

Mayor's Column
September 19, 2016

As a continuation of last week's column on the role of Village Boards, I want to spotlight the Planning Board and Design Review Committee which work in seamless concert with the Zoning Board.

Planning and Design Review jurisdiction task is overarching as both committees concentrate on development as a whole in the Village and not individual changes to existing uses in the Village per the Zoning Board's purview.

As example, the Planning Board was lead agency for the development of the Kensington Road Project which presented a changed use from an open air parking lot to a condominium community. The transfer of 100 Pondfield Road from a storage facility to a proposed residential structure was under their jurisdiction as well as the construction of the Avalon apartment complex on previously open land, and the recent expansion of the Lawrence Hospital complex.

The Planning Board's duty is to evaluate proposed development/changes to the Village under the lens of:

- Is it an appropriate use of land based on considerations including but not limited to:
 - Appropriate population densities
 - The preservation of adequate light, drainage, the rights of adjacent neighbors, open space preservation and historic significance.
 - The effect on traffic, congestion, noise and environmental concerns.

In essence, is the proposed development consistent with and/or promotes the long term attractiveness and functional utility of the community?

Analogous to the Zoning Board, the Planning Board has five members and two alternates appointed by the Mayor with the advice and consent of the Board of Trustees. Beyond the power of appointment, the Village Board does not and should not have an influence/role in the independent judgements made at the Planning Board and Design Review level.

As an adjunct to our Planning Board, a Design Review Committee, consisting of three permanent members and one alternate, reviews such aspects of an application for a development as the Planning Board may refer to it, and make recommendations thereto the Planning Board.

Common issues referred to the Design Review Committee include the type, quality and color of construction materials, landscaping, awnings and signage.

The same requirement of ten days notice prior to a hearing that governs the Zoning Board is applicable to the Planning Board and Design Review as are the provisions for public comment and the avenues of appeal.

The Planning Board is also tasked with developing and keeping current a Comprehensive Plan for the entire Village that guides and encourages the appropriate use and possible development of all the land and structures in the Village. The goal of the plan is to promote the rational functioning, economic stability, public health and safety, general welfare and sustainability of the Village.

The final Village Board that enjoys a direct nexus to Village residents is the BOAR or Board of Assessment Review. This Board, again consisting of five permanent members and two alternates, is concerned solely with reviewing residents' applications for property assessment reductions which translate into lower tax payments.

The dictates of the current tax cycle per New York State Law require the Village Assessor to file a Tentative Tax Roll on February 1, 2017. Immediately thereafter, a taxpayer may file a complaint application. Applications are accepted by Village Hall until Grievance Day, which in 2017 will be on February 21st. On that date, the Board meets from 5 to 9pm to accept applications and/or offer a brief hearing to all those feeling aggrieved.

A few weeks thereafter, the Board will reconvene to deliberate and render a disposition for each case. The actual decision will be sent in writing to each complainant after the filing of the Final Assessment Roll on April 1, 2017.

For those dissatisfied with the decision of the Board, they can fill a Small Claims Petition or Article 7 Petition within 30 days of the April 1, 2017 date.

Each action must be filed with the Westchester County Clerk's Office – Legal Division. Post filing, complainants will be notified directly by the court as to procedures and trial dates.

It is important to note that a Board of Assessment Review may only lower taxes in order to achieve better equity to the tax roll.

A BOAR has no power to raise assessments that may be unfairly low. The only vehicle to accomplish this is a municipal-wide revaluation, hence the importance and necessity of the Village's undertaking of the revaluation and our continued upkeep and monitoring of the Tax Roll's equity.

The residents staffing these Boards are vital to the stability and overall long term quality of our Village and their contributions and personal expertise are invaluable.