

**MINUTES OF REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE
VILLAGE OF BRONXVILLE HELD JANUARY 11, 2021
AT THE VILLAGE HALL, 200 PONDFIELD ROAD, BRONXVILLE, N.Y.**

PRESENT:	Mary C. Marvin	Mayor
	Robert S. Underhill	Deputy Mayor
	Bill Fredericks	Trustee
	Helen Knapp	Trustee
	Mary Taylor Behrens	Trustee
ALSO PRESENT:	James Palmer	Village Administrator
	James Staudt	Village Attorney
	Stephen Shallo	Asst. to Village Administrator
	Paul Taft	Building Inspector
	Stuart MacKintosh	Zoning Board Chair

The public was advised through the Village website, agenda and email alerts that they were also able to join the meeting.

WORK SESSION

At 5:00pm on a motion by Deputy Mayor Underhill, seconded by Trustee Behrens, the Village Board convened a Work Session.

Library Director, Greg Wirszyla, and Catherine Bird, Library Chair, gave a detailed update about ongoing Library programs since March 3, 2020. Bronxville Library is operating with modified hours and remains closed on Sundays. The presentation highlighted 2021 priorities which included restoring pre-pandemic availability (Sunday hours) and expanding programming.

James Palmer, Village Administrator, gave a brief update. He summarized the studies that have been undertaken regarding the Pondfield/Midland intersection and agreed to circulate them to the Village Board.

The Village Board discussed the format for opening the Public Hearings for the proposed Local Laws.

Trustee Behrens suggested that the Village consider additional methods of communication (like an online newsletter) to convey timely Village updates to Villagers.

Trustee Knapp asked about the intersection at Kraft Ave and Park Pl and the Village Administrator stated that plans for improvements there will be further developed

The Village Board re-opened the Regular Meeting at 6:00pm.

MAYOR’S REPORT

Mayor Marvin gave a brief update on what she has been working on. Today was the first day the COVID vaccine is being distributed by specific group. Those eligible should call 833-697-4829 to schedule an appointment for the vaccine. Details about vaccination will also be posted on our website’s homepage under the red banner.

Deputy Mayor Underhill gave a brief update on the Police Community Relations Committee Meeting. They will be finalizing their recommendations by the April 1 deadline.

ADMINISTRATOR’S REPORT

Village Administrator, James Palmer, gave a brief update on what he has been working on.

APPROVAL OF MINUTES

On motion of Trustee Behrens, seconded by Trustee Knapp, the Board approved the minutes of the following meeting:

- 1. December 14, 2020 Regular Meeting held virtually

PUBLIC HEARINGS

On a motion by Trustee Fredericks, seconded by Trustee Behrens, Public Hearings for Proposed Local Laws 1 through 4 were opened.

The Village Board of Trustees discussed these Local Laws. Village Attorney, James Staudt, took the Village Board through the proposed changes.

Public Comment: Several Village residents and former residents made a few comments. The Mayor suggested a running list of comments will be kept and reviewed at a later date.

There being no further comments, on a motion of Deputy Mayor Underhill, seconded by Trustee Knapp, the Public Hearings were closed.

NEW BUSINESS

A. RESOLUTION – SEQRA Determination - Local Law 1-2021, Regarding Chapter 310, Zoning, Site Plan Approval for Certain One-Family Improvements

On a motion by Trustee Knapp, seconded by Trustee Fredericks, the following resolution was unanimously approved,

WHEREAS, Local Law 1-2021 amends the Village’s Zoning Code’s requirements for site plan approval for single family dwellings, and sets standards for the demolition of all structures. With respect to single family dwellings, it gives the Planning Board the authority to conduct site plan review for construction, demolition, alterations and/or improvements over certain thresholds within a 36-month period; and

WHEREAS, the Village completed Part I of the Environmental Form;

NOW THEREFORE, BE IT RESOLVED:

That the Village Board hereby issues Part II and Part III of the Environmental Assessment Form and has determined that the adoption of the law will not result in any Significant Adverse Environmental Impacts.

Proposed Local Law 1-2021, Regarding Chapter 310, Zoning, Site Plan Approval for Certain One-Family Improvements

On a motion by Deputy Mayor Underhill, seconded by Trustee Behrens, the following resolution was unanimously approved subject to clarification by counsel that the local law effective date would be January 11, 2021;

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

Section 1: Section 310-26.A of Chapter 310 the Code of the Village of Bronxville is hereby revised 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, provided, however, that (1) with respect to one-family dwellings, Site Plan Approval (including for demolition) shall be required as provided in § 310-26.D below; (2) building permits for interior alterations only, not involving a change in use, shall not require site plan approval; (3) 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; and (4) 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: There is hereby added to Section 310-26 of Chapter 310 the Code of the Village of Bronxville a new subsection D, titled “Site Plan Approval for Detached One-Family Dwellings”, which shall read as follows:

D. Site Plan Approval for Detached One-Family Dwellings.

- (1) Site plan approval shall be required with respect to the demolition, construction, alteration, or improvement of any detached one-family dwelling that involves or proposes any of the following:
 - (a) The construction of a new one-family dwelling;
 - (b) The “material alteration” of an existing one-family dwelling. For purposes of this Chapter, any demolition, construction, improvement, or other alteration shall be deemed to constitute a “material alteration” if it would involve:
 - [1] An increase in the total FAR of a one-family dwelling by more than 30%;
 - [2] The demolition, removal, or structural alteration of more than 50% of a one-family dwelling’s total exterior walls (measured in linear feet);
 - [3] The demolition, removal, or structural alteration of more than 50% of a one-family dwelling’s total front-yard facing exterior walls (measured in linear feet);
 - [4] Alteration(s) and/or improvement(s) to a one-family dwelling that would both (i) increase the existing FAR by more than 15% and (ii) result in a one-family dwelling of over 6,000 square feet in floor area; or
 - [5] Alteration(s) and/or improvement(s) to a one-family dwelling that would result in a one-family dwelling of over 7,500 square feet in floor area.
 - (c) For purposes of subparagraph (b), above:
 - [1] Demolition, construction, alteration, or improvements proposed in all building permit applications within any 36-month period shall be aggregated to determine if any of the thresholds for “material alteration” have been met; and
 - [2] Exterior walls will be deemed to be the subject of “structural alteration” if, in the judgment of the Building Official, there is reasonable cause to believe that (a) the walls will be, or will have to be, substantially replaced during the construction process, or (b) the walls will not survive the construction process intact.

Section 3: There is hereby added to Section 310-26 of Chapter 310 of the Code of the Village of Bronxville a new subsection E, titled “Demolition”, which shall read as follows:

E. Demolition.

- (1) The following shall be required in connection with site plan approval for demolition:
 - (a) The Planning Board shall not issue site plan approval for any demolition until the Planning Board approves a demolition management plan and site restoration plan. The demolition plan and site restoration plans shall include, but not be limited to:
 - [1] The time frames during which demolition and site restoration may occur and must be completed;
 - [2] A requirement to fill all exposed below-grade areas with soil and that the lot be graded to match adjacent grades, all in compliance with Chapter 257, Stormwater Management and Erosion and Sediment Control;
 - [3] A requirement that all aboveground and overhead utilities be removed;
 - [4] Where, upon satisfaction of the conditions provided below, the Planning Board permits foundation and/or other below-grade infrastructure or materials to remain on the lot, a requirement that a survey showing the locations and dimensions of

such foundation and below-grade infrastructure and materials to remain after demolition be filed with the Building Department;

- [5] A plan to protect trees (including the root systems of trees located on adjacent properties) and other vegetation during demolition operations;
 - [6] A post-demolition landscaping plan in accordance with the Planning Board's requirements, which shall include maintenance of such landscaping and a prohibition against bare areas of soil; and
 - [7] A prohibition against chain-link fencing and gates when demolition is complete.
- (b) If a site plan application for new improvements is pending, the Planning Board shall require that demolition not occur until the new improvements have all required permits and approvals.
 - (c) Where an applicant seeks approval for the foundation and/or other below-grade infrastructure or materials to remain on the lot, the applicant shall submit a certified statement from the applicant's engineer that the foundation and such infrastructure and materials and the methods proposed to cover them are structurally sufficient and will not, under reasonably expected circumstances, cause any instability on the lot within the next 10 years.
 - (d) Exceptions. Where the Building Official determines that the improvement or part thereof creates an immediate threat to the health, safety, or welfare of the community, the Building Inspector may permit demolition to occur without the Planning Board having first issued site plan approval, including a demolition management plan and site restoration plan. The applicant must either concurrently during demolition, or immediately thereafter if it is not feasible to do so concurrently, seek approval from the Planning Board of a site plan and post-demolition site restoration plan, which shall include the same provisions referenced in Subsection E(1) above, and failure to seek such approvals shall be a violation subject to the penalties in the following subsection.

Section 4: Section 310-27.E(1) of Chapter 310 of the Code of the Village of Bronxville is hereby revised in its entirety to read as follows:

- (1) The Planning Board shall review such application and after notice and hearing shall take official action within 62 days after such hearing is completed by (a) granting preliminary approval; (b) granting preliminary approval with modifications (including conditions and safeguards designed to promote the purposes of Article VIII); or (3) disapproving the application, being guided by the standards set forth in § 310-30 of this article. Preliminary approval shall be subject to any site and on-tract improvement requirements imposed pursuant to § 310-29 of this article. The Board shall furnish copies of the decision to the Building Official and the Village Clerk.

Section 5: Section 310-28.C of Chapter 310 of the Code of the Village of Bronxville is hereby revised in its entirety to read as follows:

- C. Statement from Design Review Committee. The application shall be reviewed by the Design Review Committee which shall report to the Planning Board as to the acceptability of the proposal with respect to the factors and criteria related to design/architecture enumerated in § 310-30, and as to any other issues the Committee deems relevant.

Section 6: Section 310-30.A(1) of Chapter 310 of the Code of the Village of Bronxville is hereby revised in its entirety to read as follows:

- (1) Landscape and environment. To prevent the unnecessary destruction or blighting of the Village's landscape or achieved man-made environment, particular consideration shall be given to the following, insofar as practical:
 - (a) Provision for minimal degradation of unique or irreplaceable land types and protection of the water flow of aquifers and other groundwater courses and wetlands;
 - (b) Preservation of desirable land characteristics and significant geological and topographic features;
 - (c) Preservation or replacement of existing trees and treescapes, plants, and other vegetation;
 - (d) Preservation and protection of historical, archaeological and landmark areas and structures;
 - (e) Protection of animal and plant life processes; and

- (f) Underground placement of utility services.

Section 7: Section 310-30.A(2) of Chapter 310 of the Code of the Village of Bronxville is hereby revised in its entirety to read as follows:

- (2) Relationship of structures and open space: To assure that the treatment of built-up areas and open spaces in the Village have been designed so that they relate harmoniously to the terrain and landscape and to existing buildings that have a visual relationship to the proposed development, particular consideration shall be given to:
 - (a) Siting of buildings and accessory structures and equipment;
 - (b) Effects of building height, length, bulk and shadows. This shall include consideration of the visual compatibility of, among other things: height, gross volume, and rhythm of solids to voids created by openings in the façade;
 - (c) Landscape design;
 - (d) Location and layout of walks, drives and other site features;
 - (e) Preservation of views from the site and from adjoining areas;
 - (f) Appropriateness of building architectural style and materials (including colors, textures, and patterns) to ensure visual compatibility with the surrounding buildings and environment;
 - (g) Provisions of screening around and landscape treatment within open parking and service areas;
 - (h) Relationship and scaling of building design and exterior architectural features to the environment to which it is visually related and to the pedestrian; and
 - (i) Likelihood of nuisances.

Section 8: There is hereby added to Article VI of Chapter 310 of the Code of the Village of Bronxville a new section 310-33.1, titled “Penalties”, which shall read as follows:

§ 310.33.1. Penalties. In addition to any other penalties provided in law or in equity, any party violating any of the provisions of this Article VI of the Code of the Village of Bronxville or any condition of a Planning Board approval shall be guilty of a violation (i.e., not a misdemeanor or felony) punishable by a fine of up to \$5,000 for each violation. Each day a given violation continues shall constitute a separate offense.

Section 9: Section 310-44.F(8) of Chapter 310 the Code of the Village of Bronxville is hereby revised in its entirety to read as follows:

- (8) Time for decision on applications to Planning Board for development. Preliminary approval shall be granted or denied on applications for development to the Planning Board within 62 days after completion of the public hearing before the Planning Board, except as otherwise provided in this article or agreed to by the applicant. Final approval shall be granted or denied on applications for development to the Planning Board within 62 days after completion of the public hearing before the Planning Board, except as otherwise provided in this article or agreed to by the applicant.

Section 10: Section 310-44.F(10) of Chapter 310 of the Code of the Village of Bronxville is hereby revised in its entirety to read as follows:

- (10) Reserved.

Section 11: Grandfathering. The provisions of this local law requiring Site Plan Approval in connection with one family dwellings shall not apply to improvements for which a complete Building Permit application is filed with the Village’s Building Department prior to January 11, 2021, except that such proposed alterations or improvements (and any prior improvements) shall be taken into consideration in determining whether any applications filed on or after January 11, 2021 require Site Plan Approval pursuant to the provision of Section 2 above for the enactment of the new § 310-26.D(1)(c)[1].

Section 12: 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 13: This Local Law shall take effect immediately upon filing with the Secretary of State.

B. RESOLUTION – SEQRA Determination - Local Law 2-2021, Regarding Chapter 310, Zoning, Dimensional/Bulk Requirements for One-Family Dwellings

On a motion by Mayor Marvin, seconded by Trustee Fredericks, the following resolution was unanimously approved;

WHEREAS, Local Law 2-2021 amends existing definitions within the Zoning code and adds new ones to provide greater precision and clarity. It also adjusts the dimensional and bulk requirements in the Village's one-family residence zones; and

WHEREAS, the Village completed Part I of the Environmental Form;

NOW THEREFORE, BE IT RESOLVED:

That the Village Board hereby issues Part II and Part III of the Environmental Assessment Form and has determined that the adoption of the law will not result in any Significant Adverse Environmental Impacts.

Proposed Local Law 2-2021, Regarding Chapter 310, Zoning, Dimensional/Bulk Requirements for One-Family Dwellings

On a motion by Deputy Mayor Underhill, seconded by Trustee Knapp, the following resolution was unanimously approved subject to clarification by counsel that the local law effective date would be January 11, 2021;

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

Section 1: The following definitions in Section 310-3 of Chapter 310 the Code of the Village of Bronxville are hereby revised and added as follows:

ALTERATION

Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders, or plumbing, as well as any change in doors, windows, means of ingress or egress, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another. Minor repairs and maintenance shall not be considered alterations.

AREA VARIANCE

The authorization by the Zoning Board of Appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements of the applicable zoning regulations.

BASEMENT

That space of a building, which is partly below grade, which has more than half of its height, measured from floor to ceiling, above the average finished grade of the ground adjoining the building. A basement shall be considered a story if the finished surface of the floor above the basement is:

- A. More than six feet above the average finished grade;
- B. More than six feet above the finished ground level adjoining the building for more than 50% of the total building perimeter;
- C. More than 12 feet above the finished ground level adjoining the building at any point; or
- D. More than six feet above the finished ground level adjoining the building at any point along any side of a building that faces a front yard.

BUILDING

Any structure specifically having a roof supported by walls, columns, piers, and any structural type of frame, and intended for the shelter, housing, or enclosure of persons, animals, chattel, or space; the term "Building" shall include the term "Building, Accessory".

BUILDING, ACCESSORY

A building whose use is related, but incidental and subordinate, to that of the primary building on the lot. Accessory buildings include but are not limited to: garden house; tool house; storage shed; child's playhouse; greenhouse; or private garage or carport for off-street parking of passenger automobiles for residents living on the premises.

BUILDING COVERAGE

That percentage of the lot area covered by the combined area of all buildings, accessory buildings, structures or accessory structures on the lot.

DRIVEWAY

A short, single-lane private road or way that is accessible from a public street and that leads to a home or garage (or a portion of a side or rear yard where parking is permitted, which may include the portion of the driveway located in a side or rear yard), and including the first twenty feet of any paved, cobbled, gravel-covered, or similarly covered area located immediately in front of the portions of a multi-car garage that contains a parking space.

FLOOR AREA

The sum of the gross horizontal areas of the several floors of the building or buildings on a lot measured from the exterior faces of exterior walls or from the center line of party walls separating two buildings, excluding:

- A. Roof areas;
- B. Cellar and basement areas used only for storage or for the operating and maintenance of the building;
- C. Any areas devoted only to accessory off-street parking or loading; and
- D. Open porches, crawl spaces, unenclosed attached decks, and unconditioned enclosed porches or breezeways.

FLOOR AREA RATIO

The gross aggregate floor area, in square feet, of all buildings on a lot, divided by the gross lot area of such lot, in square feet. See § 310-22.E of Article V, Supplementary Regulations and Nonconforming Buildings and Uses.

GRADE PLANE

A reference plane representing the average of the finished ground level adjoining the building at all exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than 6 feet from the building, between the structure and a point 6 feet from the building.

GROSS FLOOR AREA

The gross square feet of space measured from the outside of any exterior wall and the middle of any interior wall separating the space to be measured from an adjoining space owned, leased, or occupied by another and including that portion of the public areas of the building that are included in the leased space and any equipment such as air conditioning, ventilating, elevator shafts, and the like which are within or appurtenant to the space as so defined.

OPEN SPACE

Land area open to the air not occupied by any structures and landscaped or left in its natural state. For example, open space shall not include swimming pools, tennis courts, decks, patios, walkways, driveways, carports, or parking lots, or areas dedicated to the use of permanently installed equipment (such as air conditioning or pool equipment).

STORY

That part of any building, inclusive of basements and cellars where basements and cellars are defined as a story, and vehicular parking levels, comprised between the level of one finished floor and the level of the next higher finished floor, or if there be no higher finished floor, then that part of the building comprised between the level of the highest finished floor and the top of the roof. Screened rooftop parking will not be considered as a story.

STRUCTURE

An assembly of materials forming any construction, framed of component structural parts for occupancy or use. The term “structure” shall include the term “building”, “accessory building”, and “accessory structure”.

STRUCTURE, ACCESSORY

A structure subordinate to the principal building on a lot used for purposes customarily incidental to those of the principal building, and including, but not limited to, the following accessory structures:

- A. Signs;
- B. Walls;
- C. Wireless telecommunications services facilities;
- D. Detached pergolas, porches, patios, terraces, stairs, sheds, and other similar structures;
- E. Swimming pools;
- F. Attached and detached wooden decks; and
- G. Generators, HVAC condensing units, and solar voltaic panels.

Section 2: The definition of the word “Coverage” in Section 310-3 of Chapter 310 the Code of the Village of Bronxville is hereby deleted in its entirety, as it has been replaced with a definition of the term “Building Coverage”.

Section 3: The definition of the term “Separate Building” in Section 310-3 of Chapter 310 of the Code of the Village of Bronxville is hereby deleted in its entirety.

Section 4: Section 310-8 of Chapter 310 of the Code of the Village of Bronxville is hereby revised in its entirety as follows:

§ 310-8. One-Family Residence AAA District.

A. Use. In a One-Family Residence AAA District, no building or premises shall be used and no building or part of a building shall be erected which is arranged, intended or designed to be used, in whole or in part, for any purpose, except the following:

- (1) One-family dwelling, not to exceed one such dwelling on each lot.
- (2) Municipal parks and playgrounds, including customary recreational, refreshment and service buildings.
- (3) Places of worship, including parish houses and religious school buildings and schools, including uses customarily accessory thereto subject to the following requirements:
 - (a) Notwithstanding any other provisions contained in this chapter, no building shall exceed a height of 42 feet nor shall the number of stories at any point along the periphery of such building exceed three stories at any point along the periphery of such building exceed three stories. Chimneys, flues, towers, bulkheads, spires and other decorative features shall be exempt from the provisions of this subsection, provided that they occupy not more than 20% of the area of the roof of the building of which they are a part.
 - (b) No building or part thereof shall be erected nearer than 50 feet to any street line nor nearer to any property line other than a street line than 50 feet or two times the height of such building, whichever is the greater distance.
 - (c) The sum of all areas covered by all principal and accessory buildings shall not exceed 25% of the area of the lot.
 - (d) Courts shall conform to the requirements of Subsection I of § 310-11 of this chapter.
 - (e) Any private school permitted under this Subsection shall be a nonprofit organization within the meaning of the Internal Revenue Code of 1954, as amended, and shall be registered effectively as such thereunder.
- (4) Accessory uses, limited to the following:
 - (a) Home occupations, as defined in § 310-42F(1)(a) of this chapter, provided that the home occupation has no nonresident employees and no regular visitors (with the exception of dancing, music or other instruction where groups of up to four pupils may be present at any one time). The term "nonresident employee" shall include those persons engaged in the business enterprise or business activity and shall not include domestic employees. Home occupations with a nonresident employee and/or regular visitors shall require a special permit as set forth in § 310-42F of this chapter. All home occupations must meet the following standards:
 - [1] The home occupation shall occupy no more than 30% of the total gross floor area of the main floor of the principal structure, up to a maximum of 400 square feet.
 - [2] The residential character of the building(s) shall not be altered.
 - [3] There may be no more than one sign identifying the home occupation, located either on the house or mail box. The sign shall not exceed one square foot in size.
 - [4] There shall be no display of products visible from the street.
 - [5] There shall be no outdoor storage of commercial vehicles.
 - [6] There shall be no retail sales on the premises.

- [7] There shall be no manufacturing or assemblage on the premises.
 - [8] No home occupation shall create environmental impacts (for example but not limited to noise, dust, odor or fire hazard) or any other hazard or nuisance to any greater or more frequent extent than that usually experienced in the district.
 - [9] The home occupation shall not be conducted out-of-doors on the site.
 - [10] The home occupation and its location in the home and/or its accessory buildings must comply with the New York State Uniform Fire Prevention and Building Code.
- (b) Garden house, tool house, playhouse, greenhouse or swimming pool, playsets and other recreational structures incidental to the residential use of the premises and not operated for gain, subject to the following requirements.
- [1] No part of any swimming pool shall be nearer than 20 feet to any property line nor, except in the case of a corner lot, nearer to any street line than that rear wall of the main building which is located nearest to the street. On a corner lot, a pool may project within a distance of one of the bounding streets equal to the required front yard.
 - [2] Swimming pools shall be screened from the view of abutting properties by means of an opaque fence or a thick hedge with a height of not less than 6 1/2 feet, in addition to applicable requirements of the New York State Uniform Fire Prevention and Building Code.
 - [3] Recreational structures shall be set back a minimum of 10 feet from any property line and shall be screened from the view of abutting properties by means of an opaque fence or a thick hedge with a height of not less than 6 1/2 feet. No recreational structure shall be sited within any front yard, as defined in § 310-3 of this chapter.
 - [4] Sheds, garden houses and tool houses shall be set back a minimum of five feet from any property line and shall be screened from the view of abutting properties by means of an opaque fence or a thick hedge with a height of not less than 6 1/2 feet. No shed, garden house or tool house shall be sited within any front yard, as defined in § 310-3 of this chapter.
- (c) Private garage for passenger automobiles of residents on the premises, including the leasing to nonresident of the premises of space for not more than one such automobile. Detached garages (i.e. garages that do not share at least one common wall with a dwelling) shall not be sited within any front yard, as defined in § 310-3 of this chapter, except as otherwise permitted and shall be granted a reduced setback of 10 feet from any property line, provided that the following requirements are met:
- [1] A maximum height of 10 feet for flat roofs.
 - [2] A maximum height of 15 feet for pitched roofs.
- In addition, detached garages may not exceed 1 1/2 stories.
- (d) The keeping of a reasonable number of customary household pets but excluding the commercial breeding or keeping of same.
 - (e) Fences or garden walls.
 - (f) Solar energy systems, as defined and subject to the supplementary standards in § 310-22F of this chapter.
 - (g) Geothermal energy systems, as defined in § 310-22G of this chapter.
- (5) Special permit uses. The Planning Board may allow the following uses by special permit, as regulated in Article VII of this chapter:
- (a) Satellite earth stations and communications facilities.
 - (b) Renewable energy systems, as defined in § 310-22G of this chapter, except no special permit is required for geothermal energy systems.

- B. Height. Except as provided in Subsection A(3) hereof, no building shall be erected to a height in excess of 30 feet, nor shall the number of stories at any point along the periphery of any building exceed 2 1/2. Chimneys, flues, towers, bulkheads, spires and other decorative features shall be exempt from the provisions of this subsection, provided that they occupy not more than 20% of the area of the building of which they are a part., and (other than chimneys and flues) are located at least 50 feet from any lot line.
- C. Lot area, width and depth. The lot area shall not be less than 30,000 square feet and the lot width not less than 150 feet. All lots shall have a minimum depth of 150 feet.
- D. Yards. Except as otherwise permitted or required, the following yards shall be provided on each lot:
 - (1) Front yard. There shall be a front yard along each street line with a depth of not less than 40 feet, except that, where the planes of all walls of a building facing the street intersect the street line at a minimum angle of 25° or more, such building may project to within 20 feet of the street line.
 - (2) Side yard. There shall be a side yard along each lot line with a width of not less than 25 feet; except that in case of a dwelling erected without a garage, one side yard shall be not less than 30 feet wide. In the case of corner lots, the side yard opposite the principal front yard shall be not less than 30 feet wide. Where the planes of all walls of a building facing a side lot line intersect such line at a minimum angle of 25° or more, the lesser-required setback distance may be reduced by five feet, except in the case of a building erected without a garage.
 - (3) Rear yard. There shall be a rear yard having a depth of not less than 45 feet.
 - (4) Exceptions to yard requirements. Cornices or cantilevered roofs may project not more than two feet into a required yard. Belt courses, window sills and other ornamental features may project not more than six inches into a required yard. Fences or garden walls not over 6 1/2 feet in height may be erected anywhere on the lot, except that any such fence or wall erected in any front yard shall be not more than 1/2 solid. Any such fence or wall erected in any front yard of any corner lot shall not obstruct the clear sight triangle at any intersection as provided on § 310-22 of this chapter. Fences or walls with a height in excess of 6 1/2 feet shall conform to the requirements set forth herein for buildings and accessory uses. Paved terraces, steps and walks (other than such as are needed for access to the buildings on the lot) shall not project within 15 feet of a street line or four feet of a property line.
 - (5) Location of accessory buildings on the lot. In addition to complying with all other provisions of this chapter, no accessory building shall project nearer to the street on which the principal building fronts than such principal building, except that, should topographic conditions be such that practical difficulties would be caused by this requirement with respect to the location of garages, the Planning Board may authorize the issuance of a special permit for the erection of such garages within not less than 10 feet of the street line where the natural slope of the ground within 25 feet of such line is between 12% and 20% and within not less than five feet of the street line where such slope within 25 feet of such line exceeds 20%.
- E. Maximum building coverage. Except as provided in Subsection A(3) of § 310-8, the sum of all areas covered by all principal and accessory buildings shall not exceed 17.5% of the area of the lot.
- F. Off-street parking requirements. For each dwelling on any lot there shall be provided on the lot not less than two spaces for the parking or garaging of passenger automobiles. Such spaces shall be directly accessible to a street.
- G. Floor area ratio (FAR). See § 310-22E for FAR controls.
- H. Minimum open space requirement. The minimum open space requirement for a lot shall be 60% of the area of the lot.

Section 5: Section 310-9 of Chapter 310 of the Code of the Village of Bronxville is hereby revised in its entirety as follows:

§ 310-9. One-Family Residence AA District.

- A. Use. In a One-Family Residence AA District, no building or premises shall be used and no building or part of a building shall be erected, which is arranged, intended or designed to be used, in whole or in part, for any purpose, except the following:
 - (1) Any use permitted in One-Family Residence AAA Districts.
- B. Height. Except as provided in Subsection A(3) of § 310-8, no building shall be erected to a height in excess of 30 feet, nor shall the number of stories at any point along the periphery of any building exceed 2

1/2. Chimneys, flues, towers, bulkheads, spires and other decorative features shall be exempt from the provisions of this subsection, provided that they occupy not more than 15% of the area of the roof of the building of which they are a part, and (other than chimneys and flues) are located at least 35 feet from any lot line.

- C. Lot area, width and depth. The lot area shall not be less than 15,000 square feet and the lot width not less than 100 feet. All lots shall have a minimum depth of 120 feet.
- D. Yards. Except as otherwise permitted or required, the following yards shall be provided on each lot:
 - (1) Front yard. There shall be a front yard along each street line with a depth of not less than 35 feet, except that, (a) where the planes of all walls of a building facing the streets intersect the street line at a minimum angle of 25° or more, such building may project to within 25 feet of the street line, or (b) where the average existing front yard setback at the nearest point to the street line for existing dwellings (including any existing dwelling on the subject property) within 300 feet on the same street (or streets, in the case of corner lots) on either side of the property (and including properties on both sides of the street) is less than 35 feet, the front yard along each street line may be as deep (but not deeper than) as the greater of (i) the average existing front yard setback along the street as calculated under this clause (b) or (ii) 25 feet.
 - (2) Side yard. There shall be a side yard along each lot line with a width of not less than 15 feet; except that in case of a dwelling erected without a garage, one side yard shall be not less than 27 feet wide, and except that in all cases (other than corner lots) the total combined width of both side yards shall be not less than 35 feet. In the case of corner lots, the side yard opposite the principal front yard shall be not less than 30 feet wide and the other not less than 15 feet wide, except that in the case of a dwelling erected without a garage, the lesser side yard shall be not less than 27 feet wide. Where the planes of all walls of a building facing a side lot line intersect such line at a minimum angle of 25° or more, the lesser-required setback distance may be reduced by five feet, except in the case of a building erected without a garage.
 - (3) Rear yard. There shall be a rear yard having a depth of not less than 32 feet.
 - (4) Exceptions to yard requirements. Cornices or cantilevered roofs may project not more than two feet into a required yard. Belt courses, window sills and other ornamental features may project not more than six inches into a required yard. Fences or walls not over 6 1/2 feet in height may be erected anywhere on the lot, except that any such fence or wall erected in any front yard shall be not more than 1/2 solid. Any such fence or wall erected in any front yard of any corner lot shall not obstruct the clear sight triangle at any intersection as provided in § 310-22A of this chapter. Fences or walls with a height in excess of 6 1/2 feet shall conform to the requirements set forth herein for buildings. Paved terraces, steps and walks (other than such as are needed for access to the buildings on the lot) shall not project within 15 feet of a street line or four feet of a property line.
 - (5) Location of accessory buildings on the lot. In addition to complying with all other provisions of this chapter, no accessory building shall project nearer to the street on which the principal building fronts than such principal building, except that, should topographic conditions be such that practical difficulties would be caused by this requirement with respect to the location of garages, the Planning Board may authorize the issuance of a special permit for the erection of such garages within not less than 10 feet of the street line where the natural slope of the ground within 25 feet of such line is between 12% and 20% and within not less than five feet of the street line where such slope within 25 feet of such line exceeds 20%.
- E. Maximum building coverage. Except as provided in Subsection A(3) of § 310-8, the sum of all areas covered by all principal and accessory buildings shall not exceed 22.5% of the area of the lot.
- F. Off-street parking requirements. For each dwelling on any lot there shall be provided on the lot not less than two spaces for the parking or garaging of passenger automobiles. Such spaces shall be directly accessible to a street.
- G. Floor area ratio (FAR). See § 310-22E for FAR controls.
- H. Minimum open space requirement. The minimum open space requirement for a lot shall be 55% of the area of the lot.

Section 6: Section 310-10 of Chapter 310 of the Code of the Village of Bronxville is hereby revised in its entirety as follows:

§ 310-10. One Family Residence A District.

- A. Use. In a One-Family Residence A District no building or premises shall be used and no building or part of a building shall be erected which is arranged, intended or designed to be used, in whole or in part, for any purpose, except the following:
 - (1) Any use permitted in One-Family Residence AA Districts.
- B. Height. Except as provided in Subsection A(3) of § 310-8, no building shall be erected to a height in excess of 30 feet, nor shall the number of stories at any point along the periphery of any building exceed 2 1/2. Chimneys, flues, towers, bulkheads, spires and other decorative features shall be exempt from the provisions of this subsection, provided that they occupy not more than 20% of the area of the roof of the building of which they are a part.
- C. Lot area, width and depth. The lot area shall not be less than 12,000 square feet and the lot width not less than 80 feet. All lots shall have a minimum depth of 100 feet.
- D. Yards. Except as otherwise permitted or required, the following yards shall be provided on each lot:
 - (1) Front yard. There shall be a front yard along each street line with a depth of not less than 30 feet, except that, (a) where the planes of all walls of a building facing the street intersect the street line at a minimum angle of 25° or more, such building may project to within 20 feet of the street line, and (b) where the average existing front yard setback at the nearest point to the street line for existing dwellings (including any existing dwelling on the subject property) within 300 feet on the same street (or streets, in the case of corner lots) on either side of the property (and including properties on both sides of the street) is less than 30 feet, the front yard along each street line may be as deep as (but not deeper than) the greater of (i) the average existing front yard setback along the street as calculated under this clause (b) or (ii) 25 feet.
 - (2) Side yard. There shall be a side yard along each lot line with a width of not less than 15 feet; except that in case of a dwelling erected without a garage, one side yard shall be not less than 27 feet wide. In the case of corner lots, the side yard opposite the principal front yard shall be not less than 30 feet wide and the other not less than 15 feet wide, except that in the case of a dwelling erected without a garage, the lesser side yard shall be not less than 27 feet wide. Where the planes of all walls of a building facing a side lot line intersect such line at a minimum angle of 25° or more, the lesser-required setback distance may be reduced by five feet, except in the case of a building erected without a garage.
 - (3) Rear yard. There shall be a rear yard having a depth of not less than 30 feet.
 - (4) Exceptions to yard requirements. Cornices or cantilevered roofs may project not more than two feet into a required yard. Belt courses, window sills and other ornamental features may project not more than six inches into a required yard. Fences or walls not over 6 1/2 feet in height may be erected anywhere on the lot, except that any such fence or wall erected in any front yard shall be not more than 1/2 solid. Any such fence or wall erected in any front yard of any corner lot shall not obstruct the clear sight triangle at any intersection as provided in § 310-22A of this chapter. Fences or walls with a height in excess of 6 1/2 feet shall conform to requirements set forth herein for buildings. Paved terraces, steps and walks (other than such as are needed for access to the buildings on the lot) shall not project within 15 feet of a street line or four feet of a property line.
 - (5) Location of accessory buildings on the lot. In addition to complying with all other provisions of this chapter, no accessory building shall project nearer to the street on which the principal building fronts than such principal building, except that, should topographic conditions be such that practical difficulties would be caused by this requirement with respect to the location of garages, the Planning Board may authorize the issuance of a special permit for the erection of such garages within not less than 10 feet of the street line where the natural slope of the ground within 25 feet of such is between 12% and 20% and within not less than five feet of the street line where such slope within 25 feet of such line exceeds 20%.
- E. Maximum building coverage. Except as provided in Subsection A(3) of § 310-8, the sum of all areas covered by all principal and accessory buildings shall not exceed 22.5% of the area of the lot.
- F. Off-street parking requirements. For each dwelling on any lot there shall be provided on the lot not less than one space for the parking or garaging of passenger automobiles. Such space shall be directly accessible to a street.
- G. Floor area ratio (FAR). See § 310-22E for FAR controls.
- H. Minimum open space requirement. The minimum open space requirement for a lot shall be 55% of the area of the lot.

Section 7: Section 310-22.D of Chapter 310 of the Code of the Village of Bronxville is hereby amended in its entirety as follows:

§ 310.22. Supplementary regulations.

- D. Parking in front yards prohibited in residential districts. Parking spaces or parking areas, with the exception of driveways, shall not be permitted within front yards in any residential district in the Village. For purposes of this section, the portion of any driveway (excluding the 20 feet immediately in front of any garage) that is wider than 12 feet shall be considered to be part of a parking area, except that in the three feet of a driveway closest to the curb the width of the driveway may gradually fan out to a width of up to 16 feet at the curb. The parking or storage of vehicles upon lawns or other unimproved areas shall not be permitted on any lot improved by a dwelling structure in any residential district in the Village. Circular driveways are deemed front yard parking, except in the One Family Residence AAA District. In addition, all driveways shall be set back at least 3 feet from any side yard lot line. Notwithstanding any provision in this Code to the contrary, no existing curb cut may be widened or moved, nor any new curb cut made that is wider than 16 feet at the curb, without both (a) a variance and (b) approval, to the extent any driveway is built on Village property, from the Department of Buildings. Where additional parking space is sought in a side yard adjacent to any portion of any permitted driveway space that is located immediately in front of a garage, the width of such additional parking space may not extend more than 8.5 feet towards the adjacent side yard lot line, nor may the length of such additional parking space be more than 20 feet.

Section 8: Section 310-22.E of Chapter 310 of the Code of the Village of Bronxville is hereby revised in its entirety as follows:

§ 310-22. Supplementary regulations.

E. Floor area ratio (FAR) controls.

- (1) Definition of "floor area ratio" (for a lot whose principal use is a one- or two-family dwelling): the ratio of the gross floor area of all buildings on a lot to the area of the lot on which the buildings are located. For the purpose of determining the floor area ratio (FAR), all floor areas of each floor of all principal and all accessory structures on the lot shall be included. Any interior space with a floor-to-ceiling height in excess of 14 feet shall be counted twice. Notwithstanding the preceding, the following shall be excluded from the calculation of floor area:
- (a) The aggregate area of all unroofed structures such as decks and patios and all spaces in unenclosed porches and porticos, except that existing unenclosed porches may be enclosed and the enclosed area excluded from the FAR calculation, provided that the exterior walls of the unenclosed porch and the walls of the dwelling to which the porch is attached are not relocated closer to the lot lines of the subject property than the existing unenclosed porch.
- (b) The aggregate area of any cellar regardless of its use unless it is defined as a story or of any basement unless it is defined as a story. See "basement" definition.
- (c) The aggregate area, up to a maximum of 400 square feet, of grade-level garage parking (whether attached or detached) or basement-level parking. In those instances where an additional story is provided above an attached garage, (i) 100% of such floor area shall be included in the FAR if such floor area would not be excluded by applying the attic and sloping roof limitations in Subsection E(1)(d) below, and (ii) the first 400 square feet only of such floor area immediately below the roof shall be excluded from the FAR, if the entire floor area would otherwise be excluded pursuant to the attic and sloping roof limitations in Subsection E(1)(d) below. In those instances where an additional story is provided above a detached garage, (i) 100% of such floor area shall be included in the FAR if such floor area would not be excluded by applying the attic and sloping roof limitations in Subsection E(1)(d) below, and (ii) the first 400 square feet only of such floor area immediately below the roof shall be excluded from the FAR, provided that (I) the entire floor area would otherwise be excluded pursuant to the attic and sloping roof limitations in Subsection E(1)(d) below and (II) the 400 square foot exclusion referenced at (ii) above shall be reduced (but not below zero) by the amount (measured in square feet), if any, by which the total square footage of the floor area immediately below the roof exceeds 400 square feet.
- (d) Except as provided above, the aggregate area of all unfinished or finished space in an attic or under a sloping roof, provided that the total exterior width of all dormers does not exceed 30% of the exterior linear width of the portion of the roof upon which they are situated. The exterior linear width of the roof shall be measured from end to end at the

widest point of the roof. Where the linear width of the dormers exceeds the limitation above, the total area in the attic or under the sloping roof shall be included in the calculation of FAR, except for that floor area where the vertical distance between the top of the floor beams and the structural ceiling level is five feet or less.

- (2) FAR Schedule. The maximum allowable FAR for a lot shall be determined by the following Residential FAR (Floor Area Ratio) Schedule. To determine the maximum gross floor area permitted for an individual one- or two-family house, the actual lot size shall be multiplied by the FAR listed in, or computed in accordance with, the schedule for the appropriate lot size category. Any houses over 7,500 square feet in floor area shall be subject to site plan review by the Planning Board.
- (3) Applicants for building permits for structures whose total floor area exceeds the maximum permitted FAR shall seek an area variance from the Zoning Board of Appeals in accordance with § 310-51 of the Bronxville Zoning Code. In considering the variance application, the Zoning Board of Appeals may in its discretion consider the design guidelines set forth in § 310-51C(2), and §§ 310-30.A(1) and (2). The Zoning Board of Appeals may also, in its discretion, refer the application to the Design Review Committee for an advisory opinion.
 - (a) Any application for an area variance for FAR for a structure shall require the submission of the following additional materials, in addition to those required for any other area variance:
 - [1] Elevations of the houses on both sides of the subject structure;
 - [2] Photographs of neighboring houses, structures, and yards within 200 feet on either side of the subject structure; and
 - [3] Floor area ratios of neighboring houses on similarly sized lots within 200 feet on either side of the subject structure.
 - (b) The applicant shall also provide written or verbal testimony addressing the proofs required for area variances.

Residential FAR (Floor Area Ratio) Schedule

Floor Area Ratio (FAR)		
Lot Size (sq. ft.)	Maximum FAR	Maximum Gross Floor Area
[See Note (1)]		(sq. ft.)
Less than 5,000	0.490	
5,000	0.470	2,350
6,000	0.450	2,700
7,000	0.430	3,010
8,000	0.410	3,280
9,000	0.390	3,510
10,000	0.370	3,700
11,000	0.360	3,960
12,000	0.350	4,200
13,000	0.340	4,420
14,000	0.330	4,620
15,000	0.320	4,800
16,000	0.310	4,960
17,000	0.300	5,100
18,000	0.290	5,220
19,000	0.280	5,320
20,000	0.270	5,400
21,000	0.265	5,565

22,000	0.260	5,720
23,000	0.255	5,865
24,000	0.250	6,000
25,000	0.245	6,125
26,000	0.240	6,240
27,000	0.235	6,345
28,000	0.230	6,440
29,000	0.225	6,525
30,000	0.220	6,600
31,000	0.215	6,665
32,000	0.210	6,720
33,000	0.205	6,765
34,000	0.200	6,800
35,000	0.200	7,000
36,000	0.195	7,020
37,000	0.195	7,215
38,000	0.190	7,220
Greater than 39,000	0.190	

Notes:

- (1) Each lot size range represents 1 to 999 square feet. FAR must be interpolated for any values that fall between the lot sizes indicated. For example a lot of 12,500 square feet would have a FAR of 0.345.

Section 9: Grandfathering. The provisions of this local law which make the area requirements of the Code (including, but not limited to, bulk, height, dimensions, yard, and setbacks) more restrictive than those in effect immediately preceding the effective date of this law shall not apply to improvements for which a complete Building Permit application is filed with the Village’s Building Department prior to January 11, 2021.

Section 10: 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 11: This Local Law shall take effect immediately upon filing with the Secretary of State.

C. RESOLUTION – SEQRA Determination - Local Law 3-2021, Regarding Chapter 310, Zoning, Supplementary Standards for Affordable Housing

On a motion by Trustee Fredericks, seconded by Trustee Behrens, the following resolution was unanimously approved:

WHEREAS, Local Law 3-2021 amends the Zoning code to include standards for the provision of affordable housing units; and

WHEREAS, the Village completed Part I of the Environmental Form;

NOW THEREFORE, BE IT RESOLVED:

That the Village Board hereby issues Part II and Part III of the Environmental Assessment Form and has determined that the adoption of the law will not result in any Significant Adverse Environmental Impacts.

Proposed Local Law 3-2021, Regarding Chapter 310, Zoning, Supplementary Standards for Affordable Housing

On a motion by Trustee Behrens, seconded by Trustee Fredericks, the following resolution was unanimously approved,

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

Section 1: There is hereby added to Article V of Chapter 310 of the Code of the Village of Bronxville a new Section 310.25-1, titled “Supplementary standards for the provision of affordable housing units”, which shall read as follows:

§ 310.25-1 Supplementary standards for the provision of affordable housing units

A. Definitions. As used in this section, the following terms shall have the meaning indicated:

AFFORDABLE AFFIRMATIVELY FURTHERING FAIR HOUSING (AFFH) UNIT

- (1) A for-purchase housing unit that is affordable to a household whose income does not exceed 80% of the area median income (AMI) for Westchester as defined annually by the United States Department of Housing and Urban Development (HUD) and for which the annual housing cost of a unit, including common charges, principal, interest, taxes and insurance (PITI), does not exceed 33% of 80% AMI, adjusted for family size and that is marketed in accordance with the Westchester County Fair and Affordable Housing Affirmative Marketing Plan; and
- (2) A rental unit that is affordable to a household whose income does not exceed 60% AMI and for which the annual housing cost of the unit, defined as rent plus any tenant-paid utilities, does not exceed 30% of 60% of AMI adjusted for family size and that is marketed in accordance with the Westchester County Fair and Affordable Housing Affirmative Marketing Plan.

B. Required affordable AFFH unit component.

- (1) Within all residential developments of 10 or more units created after the effective date of this law by subdivision or site plan approval, no fewer than 10% of the total number of units must be created as AFFH units. In residential developments of five to nine units, at least one AFFH unit shall be created. Rounding shall be done as follows: for 10 to 14 housing units: one AFFH unit; for 15 to 24 housing units: two AFFH units; then continuing in like increments as the number of housing units increase.
- (2) No preferences shall be utilized to prioritize the selection of income-eligible tenants or purchasers for AFFH units created under this subsection.
- (3) Notwithstanding the above, all such AFFH units, whether for purchase or for rent, shall be marketed in accordance with the Westchester County Fair and Affordable Housing Affirmative Marketing Plan.

C. Maximum rent and sales price. The maximum monthly rent for an AFFH unit and the maximum gross sales price for an AFFH unit shall be established in accordance with United States Department of Housing and Urban Development guidelines as published in the current edition of the "Westchester County Area Median Income (AMI) Sales and Rent Limits" available from the County of Westchester.

D. Time period of affordability. Units designated as AFFH units must remain for a minimum of 50 years from date of initial certificate of occupancy for rental properties and from date of original sale for ownership units.

E. Property restriction. A property containing any AFFH units must be restricted using a mechanism such as a declaration of restrictive covenants in recordable form acceptable to municipal counsel which shall ensure that the AFFH unit shall remain subject to regulations for the minimum fifty-year period of affordability. Among other provisions, the covenants shall require that the unit be the primary residence of the resident household selected to occupy the unit. Upon approval, such declaration shall be recorded against the property containing the AFFH unit prior to the issuance of a certificate of occupancy for the development.

F. Unit appearance and integration.

- (1) Within single-family developments, the AFFH units may be single-family homes or if the Planning Board so elects, they may be incorporated into one or more two-family homes. If the Planning Board so elects, one or more AFFH units may be located on a lot meeting 75% of the minimum lot area for the single-family homes in the development. Each such two-family home shall be located on a lot meeting the minimum lot area for the single-family homes in the development. All such units shall be indistinguishable in appearance, siting and exterior design from the other single-family homes in the development, to the furthest extent possible. Interior finishes and furnishings may be reduced in quality and cost to assist in the lowering of the cost of development of the AFFH units.
- (2) Within multifamily developments, the AFFH units shall be physically integrated into the design of the development, and where multiple AFFH units are required, to the extent feasible, they shall be distributed among various sizes (efficiency, one-, two-, three- and four-bedroom units) in the same proportion as all other units in the development. The AFFH units shall not be distinguishable from other market rate units from the outside or building exteriors. Interior finishes and furnishings may be reduced in quality and cost to assist in the lowering of the cost of development of the AFFH units.

G. Minimum floor area. The minimum gross floor area per AFFH unit shall not be less than 80% of the average floor area of nonrestricted housing units in the development and no less than the following:

Minimum Gross Floor Area	
Dwelling Unit	(square feet)
Efficiency	450
1-bedroom	675
2-bedroom	750
3-bedroom	1,000 (including at least 1.5 baths)
4-bedroom	1,200 (including at least 1.5 baths)

For the purposes of this section, paved terraces or balconies may be counted toward the minimum gross floor area requirement in an amount not to exceed 1/3 of the square footage of such terraces or balconies.H.
Occupancy standards. For the sale or rental of AFFH units, the following occupancy schedule shall apply:

Number of Bedrooms	Number of Persons
Efficiency	Minimum: 1, Maximum: 1
1	Minimum: 1, Maximum: 3
2	Minimum: 2, Maximum: 5
3	Minimum: 3, Maximum: 7
4	Minimum: 4, Maximum: 9

- I. Affirmative marketing. The AFFH units created under the provisions of this section shall be sold or rented, and resold and re-rented during the required period of affordability, to only qualifying income-eligible households. Such income-eligible households shall be solicited in accordance with the requirements, policies and protocols established in the Westchester County Fair and Affordable Housing Affirmative Marketing Plan so as to ensure outreach to racially and ethnically diverse households.
- J. Resale requirements.

- (1) In the case of owner-occupied AFFH units, the title to said property shall be restricted so that in the event of any resale by the home buyer or any successor, the resale price shall not exceed the then-maximum sales price for said unit, as determined in this law, or the sum of: (i) the net purchase price (i.e., gross sales prices minus subsidies) paid for the unit by the selling owner, increased by the percentage increase, if any, in the Consumer Price Index for Urban Wage Earners and Clerical Workers in the New York-Northern New Jersey Area, as published by the United States Bureau of Labor Statistics (the "Index") on any date between a) the month that was two months earlier than the date on which the seller acquired the unit and b) the month that is two months earlier than the month in which the seller contracts to sell the unit. If the Bureau stops publishing this index and fails to designate a successor index, the Village of Bronxville will designate a substitute index; and (ii) the cost of major capital improvements made by the seller of

the unit while said seller of the unit owned the unit as evidenced by paid receipts depreciated on a straight-line basis over a fifteen-year period from the date of completion and such approval shall be requested for said major capital improvements no later than the time the seller of the unit desires to include it in the resale price.

- (2) Notwithstanding the foregoing, in no event shall the resale price exceed an amount affordable to a household at 80% of AMI at the time of the resale.

K. Lease renewal requirements.

- (1) Applicants for rental AFFH units shall, if eligible and if selected for occupancy, sign leases for a term of no more than two years. As long as a resident remains eligible and has complied with the terms of the lease, said resident shall be offered renewal leases for a term of no more than two years each. Renewal of a lease shall be subject to the conditions of federal, state or county provisions that may be imposed by the terms of the original development funding agreements for the development or to the provisions of other applicable local law.
- (2) If no such provisions are applicable and if a resident's annual gross income should subsequently exceed the maximum then allowable, as defined in this law, then said resident may complete their current lease term and shall be offered a nonrestricted rental unit available in the development at the termination of such lease term, if available. If no such dwelling unit shall be available at said time, the resident may be allowed to sign one additional one-year lease for the AFFH unit they occupy but shall not be offered a renewal of the lease beyond the expiration of said term.

L. Administrative and monitoring agency. The County of Westchester shall be responsible for monitoring the AFFH units during the units' periods of affordability and for monitoring compliance with the affirmative marketing responsibilities of those creating the AFFH units.

M. Expedited project review process.

- (1) Preapplication meeting. The Planning Board's preapplication meeting process shall be followed in connection with developments which include AFFH units. The purposes of the preapplication meeting will include discussion of means to expedite the development application review process through:
 - (a) The early identification of issues, concerns, code compliance and coordination matters that may arise during the review and approval process.
 - (b) The establishment of a comprehensive review process outline, proposed meeting schedule and conceptual timeline.
- (2) Meeting schedule and timeline. Village departments, boards, committees and staff shall endeavor to honor the proposed meeting schedule and conceptual timeline established as an outcome of the preapplication process to the greatest extent possible during the review and approval process, subject to the demonstrated cooperation of the applicant to adhere to same. Should the approval process extend beyond one year, an applicant for a development including AFFH units shall be entitled to at least one additional meeting per year with the same departments, boards, or committees to review any and all items discussed at previous preapplication meetings.
- (3) Calendar/agenda priority. Municipal departments, boards, or committees with review or approval authority over applications for developments which include AFFH units shall give priority to such applications by placing applications for developments including AFFH units high enough on all meeting and work session calendars and agendas so they will not be bumped to a subsequent meeting, because of lack of time and, when feasible based on the ability to conduct required reviews and public notice, with the intent of shortening minimum advance submission deadlines to the extent practicable.

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.

D. RESOLUTION – SEQRA Determination - Local Law 4-2021, Regarding Chapter 310, Zoning, And Chapter 112, Building Construction, Regarding Notice

On a motion by Mayor Marvin, seconded by Trustee Fredericks, the following resolution was unanimously approved:

WHEREAS, Local Law 4-2021 amends the Zoning code to provide greater notice of neighbors of Planning Board and Zoning Board decisions; and

WHEREAS, the Village completed Part I of the Environmental Form;

NOW THEREFORE, BE IT RESOLVED:

That the Village Board hereby issues Part II and Part III of the Environmental Assessment Form and has determined that the adoption of the law will not result in any Significant Adverse Environmental Impacts.

Proposed Local Law 4-2021, Regarding Chapter 310, Zoning, And Chapter 112, Building Construction, Regarding Notice

On a motion by Trustee Fredericks, seconded by Trustee Knapp, the following resolution was unanimously approved,

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

Section 1: Section 310-44.F(5) of Chapter 310 of the Code of the Village of Bronxville is hereby revised in its entirety as follows:

- (5) Decisions to be furnished to applicant and others. A copy of each decisions shall be mailed by the Planning Board without charge within 30 days after the date of decision to the applicant or, if represented, to his or her attorney and to all others upon request for a reasonable fee. In addition, the Planning Board, as a condition of a grant of any application (in whole or in part) (particularly where the grant is conditioned on the fulfillment of conditions such as the maintenance of landscaping into the future), may require that the applicant mail a copy of the decision to those persons within the vicinity of the property who were required to receive notice of the hearing on the application at issue, and to file proof of such mailing with the Building Department.

Section 2: Section 310-52.H of Chapter 310 of the Code of the Village of Bronxville is hereby revised in its entirety as follows:

- H. Every decision of the ZBA shall be filed in the office of the Village Clerk within five business days after the day such decision is rendered and a copy thereof mailed to the applicant. In addition, as a condition of the grant of any application (in whole or in part) (particularly where the grant is conditioned on the fulfillment of conditions such as the maintenance of landscaping into the future), the ZBA may require that the applicant mail a copy of its decision to some or all persons within the vicinity of the property who were required to receive notice of the hearing on the application at issue, and to file proof of such mailing with the Building Department.

Section 3: There is hereby added to Section 112-9 of Chapter 112 of the Code of the Village of Bronxville a new subsection F, titled “Summary Project Statement”, which shall read as follows:

F. Summary Project Statement

- (1) At the same time that an applicant submits an application for a building permit or otherwise submits proposed plans for construction or demolition (but excluding permits or plans that relate solely to interior renovations and that do not involve any change to the use of the property, the exterior dimensions of a building or any accessory structure, or to any driveway or parking area), the applicant shall prepare a summary project statement, which:
- (a) identifies the property at issue by street address;
 - (b) identifies by name, address, telephone number and email, the applicant or a representative of the applicant;
 - (c) briefly summarizes the nature (e.g. proposed home addition, proposed demolition, proposed driveway alteration, etc.) and rationale of the submission; and
 - (d) states that the publicly filed copies of plans and relevant supporting materials are available for inspection by prior appointment at the Building Department.

- (2) The Superintendent of Buildings shall send copies of such summary project statements to the Chair and Vice Chair of the Planning Board and the Zoning Board of Appeals (ZBA).
- (3) The applicant shall be required to provide a copy of the summary project statement to any property owner within 100 feet of the subject property by certified mail or registered mail within ten (10) days of submitting said building permit application or proposed plans for construction or demolition. Should the Chair or Vice Chair of the Planning Board, or the Chair or Vice Chair of the ZBA, deem an area beyond 100 feet of the subject property to be affected by the application, he or she may require that the applicant send a copy of the summary project statement to the property owners within not more than 200 feet of said property by certified mail or registered mail. The Chair of either the Planning Board or the ZBA may also authorize the required notice to neighboring property owners to be provided by the applicant via less expensive means (such as regular mail, electronic mail, and/or hand delivery), as long as the applicant files a signed certificate with the Building Department attesting to such notice having been duly issued, in a form approved by the Building Department.
- (4) An applicant's failure to comply with the provisions of this section shall constitute grounds for denying any requested permit or variance, or for delaying the commencement of any time period otherwise established under this Chapter for any Village official or Board to take any action or undertake any review.

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.

E. RESOLUTION – Board of Trustees Calendar 2021

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

2021 Board of Trustees - Meeting Calendar

Monday, January 11, 2021
Monday, February 8, 2021
Monday, March 8, 2021
Monday, April 12, 2021
Monday, May 10, 2021
Monday, June 14, 2021
Monday July 12, 2021
Monday, September 13, 2021
Tuesday, October 12, 2021
Monday, November 8, 2021
Monday, December 13, 2021

F. RESOLUTION – Appointing a Budget Officer for Fiscal Year 2021-2022

On a motion by Mayor Marvin, seconded by Trustee Fredericks, the following resolution was unanimously approved:

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 2021-22 fiscal year responsible for preparing the operating budget of the Village of Bronxville in accordance with Village Law.

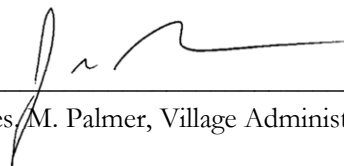
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No Trustee Comment

No Resident Comments

The meeting was adjourned at 6:49pm on a motion by Trustee Behrens, seconded by Trustee Fredericks.

The next Village Board of Trustees Meeting is scheduled for Monday, February 8, 2021.



James M. Palmer, Village Administrator