

**MINUTES OF REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE
VILLAGE OF BRONXVILLE HELD SEPTEMBER 11, 2017
AT THE VILLAGE HALL, 200 PONDFIELD ROAD, BRONXVILLE, N.Y.**

PRESENT: Mary C. Marvin Mayor
Anne Poorman Trustee
Randolph Mayer Trustee

ALSO PRESENT: James Palmer Village Administrator
Lori Voss Village Treasurer

EXCUSED: Robert S. Underhill Deputy Mayor
Guy Longobardo Trustee

WORK SESSION & EXECUTIVE SESSION

At 6:40pm, on motion by Trustee Poorman, seconded by Trustee Mayer, the Village Board of Trustees convened a Work Session. The Village Administrator went through the agenda with the Village Board of Trustees.

At 7:00pm, on a motion by Trustee Poorman, seconded by Trustee Mayer, the Village Board of Trustees closed the Work Session and entered into Executive Session.

At 7:40pm, the Village Board of Trustees re-opened the work session and met with Sarah Normand, President of the Library Board of Trustees. Ms. Normand updated the Village Board on library programming and projects.

At 8:10pm, Mayor Mary Marvin re-opened the Regular Meeting of the Board of Trustees.

Mayor Marvin introduced the President of the Library Board of Trustees, Sarah Normand. Ms. Normand shared several highlights of what has been going on in the library. This past summer, the library staff hosted several successful programs. Ms. Normand was also very thankful to the Friends of Bronxville Public Library for their fundraising efforts. They ended the fiscal year well within budget.

MAYOR'S REPORT

Mayor Marvin gave a brief update on what she has been working on. The Master Plan will be the Village's new project. Our next meeting will include discussion of the Zoning and Planning codes.

The Giving Garden has donated over 150 pounds of fresh vegetables to local soup kitchens.

ADMINISTRATOR'S REPORT

Village Administrator, James Palmer, gave a brief update on what he has been working on. The Kensington Garage will be opening shortly and initially be available to merchant and commuter permit holders. The link on the Village website will be updated with all necessary information. LK permit holders will be moved in the garage soon after. Mr. Palmer also thanked everyone for their patience during the sewer re-lining work currently taking place in the Village.

APPROVAL OF MINUTES

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

- Executive/Work Session of July 10, 2017
- Regular Meeting of July 10, 2017
- Special Meeting of August 29, 2017

PUBLIC HEARING – LOCAL LAW 2-2017

At 8:30pm, on motion of Trustee Mayer, seconded by Trustee Poorman, the Village Board of Trustees opened the public hearing for Local Law 2-2017, to amend the Zoning Code, Chapter 310, by Amending Special Permit Uses.

Village Attorney, James Staudt, gave an explanation of this proposed Local Law 2-2017. Trustee Poorman also shared that the goal is to maintain vibrancy in the Village and make the process of opening a business easier.

There was no public comment.

At 8:34pm, on motion of Trustee Poorman, seconded by Trustee Mayer, the Village Board of Trustees closed the public hearing for Local Law 2-2017.

**LOCAL LAW # 2 – 2017, A LOCAL LAW TO REMOVE REQUIREMENTS TO OBTAIN SPECIAL PERMITS
FOR CERTAIN USES, AND TO ADD CRITERIA
FOR THOSE USES AS PRINCIPAL PERMITTED USES**

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

Section One: Subsection 310-14 A of the Code of the Village of Bronxville is hereby amended by adding thereto new subsections 310-14 A (9), (10), (11), and (12) to read as follows:

- (9) Carry-out food establishments
 - (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 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 100 foot distance. Provided, however, that the Planning Board may waive this distance restriction in cases where the resulting intensity of use will not be detrimental to the public health, safety and/or welfare.
 - (b) The cumulative floor area devoted to food preparation shall not exceed 25% of the gross floor area.
 - (c) The cumulative floor area devoted to the retail sale and/or display of goods for consumption off premises shall be a minimum of 50% of the gross floor area.
 - (d) Seating provided for consumption on the premises shall be clearly accessory to the retail sale of goods and shall be limited to 12 seats.
 - (e) The establishment shall comply with all requirements of the New York State Uniform Fire Prevention and Building Code.
 - (f) If such use is located within 250 feet of the boundary of a district zoned for residence, including AAA, AA, A, B, C, and D Residence Districts, such establishment may not be operated between the hours of 12:00 midnight and 7:00 a.m.

(10) Health Professional Office

- (a) Definitions. As used in this subsection, the following terms shall have the meanings indicated:

HEALTH PROFESSIONAL OFFICE

Any business office of a health professional, as defined in § 310-3 of this chapter.

- (b) Health Professional Offices shall have one parking space per 300 square feet for the first 600 square feet of gross floor area and one parking space per 150 square feet of gross floor area above 600 square feet.
- (c) The facade of Health Professional Offices on the street level shall be at least 50% clear, unobstructed glass window.
- (d) No Health Professional Office shall occupy street level space on Pondfield Road between Kraft Avenue and Cedar Street/Tanglewylde Avenue nor shall it occupy street level space on Palmer Avenue between Parkway Road and Paxton Avenue absent a special permit.
- (e) If such use is located within 250 feet of the boundary of a district zoned for residence, including AAA, AA, A, B, C, and D Residence Districts, such establishment may not be operated between the hours of 12:00 midnight and 7:00 a.m.

(11) Financial office or bank

- (a) No banks or financial offices shall occupy street level space on Pondfield Road between Kraft Avenue and Cedar Street/Tanglewylde Avenue nor shall they occupy street level space on Palmer Avenue between Parkway Road and Paxton Avenue absent a special permit.
- (b) In other locations a bank or financial office may occupy street level provided that (1) the street level facade of the proposed use has at least 50% of its area in clear, unobstructed glass window and (2) 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 150 foot distance. Provided, however, that the Planning Board may waive this distance restriction in cases where the resulting intensity of use will not be detrimental to the public health, safety and/or welfare.

- (c) Bank or financial office off-street parking requirement: eight spaces, together with four additional spaces for each teller position in excess of two.
 - (d) For the purposes of calculating off-street parking, each automatic teller machine is deemed a teller position.
 - (e) If such use is located within 250 feet of the boundary of a district zoned for residence, including AAA, AA, A, B, C, and D Residence Districts, such establishment may not be operated between the hours of 12:00 midnight and 7:00 a.m.
- (12) Real estate office or agency
- (a) In no case shall a real estate agency or real estate office occupy street level space on Pondfield Road between Kraft Avenue and Cedar Street/Tanglewylde Avenue or on Palmer Avenue between Parkway Road and Paxton Avenue.
 - (b) In other locations, a real estate agency or real estate office may occupy street level space provided that (1) the street level facade of the proposed use has at least 50% of its area in clear, unobstructed glass window and (2) there is a minimum distance, measured from the closest point of each establishment to the other, of 150 feet between the proposed real estate agency or real estate office and any existing street level real estate agency or real estate 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 150 foot distance. Provided, however, that the Planning Board may waive this distance restriction in cases where the resulting intensity of use will not be detrimental to the public health, safety and/or welfare.
 - (c) If such use is located within 250 feet of the boundary of a district zoned for residence, including AAA, AA, A, B, C, and D Residence Districts, such establishment may not be operated between the hours of 12:00 midnight and 7:00 a.m.

Section Two: Subparagraphs 310-14 C (1), (2), (3), and (4) of the Code of the Village of Bronxville are hereby repealed and replaced in their entirety with new subparagraphs 310-14 C (1), (2), (3) and (4) to read as follows:

- (1) Health Professional Office occupying street level space on Pondfield Road between Kraft Avenue and Cedar Street/Tanglewylde Avenue or occupying street level space on Palmer Avenue between Parkway Road and Paxton Avenue.
- (2) Financial office or bank occupying street level space on Pondfield Road between Kraft Avenue and Cedar Street/Tanglewylde Avenue or Palmer Avenue between Parkway Road and Paxton Avenue.
- (3) Intentionally omitted.
- (4) Intentionally omitted.

Section Three: Subparagraph 310-14 C (13) of the Code of the Village of Bronxville is hereby repealed and replaced in its entirety with a new 310-14 C (13) to read as follows:

- (13) Intentionally omitted.

Section Four: Subsection 310-15 C of the Code of the Village of Bronxville is hereby amended by adding thereto a new subsection 310-15 C (9) to read as follows:

- (9) Home occupations in residential use.

Subsection Five: Subsection 310-42 B of the Code of the Village of Bronxville is hereby repealed and replaced in its entirety with a new 310-42 B to read as follows:

- B. Health Professional Offices occupying street level space on Pondfield Road between Kraft Avenue and Cedar Street/Tanglewylde Avenue or occupying street level space on Palmer Avenue between Parkway Road and Paxton Avenue.

- (1) Definitions. As used in this subsection, the following terms shall have the meanings indicated:

HEALTH PROFESSIONAL OFFICE

Any business office of a health professional, as defined in § 310-3 of this chapter.

- (2) Health Professional Offices shall have one parking space per 300 square feet for the first 600 square feet of gross floor area and one parking space per 150 square feet of gross floor area above 600 square feet.
- (3) The street level facade of the proposed use shall have at least 50% of its area in clear, unobstructed glass window
- (4) If such use is located within 250 feet of the boundary of a district zoned for residence, including AAA, AA, A, B, C, and D Residence Districts, such establishment may not be operated between the

hours of 12:00 midnight and 7:00 a.m.

Section Six: Subsection 310-42 H of the Code of the Village of Bronxville is hereby repealed and replaced in its entirety with a new 310-42 H to read as follows:

H. Intentionally omitted.

Section Seven: Subsection 310-42 J of the Code of the Village of Bronxville is hereby repealed and replaced in its entirety with a new 310-42 J to read as follows:

- J. Banks or financial offices occupying street level space on Pondfield Road between Kraft Avenue and Cedar Street/Tanglewylde Avenue or on Palmer Avenue between Parkway Road and Paxton Avenue.
- (1) A bank or financial office may occupy street level provided that (1) the street level facade of the proposed use has at least 50% of its area in clear, unobstructed glass window and (2) 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 150 foot distance. Provided, however, that the Planning Board may waive this distance restriction in cases where the resulting intensity of use will not be detrimental to the public health, safety and/or welfare.
 - (2) Bank or financial office off-street parking requirement: eight spaces, together with four additional spaces for each teller position in excess of two.
 - (3) For the purposes of calculating off-street parking, each automatic teller machine is deemed a teller position.
 - (4) If such use is located within 250 feet of the boundary of a district zoned for residence, including AAA, AA, A, B, C, and D Residence Districts, such establishment may not be operated between the hours of 12:00 midnight and 7:00 a.m.

Section Eight: 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 Nine: Effective Date.

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

NEW BUSINESS

1. RESOLUTION – Adoption of SEQR Determination for Local Law 2-2017

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

WHEREAS, the Village is amending its Zoning Code to remove requirements to obtain special permits for certain uses in the Central Business District, and to add criteria for those uses as principal permitted uses; and

WHEREAS, the Village completed and issued Part I and Part II of the Environmental Form and determined that no environmental impacts are anticipated because existing criteria for uses will remain in the ordinance and will continue to administered by the Building Inspector;

NOW THEREFORE, BE IT RESOLVED:

That the Village Board hereby issues Part III of the Environmental Assessment Form and determines that these changes will result in no significant adverse impacts on the environment, and therefore, an environmental impact statement need not be prepared. Accordingly, a negative declaration is issued.

2. RESOLUTION - Adoption of Local Law 2-2017

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

WHEREAS, the Board of Trustees (the “Board”) of the Village of Bronxville (the “Village”) requested Village Counsel to draft a local law to remove requirements to obtain special permits for certain uses, and to add criteria for those uses as principal permitted uses; and

WHEREAS, having received proposed Local Law # 2 - 2017, the Board is prepared to approve such proposed law;

NOW, THEREFORE, BE IT RESOLVED; A public hearing on proposed Local Law 2-2017 was held at 8:00pm on Monday, September 11, 2017 at Village Hall located at 200 Pondfield Road, Bronxville, New York.:

NOW, THEREFORE, BE IT FUTHER RESOLVED; that the Board of Trustees adopts Local Law # 2-2017.

3. RESOLUTION – 2017-2018 Municipal Snow and Ice Agreement

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

WHEREAS, the Village has an agreement with the New York State Department of Transportation for the removal of snow and ice on State roads; and

WHEREAS, the Village is partially reimbursed by the State of New York for this service based on a State formula and the lane miles covered; and

Now THEREFORE, BE IT RESOLVED:

That the Village Administrator is hereby authorized to execute an agreement for the snow and ice agreement.

4. RESOLUTION – Amendment B to Estimated Snow and Ice Expenditures 2015/16 Snow Season

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

WHEREAS, the Village has an agreement with the New York State Department of Transportation for the removal of snow and ice on State roads; and

WHEREAS, the Village is partially reimbursed by the State of New York for this service based on a State formula and the lane miles covered; and

WHEREAS, the reimbursement amount is adjusted annually based on the severity of the winter season;

NOW THEREFORE, BE IT RESOLVED:

That due to the severity of the 2015/16 winter season the State has adjusted the 2015/16 reimbursement to the Village by \$583.18, and the Village Administrator his hereby authorized to execute an amendment to the snow and ice agreement accounting for this adjustment.

5. RESOLUTION – To Schedule a Public Hearing for Local Law 3-2017 – by Amending Parking Permit Requirements and Parking Area Regulations

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

WHEREAS, the Board of Trustees (the “Board”) of the Village of Bronxville (the “Village”) requested Village Counsel to draft a local law revising the Traffic and Vehicle Law of the Village, Chapter 290, by revising permitting requirements for certain Village-operated parking areas and updating language regarding fees and permitted parking areas; and

WHEREAS, having received proposed Local Law # 3-2017, 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 # 3-2017 will be held on the 10th day of October 2017 at 8:00 p.m. at Village Hall located at 200 Pondfield Road, Bronxville, NY.
2. The Village Board directs that all requisite notices be published in accordance applicable laws and regulations.

**PROPOSED LOCAL LAW NO. 3-2017
A LOCAL LAW TO AMEND THE TRAFFIC AND VEHICLE LAW
OF THE VILLAGE OF BRONXVILLE, CHAPTER 290
BY AMENDING PARKING PERMIT REQUIREMENTS AND PARKING AREA REGULATIONS**

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

Section One. ~~Paragraph~~Section 290-1.B. of Chapter 290 of the Code of the Village of Bronxville is hereby revised by adding the following definition:

§ ~~289~~290-1. Title, definitions.

PARKING METER

Any device for which payment to park in a metered parking space is allowed pursuant to this Chapter, including but not limited to traditional parking meters, multispace parking machines, or mobile payment systems.

Section Two. ~~Paragraph~~Section 290-22.C. of Chapter 290 of the Code of the Village of Bronxville is hereby revised in its entirety to read as follows:

§ 290-22. Prohibition of left turns.

C. From Kensington ~~H-Lot-Garage~~ into Kensington Road.

Section Three. Section 290-22 of Chapter 290 of the Code of the Village of Bronxville is hereby revised by adding the following ~~paragraph-subsection~~ D.:

§ 290-22. Prohibition of left turns.

D. From Kensington ~~Road~~-Garage into Sagamore Road.

Section Four. Section 290-28.A(1) of Chapter 290 of the Code of the Village of Bronxville is hereby revised by adding the following ~~paragraphs-subsections~~ (d) and (e):

§ 290-28.A(1) Avon Road.

(d) On the north and northeast side, from its intersection with Sagamore Road to Governor's Road.

(e) On the south and southeast side, from its intersection with Sagamore Road to Plateau Circle East.

Section Five. Section 290-28.I(3) of Chapter 290 of the Code of the Village of Bronxville is hereby revised in its entirety as follows:

§ 290-28.I. Resident Parking Lots.

(3) Kensington ~~H-Parking-Lot~~Garage, between the hours of 7:00 a.m. and 3:00 a.m., at meters restricted to vehicles displaying resident parking permits.

Section Six. Section 290-29 of Chapter 290 of the Code of the Village of Bronxville is hereby revised by adding the following ~~paragraphs-subsections~~ S. and T.:

§ 290-29. Limited parking permitted in designated locations.

S. Oriole Avenue, on both sides between Tanglewylde Avenue and Woodland Avenue, for a period not to exceed one hour, between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday.

T. Greenfield Avenue, on both sides between Tanglewylde Avenue and Woodland Avenue, for a period not to exceed one hour, between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday.

Section Seven. Section 290-32.A(10) of Chapter 290 of the Code of the Village of Bronxville is hereby revised in its entirety to read as follows:

§ 290-32.A. Authorized.

(10) Stone Place Parking Area, metered parking spaces.

Section Eight. ~~Paragraph~~Section 290-33.A. of Chapter 290 of the Code of the Village of Bronxville is hereby revised in its entirety to read as follows:

§ 290-33.A. Designated parking spaces. Designated parking spaces are restricted to vehicles displaying a handicapped parking permit or a handicapped license plate. If any designated parking space is a metered parking space, all requirements set forth in Article XI of this chapter shall apply. A sign shall be maintained at each designated parking space indicating that the designated parking space is for handicapped parking only.

Lot or Street	Spaces
Cedar Street Lot	4 designated spaces
East Alley	2 designated spaces
Garden Avenue Lot	4 designated spaces
Kensington III-Lot <u>Garage</u>	1-8 designated spaces
Kraft Avenue	1 designated space
Kraft Avenue	1 designated space, adjacent to and in front of St. Joseph's Church
Kraft Parking Lot	3 designated spaces
Maltby Parking Lot	2 designated spaces
Meadow Avenue	1 designated space at the intersection with Garden Avenue
Parkway Road	1 designated space

Police Department	1 designated space
Pondfield Road	4 designated spaces
Pondfield Road	2 designated spaces adjacent to and in front of the Bronxville Library property
Pondfield Road	1 designated space, adjacent to and in front of the Bronxville School
Stone Place <u>Parking Area</u>	2 designated spaces
Studio Arcade	2 designated spaces
Taxi Stand Plaza	East side of railroad adjacent to the current curb cut, with a time limit of 15 minutes

Section Nine. ~~Paragraph~~Section 290-38.A. of Chapter 290 of the Code of the Village of Bronxville is hereby revised in its entirety to read as follows:

§ 290-38.A. Streets:

- Cedar Street
- East Alley
- Kensington Road
- Kraft Avenue
- Leonard Morange Square, south end
- Lower Milburn Street
- Meadow Avenue
- Palmer Avenue
- Park Place
- Parkway Road
- Paxton Avenue
- Pondfield Road
- Pondfield Road West
- Sagamore Road
- Station Plaza North and West, Bank of New York
- ~~Stone Place~~
- Studio Arcade
- Tanglewylde Avenue
- Upper Milburn Street
- Valley Road, for a distance of 75 feet from the westerly intersection with Pondfield Road

Section Ten. ~~Paragraph~~Section 290-38.B. of Chapter 290 of the Code of the Village of Bronxville is hereby revised in its entirety to read as follows:

§ 290-38.B. Off-street parking areas:

- Cedar Street Lot
- Garden Avenue Lot
- Kensington Garage, except where designated reserved resident permit parking, and reserved merchant permit parking
- Kraft Avenue Lot
- Stone Place Parking Area

Section Eleven. ~~Paragraph~~Section 290-41.A. of Chapter 290 of the Code of the Village of Bronxville is hereby revised in its entirety to read as follows:

§ 290-41.A. One and one-half hour parking. During the hours of metered parking space regulation specified in § 290-40, ~~the parking of vehicles parking meters, multispace parking machines, and/or mobile payment systems regulating the parking spaces listed below shall be adjusted to accept payment for parking~~ for a period ~~not to exceed~~longer than 1 1/2 hours (90 minutes) ~~is hereby prohibited at metered parking spaces in the following locations:~~

- Cedar Street, north side from easterly side of 12 Cedar Street property line east to Pondfield Road
- Park Place
- Parkway Road, east side, adjacent to Leonard Morange Square
- Parkway Road, at parking meters on west side
- Pondfield Road, meters in front of U.S. Post Office
- Pondfield Road, on the west side from the intersection of Kraft Avenue south to Cedar Street
- Pondfield Road, on the east side from the intersection of Tanglewylde Avenue north to Valley Road
- Studio Arcade
- Valley Road

Section Twelve. ~~Paragraph~~Section 290-41.B. of Chapter 290 of the Code of the Village of Bronxville is hereby revised in its entirety to read as follows:

§ 290-41.B. Two-hour parking. During the hours of metered parking space regulation specified in § 290-40, ~~the parking of vehicles parking meters, multispace parking machines, and/or mobile payment systems regulating the parking spaces at locations listed below shall be adjusted to accept payment for parking~~ for a period ~~not to exceed~~longer than two hours ~~is hereby prohibited at metered parking spaces in the following locations:~~

Cedar Street from driveway west of 12 Cedar Street property to Kraft Avenue
Cedar Street extension from Kraft Avenue to railroad tracks
Cedar Street Lot, row 1
East Alley
Garden Avenue Lot, row 1, except as indicated by Subsection J herein
Kensington Garage, except where designated reserved resident permit parking or reserved merchant permit parking
~~Kensington Road, west side, metered parking spaces numbered KRN31 through KRN38~~
Kraft Avenue
Meadow Avenue, north side between Kraft Avenue and Pondfield Road
Paxton Avenue, except where designated as twelve hours
Pondfield Road, west side from Cedar Street to Meadow Avenue and east side from Valley Road to Sagamore Road and metered spaces in front of 1 Pondfield Road
Sagamore Road
Stone Place Parking Area, north side
Tanglewylde Avenue
Upper Milburn Street

Section Thirteen. ~~Paragraph~~Section 290-41.E. of Chapter 290 of the Code of the Village of Bronxville is hereby revised in its entirety to read as follows:

§ 290-41.E. Four-hour parking. During the hours of metered parking space regulation specified in § 290-40, ~~the parking of vehicles the parking meters, multispace parking machines, and/or mobile payment systems regulating the spaces listed below shall be adjusted to accept payment for parking~~ for a period ~~not to exceed~~longer than four hours ~~is hereby prohibited at metered parking spaces in the following locations:~~

Garden Avenue Lot, those metered parking spaces in row 1 where the parking meters are labeled as four-hour parking

Section Fourteen. ~~Paragraph~~Section 290-41.F. of Chapter 290 of the Code of the Village of Bronxville is hereby revised in its entirety to read as follows:

§ 290-41.F. During the hours of metered parking space regulation specified in § 290-40, ~~the parking of vehicles the parking meters, multispace parking machines, and/or mobile payment systems regulating the parking spaces listed below shall be adjusted to accept payment for parking~~ for a period ~~not to exceed~~longer than three hours ~~is hereby prohibited at metered parking spaces in the following locations:~~

Cedar Street Lot, except row 1
Garden Avenue Lot, those metered parking spaces in row 1 where the parking meters are labeled as three-hour parking

Section Fifteen. ~~Paragraph~~Section 290-41.H. of Chapter 290 of the Code of the Village of Bronxville is hereby revised in its entirety to read as follows:

§ 290-41.H. One-hour parking. During the hours of metered parking space regulation specified in § 290-40, ~~the parking of vehicles parking meters, multispace parking machines, and/or mobile payment systems regulating the parking spaces at locations listed below shall be adjusted to accept payment for parking~~ for a period ~~not to exceed~~longer than one hour ~~is hereby prohibited at metered parking spaces in the following locations:~~

(Intentionally left blank)

Section Sixteen. ~~Paragraph~~Section 290-41.I of Chapter 290 of the Code of the Village of Bronxville is hereby revised in its entirety to read as follows:

§ 290-41.I. Twelve-hour parking. During the hours of metered parking space regulation specified in § 290-40, the parking of vehicles for a period longer than 12 hours is hereby prohibited at metered parking spaces in the following locations:

Garden Avenue Lot, rows 2, 3 and 4
Kensington Garage, where designated resident permit parking or merchant permit parking

Kensington Road, east side, ~~metered parking spaces numbered KRS1 through KRS16~~
Kensington Road, west side, ~~metered parking spaces numbered KRN17 through KRN30~~
Kraft Avenue Lot, all metered parking spaces except meters for public spaces
Meadow Avenue, south side
Paxton Avenue, adjacent to Bronx River Parkway entrance
Stone Place Parking Area, south side

Section Seventeen. Section 290-47 of Chapter 290 of the Code of the Village of Bronxville is hereby revised in its entirety to read as follows:

§ 290-47. Parking permits.

A. Types of Permits.

(1) Resident parking permits. Any resident of the Village may obtain a resident parking permit for parking in the area(s) specified in ~~these regulations~~this Article, and subject to such additional regulations or fees as ~~hereinabove provided in these regulations provided in this Chapter~~, upon payment to the Village of an amount, as set from time to time by resolution of the Board of Trustees, ~~inclusive of New York State sales tax~~, provided that there are no outstanding parking tickets for the individual making application, such permit to be valid from October 1 to September 30 the next following year. ~~Any resident who applies for a parking permit six months after October 1 will be charged a fee, as set from time to time by resolution of the Board of Trustees, provided that there is proof that the applicant is a village resident and that there is proof that the permit is to be used and placed upon a passenger car registered with the Motor Vehicle Bureau with a Bronxville address or proof that the car to be used is on a long term lease to a village resident. Any resident who applies for a parking permit six months after October 1 will be charged a fee, as set from time to time by resolution of the Board of Trustees, inclusive of New York State sales tax. Where an area requiring a resident parking permit is a metered parking space, payment is required pursuant to Article XI of this Chapter unless a resident special parking permit is also obtained and displayed.~~

(2) Resident special parking permits, as set forth in § 290-42.B, which shall also entitle the permit holder to park in the resident area(s) specified in this Article.

(3) Overnight resident parking permits. Any resident of the ~~village~~Village may obtain an off street~~overnight~~ parking permit for overnight parking (6:00 p.m. to 8:00 a.m.) in the area(s) where off-street public parking lots is allowed as provided in this Article, and subject to such additional regulations or fees as provided in this Chapter, upon payment to the Village of an amount, specified below on payment to the village of an amount, as set from time to time by resolution of the Board of Trustees, ~~provided that there are no outstanding parking tickets for the individual making such application, such permit to be valid from July 1 to June 30 the next following year. [4] inclusive of sales tax, per year, for parking from 6:00 p.m. to 8:00 a.m.:~~

(4) Reserved resident parking permits. Any resident of the Village may apply for a reserved resident parking permit, granted on a first-come, first-served basis based on the number of parking spaces available, for parking in a specific off-street public parking lot in a specific parking space assigned to the permit holder where so allowed as provided in this Chapter, and subject to such additional regulations or fees as provided in this Chapter, upon payment to the Village of an amount, as set from time to time by resolution of the Board of Trustees, provided that there are no outstanding parking tickets for the individual making such application, such permit to be valid from March 1 to the last day in February the next following year. Reserved resident parking permit holders are allowed to park within the designated parking space twenty-four hours per day, seven days per week.

(5) Merchant parking permits. Any merchant doing business in the ~~village~~Village may obtain a merchant parking permit for parking in the area(s) specified in ~~these regulations~~this Article, and subject to such additional regulations or fees as ~~hereinabove provided in these regulations~~this Chapter, upon payment to the ~~village~~Village of an amount, as set from time to time by resolution of the Board of Trustees, ~~inclusive of New York State sales tax~~, provided that there are no outstanding parking tickets for the individual making application, such permit to be valid from July 1 to June 30 the next following year. Any merchant who applies for a permit six months after July 1 will be charged a fee of an amount, as set from time to time by resolution of the Board of Trustees, ~~inclusive of sales tax.~~ Where an area requiring a merchant parking permit is a metered parking space, payment is required pursuant to Article XI of this Chapter unless a merchant special parking permit is also obtained and displayed.

(6) Merchant special parking permits, as set forth in § 290-42.C., which shall also entitle the permit holder to park in the merchant area(s) specified in this Article except where otherwise indicated. A holder of a merchant special parking permit specific to a particular merchant parking area shall also be permitted to park in other merchant parking area(s) where the use of a merchant special parking permit is allowed pursuant to § 290-42.C.

(7) Reserved merchant parking permits. Any merchant doing business in the Village may apply for a reserved merchant parking permit, granted on a first-come, first-served basis based on the number of parking spaces available, for parking in a specific off-street public parking lot in a specific parking space assigned to the permit holder where so allowed as provided in this Article, and subject to such additional regulations or fees as provided in this Chapter, upon payment to the Village of an amount, as set from time to time by resolution of the Board of Trustees, provided that there are no outstanding parking tickets for the individual making such application, such permit to be valid from March 1 to the last day in February the next following year. Reserved merchant parking permit holders are allowed to park within the designated parking space twenty-four hours per day, seven days per week.

(8) Maltby merchant parking permits. Any merchant doing business in the Village whose business is east of the railroad tracks may obtain a Maltby merchant parking permit for parking in the Maltby Parking Lot in the area specified in this Article, and subject to such additional regulations or fees as provided in this Chapter, upon payment to the Village of an amount, as set from time to time by resolution of the Board of Trustees, provided that there are no outstanding parking tickets for the individual making application, such permit to be valid from July 1 to June 30 next following.

B. All applications for resident, resident special, resident premium, overnight resident, and reserved resident parking permit shall require proof that the applicant is a Village resident and that there is proof that the permit is to be used and placed upon a passenger car registered with the Motor Vehicle Bureau with a Bronxville address or proof that the car to be used is on a long-term lease to a Village resident.

C. Except for reserved resident and reserved merchant parking permits, the issuance of a parking permit does not guarantee that there will be a space available.

D. Placement of stickers. ~~Resident or merchant~~All permit stickers must be affixed to the interior of the rear side window on the driver's side of the vehicle for which the permit was issued (not the back window facing the back wheels of the vehicle). Failure to properly affix the permit sticker as set out in this Section may result in issuance of a summons for which a fine (set pursuant to § 290-48) may be imposed in the Village Court.

~~D. Penalty for improper attachment of sticker. Failure to properly affix the resident or merchant sticker as set out in Subdivision C above may result in issuance of a summons for which a fine of \$10 may be imposed in the Village Court.~~

F. Parking permits required. During the times and within the areas specified below, the parking of vehicles other than those displaying the valid parking permit specified below is prohibited:

1. Avalon Lot:

(a) Area(s) marked as resident parking: both resident parking permit and resident special parking permit.

(b) Area(s) marked as reserved resident parking: reserved resident parking permit.

2. Cedar Street Lot:

(a) Area(s) marked as resident parking: resident parking permit (requiring payment of parking meter).

(b) Area(s) marked as merchant parking: (1) merchant parking permit (requiring payment of parking meter), or (2) merchant parking permit and merchant special parking permit.

(c) Area(s) marked as overnight parking: overnight resident parking permit.

3. Colodny Lot (formerly Hawkins Building Parking Area):

(a) Area(s) marked as reserved resident parking: reserved resident parking permit.

(b) Area(s) marked as reserved merchant parking: reserved merchant parking permit.

4. Garden Avenue Lot:

(a) Area(s) marked as merchant parking: (1) merchant parking permit (requiring payment of parking meter), or (2) merchant parking permit and merchant special parking permit specific to the Garden Avenue Lot.

(b) Area(s) marked as overnight parking: overnight resident parking permit.

5. Kensington Garage:

(a) Area(s) marked as resident parking: (1) resident parking permit (requiring payment of parking meter), or (2) resident parking permit and resident special parking permit.

(b) Area(s) marked as merchant parking: (1) merchant parking permit (requiring payment of parking meter), or (2) merchant parking permit and merchant special parking permit specific to Kensington Garage.

(c) Area(s) marked as overnight parking: overnight resident parking permit.

(d) Area(s) marked as reserved resident parking: reserved resident parking permit.

(e) Area(s) marked as reserved merchant parking: reserved merchant parking permit.

6. Kraft Avenue Lot:

(a) Area(s) marked as resident parking: (1) resident parking permit (requiring payment of parking meter), or (2) resident parking permit and resident special parking permit

(b) Area(s) marked as merchant parking: (1) merchant parking permit (requiring payment of parking meter), or (2) merchant parking permit and merchant special parking permit.

7. Maltby Lot:

(a) Area(s) marked as merchant parking: (1) both merchant parking permit and merchant special parking permit, or (2) both merchant parking permit and Maltby merchant parking permit.

(b) Area(s) marked as overnight parking: overnight resident parking permit.

(c) Area(s) marked as reserved resident parking: reserved resident parking permit.

8. Stone Place Parking Area:

(a) Area(s) marked as reserved resident parking: reserved resident parking permit.

(b) Area(s) marked as reserved merchant parking: reserved merchant parking permit.

(c) Area(s) marked as merchant parking: (1) merchant parking permit (requiring payment of parking meter), or (2) merchant parking permit and merchant special parking permit.

9. Upper Kensington Lot:

(a) Area(s) marked as reserved resident parking: reserved resident parking permit.

G. [reserved]

H. [reserved]

I. [reserved]

Section Eighteen. There is hereby added to Section 290-48.A. of Chapter 290 of the Code of the Village of Bronxville a new subsection (22), which shall read as follows:

§ 290-48.A. The following are the maximum penalties for violations of traffic regulations:

(22) Failure To Properly Affix Parking Permit Sticker: as set from time to time by resolution of the Board of Trustees.

Section Nineteen. 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 Twenty. This local law shall take effect immediately upon its adoption and filing with the Secretary of State.

6. RESOLUTION – To Schedule a Public Hearing for Local Law 4-2017 – by Revising Parking Permit Fees, Parking Meter Fees and Fines for Improperly Located Permit Stickers

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

WHEREAS, the Board of Trustees (the “Board”) of the Village of Bronxville (the “Village”) requested Village Counsel to draft a local law revising the Fee Schedule of the Village, Chapter A321 of the Village Code, by updating fees for parking permits and parking meters, and adding a fine amount for the improper placement of parking permit stickers; and

WHEREAS, having received proposed Local Law # 4-2017, the Board is prepared to hold a public hearing on such proposed law,

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

A public hearing on proposed Local Law # 4-2017 will be held on the 10th of October, 2017 at 8:00 p.m. at Village Hall located at 200 Pondfield Road, Bronxville, NY.

The Village Board directs that all requisite notices be published in accordance applicable laws and regulations.

**PROPOSED LOCAL LAW NO. 4-2017
A LOCAL LAW TO AMEND THE FEE SCHEDULE
OF THE VILLAGE OF BRONXVILLE, CHAPTER A321, BY REVISING PARKING PERMIT FEES, PARKING METER
FEES, AND FINES FOR IMPROPERLY LOCATED PERMIT STICKERS**

Section One. Section A321-5.C(1) of Chapter A321 of the Code of the Village of Bronxville is hereby revised in its entirety to read as follows:

§ A321-5.C(1). Twenty-five cents for 15 minutes at the following metered parking spaces:

- (a) Those metered parking spaces designated in §§ 290-41A, 290-41B, ~~290-41D, 290-41E,~~ 290-41F, 290-41G, and 290-41H.
- (b) ~~Kensington Road: metered parking spaces not designated for twelve-hour parking. (Reserved)~~
- (c) Garden Avenue Lot: metered parking spaces not restricted to merchant permit parking.

Section Two. There is hereby added to ~~Paragraph~~Section A321-5.C(2) of Chapter A321 of the Code of the Village of Bronxville a new subsection (b), which shall read as follows:

§ A321-5.C(2). Twenty-five cents for 20 minutes at the following metered parking spaces:

- (b) Kensington Garage: metered parking spaces restricted to merchant permit parking.

Section Three. Section A321-5.C(3) of Chapter A321 of the Code of the Village of Bronxville is hereby revised in its entirety, to read as follows:

A321-5.C(3) Twenty-five cents for 30 minutes, Monday through Friday, and \$0.25 for 15 minutes on Saturday at the following metered parking spaces:

- (a) ~~Kensington Road: metered parking spaces designated as twelve-hour parking. (Reserved)~~
- (b) Meadow Avenue: metered parking spaces designated as twelve-hour parking.
- (c) Kensington ~~H Lot~~Garage: metered parking spaces designated as twelve-hour parking and restricted to ~~merchant or~~ resident permit parking.
- (d) Kraft Avenue Lot: metered parking spaces designated as twelve-hour parking and restricted to merchant or resident permit parking.
- (e) ~~Maltby Parking Lot: metered parking spaces designated as twelve-hour parking and restricted to merchant permit parking. (Reserved)~~
- (f) Stone Place Parking Area: metered parking spaces designated as twelve-hour parking and/or restricted to merchant permit parking.

Section Four. Section A321-5.C(4) of Chapter A321 of the Code of the Village of Bronxville is hereby revised in its entirety to read as follows:

§ A321-5.C(4). Permits issued to residents permitting parking in restricted metered or non-metered spaces in Kraft Avenue and Avalon Lots: ~~\$900-1,000~~ for a one-year period from October 1 to September 30; ~~\$675-750~~ for the period from January 1 to September 30; ~~\$450-500~~ for the period from April 1 to September 30; and ~~\$225-250~~ for the period from July 1 to September 30.

Section Five. ~~Paragraph~~Section A321-5.C(5) of Chapter A321 of the Code of the Village of Bronxville is hereby revised in its entirety to read as follows:

§ A321-5.C(5). Permits issued to merchants permitting parking in restricted metered or non-metered spaces in the Kraft Avenue Lot, ~~Maltby Lot, and Stone Place Parking Area and the Kensington III Lot~~: ~~\$900-1,000~~ for a one-year period from July 1 to June 30; ~~\$675-750~~ for the period from October 1 to June 30; ~~\$450-500~~ for the period from January 1 to June 30; and ~~\$225-250~~ for the period from April 1 to June 30.

Section Six. Section A321-5.C(6) of Chapter A321 of the Code of the Village of Bronxville is hereby revised in its entirety to read as follows:

§ A321-5.C(6). Permits issued to merchants permitting parking in restricted metered spaces in the Garden Avenue Lot and Kensington Garage: \$1,200 for a one-year period from July 1 to June 30; \$900 for the period from October 1 to June 30; \$600 for the period from January 1 to June 30; and \$300 for the period from April 1 to June 30.

Section Seven. There is hereby added to Section A321-5.C. of Chapter A321 of the Code of the Village of Bronxville a new subsection (7), which shall read as follows:

§ A321-5.C. Metered parking space fees.

- (7) Permits issued to residents permitting parking in restricted metered spaces in Kensington Parking Garage: \$1,500 for a one-year period from October 1 to September 30; \$1,125 for the period from January 1 to September 30; \$750 for the period from April 1 to September 30; and \$375 for the period from July 1 to September 30.

Section Eight. ~~Paragraph~~Section A321-5.D(3) of Chapter A321 of the Code of the Village of Bronxville is hereby revised in its entirety to read as follows:

§ A321-5.D(3). Off-street public parking lot resident reserved parking permit:

- (a) Colodny Lot: \$110 per month.
- (b) Maltby Parking Lot:
 - [1] \$110 per month;~~or~~
 - [2] ~~\$900 for a one year period from October 1 to September 30; \$675 for the period from January 1 to September 30; \$450 for the period from April 1 to September 30; and \$225 for the period from July 1 to September 30. (Reserved)~~
- (c) Upper Kensington Road Parking Area: \$110 per month.
- (d) ~~Lower Kensington I and II Lots~~Kensington Garage: \$12510 per month.
- (e) Stone Place Parking Area: \$110 per month per single space; for spaces in tandem, \$55 per month per space.
- (f) Avalon Parking Lot:
 - [1] \$110 per month;~~or~~
 - [2] ~~\$900 for a one year period from October 1 to September 30; \$675 for the period from January 1 to September 30; \$450 for the period from April 1 to September 30; and \$225 for the period from July 1 to September 30. (Reserved)~~

Section Nine. ~~Paragraph~~Section A321-5.D(4) of Chapter A321 of the Code of the Village of Bronxville is hereby revised in its entirety to read as follows:

§ A321-5.D(4). Off-street public parking lot reserved merchant parking permit:

- (a) Colodny Lot: \$110 per month.
- (b) Stone Place Parking Area: \$110 per month per single space; for spaces in tandem, \$55 per month per space.
- ~~(c) Kensington Garage: \$125 per month per single space.~~
- ~~(d) Maltby Parking Lot: \$110 per month.~~

Section Ten. ~~Paragraph~~Section A321-5.D(5) of Chapter A321 of the Code of the Village of Bronxville is hereby revised in its entirety to read as follows:

§ A321-5.D(5). Overnight parking permit. An off-street parking permit for overnight parking (from 6:00 p.m. to 8:00 a.m.) in off-street parking lots Cedar Street Lot, Garden Avenue Lot, Maltby Lot and ~~Kensington III Lot~~Kensington Garage: \$230 per year.

Section Eleven. ~~Paragraph~~Section A321-5.E(1) of Chapter A321 of the Code of the Village of Bronxville is hereby revised in its entirety to read as follows:

A321-5.E(1). Maximum penalties for violations of traffic regulations. (The penalty for each violation shall be doubled if the payment for the penalty is not made within 14 days from the date of issuance of the summons for the parking violation.)

Violation	Penalty
No parking 32:00 a.m. to 76:00 a.m.	\$30
No parking bus stop	\$35
No parking loading zone	\$70
No parking	\$35
No parking 10:00 p.m. to 7:00 a.m.	\$35
Excessive standing	\$35
No resident permit Village lot	\$35
No merchant permit Village lot	\$35
No parking permit	\$35
Failure to properly affix parking permit sticker	\$35
Unregistered motor vehicles	\$35
Expired inspection	\$35
Double parking	\$70
Crosswalk	\$70
Fire hydrant parking	\$70
Blocking driveway	\$35
Handicapped parking	
Street	\$110
Off-street	\$110
Improper parking	
Parking across line	\$35
Rear wheels to curb	\$35
Failing to obey sign	

Stopping/standing/parking	\$35
Snow removal	\$35
Fire lane	\$70
Other	\$35

Section Twelve. 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 Thirteen. This local law shall take effect immediately upon its adoption and filing with the Secretary of State.

7. RESOLUTION – Sale of Surplus Equipment

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

WHEREAS, certain Village vehicles and equipment have been recommended to be declared surplus, or they have exceeded their useful life and purpose; and

WHEREAS, the Village would benefit by selling this vehicle at public auction;

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees hereby declare the following vehicle as surplus Village property and authorizes the disposal of the following vehicle by public sale:

Year	Make/Model	Unit No.	VIN/Description	Assigned to
2010	FORD EXPLORER		1FMEU7DE3AUA59431	DPW
2004	CHEVROLET SILVERADO PICK UP		1GCEK14V14Z127238	DPW
2004	CASE 521D WHEEL LOADER		JEE0136711	DPW
2006	FORD TAURUS		1FAFP53U27A120832	PD
2002	CHEVY EXPRESS VAN		1GCHG35R721170909	PD
2005	FORD F750 SALTER/PLOW		3FRXF76P15V120613	DPW

BE IT FURTHER RESOLVED that the disposal of this vehicle is authorized in compliance with the requirements of law, and the Village Administrator and all appropriate officials are authorized to take the actions necessary to dispose of this vehicle.

8. RESOLUTION – Retaining WSP to Review Pondfield Road Underpass

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

WHEREAS, on or about April 24, 2017, NYSDOT issued two yellow structural flag conditions on the bridge carrying portions of Studio Arcade and Kraft Avenue access over Pondfield Road; and

WHEREAS, WSP Engineering submitted a proposal to inspect the yellow flag conditions, evaluate the NYSDOT report and determine the extent of repairs needed to remove the flags; and

WHEREAS, WSP’s proposal includes evaluating and investigating opportunities to incorporate aesthetic treatments to the bridge underside to also make it more attractive and visually appealing;

NOW THEREFORE, BE IT RESOLVED:

That the Village Board of Trustees authorize the Village Administrator to execute the agreement for professional services with WSP dated 7-18-17.

9. RESOLUTION – Authorizing Retention of Robert J. Gloudeman and the International Property Tax Institute

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

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>
Border Properties Owner's	Michael Hommeyer Bernard Karol Donald McCallister John Westerfield	2016-2017

WHEREAS, petitioner's court challenges are now pending in the Supreme Court, Westchester County; and

WHEREAS, the rules of the court require the Petitioner and Respondent to submit evidence of the Fair Market Value of the contested property, and

WHEREAS, Special Counsel – Huff/Wilkes and the Assessor have completed their search for a qualified expert,

NOW THEREFORE BE IT RESOLVED, that the Village Board hereby authorizes Special Counsel, Huff/Wilkes to engage the International Property Tax Institute to prepare the required real estate reports and provide expert testimony in conjunction with the aforesaid Tax Certiorari Proceedings. All services will be provided in accordance with the fee proposal more specifically described in the attached memorandum from the Village Assessor, Gerry Iagallo dated September 11, 2017.

TRUSTEE COMMENTS

Trustee Mayer said a few words in memory of 9-11, never forget.

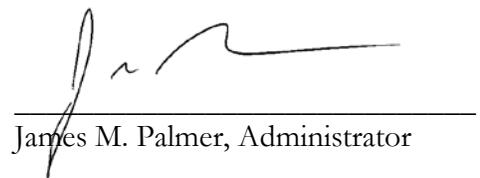
PUBLIC COMMENT

No public comment

* * * * *

There being no further comments, the Board of Trustees adjourned the Regular Meeting at 8:43pm by motion of Trustee Poorman, seconded by Trustee Mayer.

Next Village Board of Trustee’s Meeting is scheduled for Tuesday, October 10, 2017 at 8:00pm.



James M. Palmer, Administrator