AND ADOPT PROPOSED LOCAL LAW 8-2017 (Filing as Local Law 3-2018)

On motion of Trustee Mayer, seconded by Deputy Mayor Underhill, the following resolution was unanimously approved:

RESOLVED that the Board of Trustees as Lead Agency under SEQRA has reviewed the proposed action and the Environmental Assessment Form and has determined, as set forth in Part II of the EAF attached, that the proposed action will not result in any significant adverse environmental impacts and therefore makes this Negative Declaration of Significance pursuant to SEQRA; and

BE IT FURTHER RESOLVED that Proposed Local Law 8-2017 be and is hereby adopted and shall read as follows:

LOCAL LAW NO. 3-2018

A LOCAL LAW TO AMEND THE ZONING LAW OF THE VILLAGE OF BRONXVILLE, CHAPTER 310, REGARDING OFF-STREET PARKING REQUIREMENTS

Be it enacted by the Board of Trustees of the Village of Bronxville as follows:

Section 1: Section 310-14.E(2) of Chapter 310 of the Code of the Village of Bronxville is hereby amended in its entirety to read as follows:

- (2) For new construction, enlargement, or change of use involving more than 3,500 square feet, the Planning Board may reduce the required parking if it determines that such a reduction is warranted by the particular circumstances of the application under consideration.

Section 2: Section 310-14.E(6)(a) of Chapter 310 of the Code of the Village of Bronxville is hereby amended in its entirety to read as follows:

- (a) Retail and Restaurants: one space per 300 square feet of the first 2,500 square feet of gross floor area; together with one additional space for each additional 200 square feet of gross floor area thereafter.

Section 3: Section 310-14.E(6)(d) of Chapter 310 of the Code of the Village of Bronxville is hereby repealed and replaced in its entirety with a new 310-14.E(6)(d) to read as follows:

- (d) Intentionally omitted.

Section 4: Section 310-15.E(2) of Chapter 310 of the Code of the Village of Bronxville is hereby amended in its entirety to read as follows:

- (2) For new construction, enlargements, or change of use involving more than 3,500 square feet, the Planning Board may reduce the required parking if it determines that such a reduction is warranted by the particular circumstances of the application under consideration.

Section 5: Section 310-15.E(6)(a) of Chapter 310 of the Code of the Village of Bronxville is hereby amended in its entirety to read as follows:

- (a) Retail and Restaurants: one space per 300 square feet of the first 2,500 square feet of gross floor area; together with one additional space for each additional 200 square feet of gross floor area thereafter.

Section 6: Section 310-15.E(6)(d) of Chapter 310 of the Code of the Village of Bronxville is hereby repealed and replaced in its entirety with a new 310-15.E(6)(d) to read as follows:

- (d) Intentionally omitted.

Section 7: Severability. If any section, subsection, clause, phrase or other portion of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

Section 8: This Local Law shall take effect immediately upon filing with the Secretary of State.

4. RESOLUTION TO MAKE NEGATIVE DECLARATION UNDER SEQRA AND ADOPT PROPOSED LOCAL LAW 9-2017 (Filing as Local Law 4-2018)

On motion of Trustee Poorman, seconded by Deputy Mayor Underhill, the following resolution was unanimously approved:

RESOLVED that the Board of Trustees as Lead Agency under SEQRA has reviewed the proposed action and the Environmental Assessment Form and has determined, as set forth in Part II of the EAF attached, that the proposed action will not result in any significant adverse environmental impacts and therefore makes this Negative Declaration of Significance pursuant to SEQRA; and

BE IT FURTHER RESOLVED that Proposed Local Law 9-2017 be and is hereby adopted and shall read as follows:

LOCAL LAW NO. 4-2018

A LOCAL LAW TO AMEND THE ZONING LAW OF THE VILLAGE OF BRONXVILLE, CHAPTER 310, REGARDING REQUIREMENTS FOR SITE PLAN APPROVAL

Be it enacted by the Board of Trustees of the Village of Bronxville as follows:

Section 1: Section 310-26.A of Chapter 310 of the Code of the Village of Bronxville is hereby amended in its entirety to read as follows:

- A. Site plan approval required. Pursuant to § 7-725-a of the Village Law, no land shall be cleared or altered nor shall any building or other structure be constructed, demolished, moved, externally altered or enlarged, nor shall any watercourse, floodplain or wetlands be diverted, dredged or filled, nor shall the use of any land, building or other structure be changed, nor shall any building or other use permit be issued, except in accordance with final approval of a site plan granted by the Planning Board pursuant to this article, except detached single-family residential buildings permitted as-of-right under applicable zoning regulations; provided, however, building permits for interior alterations only, not involving a change in use, shall not require site plan approval. Further provided, a change in permitted use of first floor space in the Central Business A District and Service Business B District to another use within the same permitted use category (e.g., retail establishment to another retail establishment, or restaurant to another restaurant), not involving changes to any previously issued special permit, shall not require site plan approval. Further provided, that in the Central Business A District and Service Business B District, a change from a permitted retail, service, or restaurant use to a permitted office use not involving changes to any previously issued special permit shall not require site plan approval.

Section 2: Severability. If any section, subsection, clause, phrase or other portion of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

Section 3: This Local Law shall take effect immediately upon filing with the Secretary of State.

5. RESOLUTION TO MAKE NEGATIVE DECLARATION UNDER SEQRA AND ADOPT PROPOSED LOCAL LAW 10-2017 (Filing as Local Law 5-2018)

On motion of Deputy Mayor Underhill, seconded by Trustee Mayer, the following resolution was unanimously approved:

RESOLVED that the Board of Trustees as Lead Agency under SEQRA has reviewed the proposed action and the Environmental Assessment Form and has determined, as set forth in Part II of the EAF attached, that the proposed action will not result in any significant adverse environmental impacts and therefore makes this Negative Declaration of Significance pursuant to SEQRA; and

BE IT FURTHER RESOLVED that Proposed Local Law 10-2017 be and is hereby adopted and shall read as follows:

LOCAL LAW NO. 5-2018

A LOCAL LAW TO AMEND THE ZONING CODE OF THE VILLAGE OF BRONXVILLE
REGARDING THE ADOPTION OF A COMPREHENSIVE PLAN

Be it enacted by the Board of Trustees of the Village of Bronxville as follows:

Section 1: Section 310-45 of Chapter 310 of the Code of the Village of Bronxville is hereby amended in its entirety to read as follows:

The Village Board has the authority to adopt and amend a Comprehensive Plan from time-to-time, and the Village Board may in its discretion refer issues regarding the Comprehensive Plan to the Planning Board for its advice.

Section 2: Severability. If any section, subsection, clause, phrase or other portion of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

Section 3: This Local Law shall take effect immediately upon filing with the Secretary of State.

B. RESOLUTION – Authorizing Tax Certiorari Settlement

On motion of Deputy Mayor Underhill, seconded by Trustee Poorman, the Board approved the following resolution:

WHEREAS, petitions having been filed by the property owner below, challenging real property tax assessments on the Village's Final Assessment Roll with respect to the following parcel:

<u>Property Owner</u>	<u>Address Description</u>	<u>Year(s)</u>
River House Apartments	Section 11/2/1 72 Pondfield Rd W.	2009 -2017

WHEREAS, petitioner's court challenges are now pending in the Supreme Court, Westchester County; and **WHEREAS**, the Village and the property owners have reached a mutually agreeable resolution; **NOW THEREFORE BE IT RESOLVED**, that the Village Board hereby authorizes the Special Counsel Huff/Wilkes to execute the following settlement on behalf of the Village and School reducing the assessments to no less than the following amounts:

<u>Year</u>	<u>Original Assessment</u>	<u>Revised Assessment</u>	<u>Reduction</u>
<u>Year</u>	<u>Original Assessment</u>	<u>Revised Assessment</u>	<u>Reduction</u>
2009	14,354,905	13,308,430	(1,046,475)
2010	14,354,905	14,354,905	NONE
2011	14,900,000	14,900,000	NONE
2012	14,900,000	14,900,000	NONE
2013	14,900,000	14,900,000	NONE
2014	15,250,000	15,250,000	NONE
2015	15,250,000	15,250,000	NONE
2016	15,250,000	15,250,000	NONE
2017	15,250,000	15,250,000	NONE

C. RESOLUTION – Village Election – No Registration Day

On motion of Trustee Mayer, seconded by Deputy Mayor Underhill, the Board approved the following resolution:

BE IT RESOLVED the hours for Village Election Day, Tuesday, March 20, 2018 be set from 6:00am to 9:00pm, 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 County Board of Elections requesting possible use of up to four voting machines.

BE IT RESOLVED the Village Clerk is authorized to appoint up to four inspectors each from the Democratic and Republican parties to serve on Election Day, as needed, at a rate of \$12.00 per hour.

BE IT RESOLVED that there will be no Village registration day.

D. RESOLUTION – Designation of Budget Officer – 2018-2019 Fiscal Year

On motion of Deputy Mayor Underhill, seconded by Trustee Poorman, the Board approved the following resolution:

WHEREAS, pursuant to Village Law, the Village of Bronxville is required to prepare an annual operating budget for the purposes of detailing the annual financial plan of the Village; and

WHEREAS, also pursuant to Village Law, the Budget Officer is responsible for preparing the budget document and to work closely with the chief fiscal officer and department heads to develop a realistic tentative budget and to present it to the Village Board of Trustees; and

WHEREAS, consistent with Village Law, Chapter 61 of the Code of the Village of Bronxville authorizes the Mayor and Village Board of Trustees to designate the Village Administrator as Budget Officer;

NOW THEREFORE, BE IT RESOLVED:

That the Mayor and Village Board of Trustees hereby designate the Village Administrator as Budget Officer for the 2018-19 fiscal year responsible for preparing the operating budget of the Village of Bronxville in accordance with Village Law.

E. RESOLUTION – To Schedule a Public Hearing for Proposed Local Law to Amend the Vehicle and Traffic Law of the Village of Bronxville Section 290-28A

On motion of Trustee Mayer, seconded by Trustee Poorman, the Board approved the following resolution:

WHEREAS, the Board of Trustees (the “Board”) of the Village of Bronxville (the “Village”) requested Village Counsel to draft a local law revising the Section 290-28 A (1) of the Village Code. The amendment describes additional areas on Avon Road where parking is prohibited.

WHEREAS, having received proposed Local Law, the Board is prepared to hold a public hearing on such proposed law,

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. A public hearing on proposed Local Law 1-2018 will be held on the 12th of February, 2018 at 8:00 p.m. at Village Hall located at 200 Pondfield Road, Bronxville, N.Y.
2. The Village Board directs that all requisite notices be published in accordance with applicable laws and regulations.

PUBLIC COMMENT

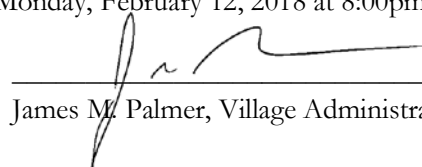
Before opening up public comment, Mayor Marvin announced that comments will be limited to five minutes per person. She reminded the public that the forum should be used to make statements or suggestions only.

Sean Abbott, of the Bronxville Surrealist, made a few comments about the sewer relining project that took place on Halloween night in front of the school.

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There being no further comments, Mayor Marvin adjourned the Regular Meeting at 9:08pm by motion of Deputy Mayor Underhill, seconded by Trustee Poorman.

Next Village Board of Trustee’s Meeting is scheduled for Monday, February 12, 2018 at 8:00pm.


James M. Palmer, Village Administrator