

**MINUTES OF REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE
VILLAGE OF BRONXVILLE HELD NOVEMBER 20, 2017
AT THE VILLAGE HALL, 200 PONDFIELD ROAD, BRONXVILLE, N.Y.**

PRESENT:	Mary C. Marvin	Mayor
	Robert S. Underhill	Deputy Mayor
	Guy Longobardo	Trustee
	Anne Poorman	Trustee
	Randolph Mayer	Trustee

ALSO PRESENT:	James Palmer	Village Administrator
	Lori Voss	Village Treasurer

WORK SESSION & EXECUTIVE SESSION

At 6:00pm, on motion by Deputy Mayor Underhill, seconded by Trustee Longobardo, the Village Board of Trustees convened a Work Session. The Village Administrator went through the agenda with the Village Board of Trustees. The Village Board discussed the two RFP's received for the Master Plan. The Village Administrator will confirm everyone's availability to meet with the firms.

On a motion of Trustee Mayer, seconded by Trustee Longobardo, the Village Board authorized the Village Administrator to purchase a leaf box for \$22,500 from the Village of Pelham Manor.

At 6:50pm, on a motion by Trustee Mayer, seconded by Trustee Longobardo, the Village Board of Trustees closed the Work Session and entered into Executive Session to discuss collective bargaining with the Teamsters and a matter involving a particular employee. At 7:55pm, on a motion by Trustee Longobardo, seconded by Trustee Poorman, the Village Board closed the Executive Session.

At 8:01pm, Mayor Mary Marvin re-opened the Regular Meeting of the Board of Trustees.

Mayor Marvin wished everyone a Happy Thanksgiving.

APPROVAL OF MINUTES

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

- Executive/Work Session of October 10, 2017
- Regular Meeting of October 10, 2017

PUBLIC HEARING – LOCAL LAW 5-2017

At 8:08pm, on motion of Trustee Poorman, seconded by Trustee Mayer, the Village Board of Trustees opened the public hearing for Local Law 5-2017, to Amend the Traffic and Vehicle Law of the Village of Bronxville, Chapter 290 by Restricting the Hours of Parking on Greenfield Ave and Oriole Ave.

Mayor Marvin stated that it is her personal recommendation at this time to keep the public hearing open. It will be adjourned to December 11, 2018.

No Trustee Comments

Public Comment

Some area residents affected by the traffic conditions thanked the Board of Trustees for all their help. Concordia College has been very responsive to the situation.

Arlene Torres, General Counsel and Bill Zambelli, Interim CFO from Concordia College, were also present. Ms. Torres stated that they will continue to work with the community.

There being no further comments from the Trustees or the Public, Mayor Marvin adjourned the Public Hearing on Local Law 5 - 2017 to December 11, 2017 at 8:17pm on motion of Trustee Poorman, seconded by Trustee Mayer.

NEW BUSINESS

A. RESOLUTION – Appointment of External Auditors

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

WHEREAS, on July 8, 2013, the Village BOT appointed O'Connor Davies LLP as the Village's external auditors based on an RFP and BOT interviews, and

WHEREAS, the auditing firm PKF O'Connor Davies has satisfactorily provided the Village with high quality auditing services from 2014 to 2017, and

WHEREAS, based on the attached engagement letter, the Village is desirous of retaining the services of PKF O'Connor Davies,

NOW THEREFORE BE IT RESOLVED that the Board of Trustees approves the appointment of PKF O'Connor Davies as the Village's external auditors and authorizes the Village Administrator to sign a five year agreement to provide auditing services from May 31, 2018 to May 31, 2022, based on the fee schedule outlined in the engagement letter.

B. RESOLUTION – to Modify Schedule of Initial Deposits Required Under Chapter 310 of the Village Zoning Law

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

WHEREAS, Section 310-54.A of Chapter 310 of the Code of the Village of Bronxville provides that various Village Boards and Committees may refer any applications they receive to professional consultants to enable them to review such applications as required by law;

WHEREAS, Section 310-55.C of Chapter 310 of the Code of the Village of Bronxville gives the Board of Trustees the authority to establish, by resolution, a schedule of deposits that governs the sum of money that an applicant shall be required to deposit to reimburse the Village for such professional services;

WHEREAS, pursuant to Section 310-55.C, the Board of Trustees previously established a schedule of deposits located in Section A321-6 of Chapter A321 of the Code of the Village of Bronxville;

WHEREAS, Section 310-55.C further provides that any schedule of deposits established by the Board of Trustees shall remain in effect and shall apply to all applicants until amended or revised by subsequent resolution; and

WHEREAS, the Board of Trustees wishes to amend the schedule of deposits in Section A321-6 to provide the Village with greater flexibility.

NOW THEREFORE BE IT RESOLVED that a new subdivision shall be added to Section A321-6 as follows:

- E. Provided, however, that the Village Administrator may reduce the required amount of the above deposits in his or her discretion depending on individual circumstances and only to an amount that will still cover Village anticipated costs and consultant expenses.

C. RESOLUTION – to Schedule Public Hearings for the Following Proposed Local Laws:

1. On motion of Trustee Poorman, seconded by Deputy Mayor Underhill, 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 the following local law; and

WHEREAS, having received proposed Local Law # 6 - 2017, the Board is prepared to hold public hearings on such proposed law,

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. A public hearing on proposed Local Law # 6 - 2017 will be held on the 8th of January, 2018 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 with applicable laws and regulations.

**Proposed Local Law 6-2017 - to Amend the Zoning Law of the Village of Bronxville,
Chapter 310-3, Regarding the Definition of a Retail Establishment**

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

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

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

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

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

2. On motion of Deputy Mayor Underhill, 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 the below local law; and

WHEREAS, having received proposed Local Law # 7 - 2017, the Board is prepared to hold public hearings on such proposed law,

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

A public hearing on proposed Local Law # 7 - 2017 will be held on the 8th of January, 2018 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 with applicable laws and regulations.

**Proposed Local Law 7-2017
to Amend the Zoning Law of the Village of Bronxville,
Chapter 310, Regarding Proximity of Certain Businesses of the Same Type**

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

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

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

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

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

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

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

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

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

3. On motion of Trustee Longobardo, 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 the following local law; and

WHEREAS, having received proposed Local Laws # 8 - 2017, the Board is prepared to hold public hearing on such proposed law,

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

A public hearing on proposed Local Law # 8 - 2017 will be held on the 8th of January, 2018 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 with applicable laws and regulations.

Proposed Local Law 8-2017

to Amend the Zoning Law of the Village of Bronxville,
Chapter 310, Regarding Off-Street Parking Requirements

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

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

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

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

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

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

- (d) Intentionally omitted.

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

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

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

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

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

(d) Intentionally omitted.

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

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

4. 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 the following local law; and

WHEREAS, having received proposed Local Laws # 9 - 2017, the Board is prepared to hold public hearings on such proposed law,

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

A public hearing on proposed Local Law # 9 - 2017 will be held on the 8th of January, 2018 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 with applicable laws and regulations.

Proposed Local Law 9-2017

to Amend the Zoning Law of the Village of Bronxville,
Chapter 310, Regarding Requirements for Site Plan Approval

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

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

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

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

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

5. On motion of Deputy Mayor Underhill, seconded by Trustee Longobardo, 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 the following local law; and

WHEREAS, having received proposed Local Law # 10 - 2017, the Board is prepared to hold public hearing on such proposed law,

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

A public hearing on proposed Local Law # 10 - 2017 will be held on the 8th of January, 2018 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 with applicable laws and regulations.

Proposed Local Law 10 - 2017

to Amend the Zoning Code of the Village of Bronxville Regarding the Adoption of a Comprehensive Plan

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

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

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

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

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

TRUSTEE COMMENTS

None

PUBLIC COMMENT

Fran Smith, Chamber of Commerce President, and Lou Maggiotta were in attendance. They thanked the Board of Trustees for all their efforts into changing some of the zoning laws in the business district.

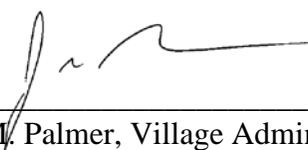
Jim Palmer added some reminders including leaf collection. Please keep leaves clear of the streets and sewers.

Sean Abbott, of the Bronxville Surrealist, had a few comments to share with the Board of Trustees. Some of those comments included Freedom of Information Laws, sewer re-lining by Green Mountain and downtown lighting.

* * * * *

There being no further comments, the Board of Trustees adjourned the Regular Meeting at 9:01pm by motion of Trustee Poorman, seconded by Deputy Mayor Underhill.

Next Village Board of Trustee’s Meeting is scheduled for Monday, December 11, 2017 at 8:00pm.



James M. Palmer, Village Administrator