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**AGENDA**  
**MARCH 21, 2012**  
**BOARD OF TRUSTEES**  
**VILLAGE OF BRIARCLIFF MANOR, NEW YORK**  
**REGULAR MEETING – 7:30 PM**

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1. Continued Public Hearing for the Issuance of a Special Use Permit, Urstadt Biddle Properties, Inc – Chilmark Shopping Center

**Board of Trustees Announcements**

**Village Managers Report**

**Public Comments**

2. Acceptance of Gift: Battle of Monitor versus the Merrimack
3. Scheduling Annual Organizational Meeting & Tentative Budget Public Hearing
  - a) Annual Organizational Meeting
  - b) 2012-2013 Tentative Budget Public Hearing
4. Award of Bid - Guide Rail Project – North State Road
5. Minutes
  - March 7, 2012 – Regular Meeting

**NEXT REGULAR BOARD OF TRUSTEES MEETING – APRIL 4, 2012**

VILLAGE OF BRIARCLIFF MANOR  
BOARD OF TRUSTEES AGENDA  
MARCH 21, 2012

1. CONTINUATION OF A PUBLIC HEARING FOR THE ISSUANCE OF A SPECIAL USE PERMIT, URSTADT BIDDLE PROPERTIES, INC – CHILMARK SHOPPING CENTER

**RESOLUTION**  
**VILLAGE OF BRIARCLIFF MANOR BOARD OF TRUSTEES**  
Adopted March \*\*, 2012  
**Chilmark Shopping Center**  
**Resolution of Special Permit Approval**

WHEREAS, the Board of Trustees (“Board of Trustees”) of the Village of Briarcliff Manor, New York (“Village”) received a Petition dated May 28, 2010, with Exhibit A, and accompanying (i) Full Environmental Assessment Form, Part 1 dated May 28, 2010 (“EAF Part 1”), (iii) Plans prepared by Norman DiChiara Architects, PC entitled, “Chilmark Shopping Center, Pleasantville Road & Orchard Road, Village of Briarcliff Manor” dated May 27, 2010, and identified as {a} A1 - Architectural Plan, {b} A2 - Architectural Plan, {c} A3 - Architectural Plan, {d} A4 - Architectural Elevation, {e} A5 - Architectural Elevation, {f} A6 - Architectural Elevation, (iii) Plans prepared by John Meyer Consulting, PC entitled, “Chilmark Shopping Center, Pleasantville Road & Orchard Road, Village of Briarcliff Manor” dated May 27, 2010 and identified as {a} SP-1 - Cover Sheet, {b} SP-2 - Overall Site Plan - Existing Conditions, {c} SP-3 - Overall Site Plan - Proposed Conditions, {d} SP-4 - Site Layout Plan, {e} SP-5 - Site Grading Plan, {f} SP-6 - Site Utilities Plan, {g} SP-7 - Site Landscaping Plan, and (iv) “Parking & Traffic Study” prepared by John Meyer Consulting, PC submitted by and on behalf of Urstadt Biddle Properties, Inc. (“Petitioner”) seeking to change certain Village zoning code parking requirements for shopping centers in the Village (“Proposed Local Law Zoning Amendments”) and corresponding amendment of the Chilmark Shopping Center site plan (“Proposed Site Plan Amendment”) and issuance to Chilmark Shopping Center of a special permit for shared parking (“Proposed Shared Parking Special Permit”) if the proposed Local Law Zoning Amendments were changed (“Proposed Action”); and

WHEREAS, the Board of Trustees reviewed the EAF Part 1 for preliminary assessment of the environmental impacts of the Proposed Action under the State Environmental Quality Review Act (“SEQR”), determined that it is subject to SEQR, that it does not involve any federal agency, that it will involve other agencies, and that it is classified as an Unlisted Action under SEQR, and by Resolution adopted June 16, 2010, declared itself Lead Agency for the purpose of a coordinated review of the environmental impacts of the Proposed Action under SEQRA, directed the Village Clerk to transmit and file a notice of the Board of Trustees’ intent to serve as Lead Agency pursuant to 6 N.Y.C.R.R. §617.6(b), and preliminarily classified the Proposed Action as an Unlisted Action under SEQR pursuant to 6 N.Y.C.R.R. §617.6(a).

WHEREAS, by resolution adopted September 1, 2010, the Board of Trustees set a Public Hearing on the Proposed Local Law Zoning Amendments to be held at Village Hall, 111 Pleasantville Road, Briarcliff Manor, New York, at 7:30 PM on October 6, 2010; and

WHEREAS, pursuant to New York General Municipal Law Sec. 239-m and Westchester County Administrative Code Sec. 277.61 and 277.71, the Petition was referred to the Westchester County Planning Board/Department, the Town of Ossining, and the Village of Ossining; and

WHEREAS, the Westchester County Planning Department responded to the referral by letters dated July 30, 2010, and September 29, 2010; and

WHEREAS, pursuant to Village Code §220-6(C), the Petition was referred to the Village Planning Board for its review and recommendation; and

WHEREAS, the Village Planning Board responded to the referral by memorandum dated July 19, 2010; and

WHEREAS, the Board of Trustees received and reviewed a Full Environmental Assessment Form, Part 2 (“Zoning EAF Part 2”) prepared on its behalf by the Village Planning Consultant BFJ Planning for assessment of the adoption of the Proposed Local Law Zoning Amendments; and

WHEREAS, the Board of Trustees held a duly advertised Public Hearing on adoption of the Proposed Local Law Zoning Amendments at Village Hall, 1111 Pleasantville Road, Briarcliff Manor, New York, at 7:30 PM on October 6, 2010, gave an opportunity to be heard to all those wishing to be heard, and closed the hearing on October 6, 2010; and

WHEREAS, the Board of Trustees considered the EAF, the Zoning EAF Part 2, comment letters from the Village Planning Board dated July 19, 2010, and from the Westchester County Department of Planning dated July 30, 2010, and September 29, 2010, and oral comments made at the public hearing; and

WHEREAS, on October 20, 2010, the Board of Trustees duly enacted Local Law 4 of 2010 to adopt the Proposed Local Law Zoning Amendments; and

WHEREAS, Petitioner applied for the Proposed Site Plan Amendment before the Village Planning Board, and the Village Planning Board review of the Proposed Site plan Amendment has been proceeding concurrently with the Board of Trustees review under SEQR and of the Proposed Shared Parking Special Permit; and

WHEREAS, Village Planning Board commented on the Proposed Shared Parking Special Permit by memorandum dated November 12, 2010; and

WHEREAS, by resolution adopted December 15, 2010, the Board of Trustees set a Public Hearing on issuance of the Proposed Shared Parking Special Permit to be held at Village Hall, 1111 Pleasantville Road, Briarcliff Manor, New York, at 7:30 PM on January 20, 2011; and

WHEREAS, the Village Clerk gave notice of the Public Hearing and as directed by the Board of Trustees, also referred the Proposed Shared Parking Special Permit to neighbors within 500 feet of the Chilmark Shopping Center; and

WHEREAS, the Board of Trustees held a duly advertised Public Hearing on issuance of the Proposed Shared Parking Special Permit at Village Hall at 7:30 PM on January 20, 2011, at which time the Board heard oral comments from Stephen Smalley, Ken Trabine, Rocco Circosta, Trisha Merkel, Anthony Myoki, Kay Gresard, Charles Bradley, Connie Kislack, Charles Mesello, Linda Edelstein, Jerry Morrissy, Sayid [illegible] from Prescriptions Plus in the Chilmark Shopping Center,

and representatives of Petitioner, gave the opportunity to be heard to all those wishing to be heard, and adjourned the Public Hearing to a date to be determined; and

WHEREAS, the Village Planning Board and the Village Manager received letters commenting on the Proposed Site Plan Amendment from Riker Danzig Scherer Hyland Perretti LLP on behalf of Shopwell, Inc. dated April 26, 2011, and from Jerry Gershner dated October 16, 2011; and

WHEREAS, the Board of Trustees received a memorandum from the Village Planning Board dated January 10, 2012, reporting on its review of the Proposed Site Plan Amendment and the need for the Board of Trustees to complete its review, make a determination under SEQR on the Proposed Action, and act on the Proposed Shared Parking Special Permit before the Planning Board could proceed further; and

WHEREAS, by resolution adopted February 1, 2012, the Board of Trustees set resumption of the Public Hearing on issuance of the Proposed Shared Parking Special Permit for Village Hall, 1111 Pleasantville Road, Briarcliff Manor, New York, at 7:30 PM on March 7, 2012; and

WHEREAS, the Board of Trustees received a letter dated January 30, 2012, with accompanying Plans prepared by John Meyer Consulting, PC, entitled, “Chilmark Shopping Center, Pleasantville Road & Orchard Road, Village of Briarcliff Manor” identified as (i) SP-2 – Overall Site Plan – Existing Conditions, Revision 6, dated December 21, 2011, (ii) AST-2 – Alternative Site Plan, Revision 1, dated December 21, 2011, (iii) SP-4 – Site Layout Plan, Revision 8, dated December 21, 2011, (iv) SP - 7 - Site Landscaping Plan, Revision 7, dated December 13, 2011, (v) 11” x 17” Figure titled “Driveway Comparison Plan – Layout” dated December 28, 2011, (vi) 11” x 17” Figure titled “Driveway Comparison Plan – Grading” dated December 28, 2011, and (vii) 11” x 17” Figure titled “Site Cross Section” dated December 28, 2011, submitted by John Meyer Consulting, PC on behalf of Petitioner; and

WHEREAS, the Village Clerk gave notice of the resumed Public Hearing; and

WHEREAS, the Board of Trustees received a letter dated February 24, 2012, with accompanying plans prepared by John Meyer Consulting, PC entitled, “Chilmark Shopping Center, Pleasantville Road & Orchard Road, Village of Briarcliff Manor” last revised February 23, 2012, and identified as (i) SP-3 – Overall Site Plan (A-1), which was recommended by the Planning Board in its memorandum dated January 10, 2012, (ii) SP-3 - Overall Site Plan (A-2), which was suggested by the Board of Trustees to allow for an additional traffic aisle by land-banking two parking spaces in accordance with Village Code § 220-6.K(4)(b)[2], and (iii) SP-3 - Overall Site Plan (A-3), which will requiring future consent and authorization by an owner adjoining property but might be approved on condition of receiving that consent and authorization, submitted on behalf of Petitioner by Cuddy & Feder, LLP; and

WHEREAS, the Board of Trustees held a duly advertised Public Hearing on issuance of the Proposed Shared Parking Special Permit at Village Hall at 7:30 PM on March 7, 2012, at which time the Board heard oral comments from Charles Bradley, Jenny Earl, Emily Sack, and representatives of Petitioner, gave an opportunity to be heard to all those wishing to be heard, and adjourned the hearing to March 21, 2012; and

WHEREAS, the Board of Trustees received and reviewed a Full Environmental Assessment Form, Part 2 (“Shared Parking Special Permit EAF Part 2”) prepared on its behalf by the Village Planning Consultant BFJ Planning for assessment of the issuance of the Proposed Shared Parking Special Permit; and

WHEREAS, the Board of Trustees resumed the adjourned Public Hearing on issuance of the Proposed Shared Parking Special Permit at Village Hall at 7:30 PM on March 21, 2012, at which time the Board heard oral comments from \*\*\*\*\* and representatives of Petitioner, and gave an opportunity to be heard to all those wishing to be heard, and closed the hearing; and

WHEREAS, the Board of Trustees considered the EAF Part 1, the Shared Parking Special Permit EAF Part 2, memoranda from the Village Planning Board July 19, 2010, November 12, 2010, and January 10, 2012, and from the Westchester County Department of Planning dated July 30, 2010, and September 29, 2010, other written submissions, and oral comments made at the Public Hearing; and

WHEREAS, Chilmark Shopping Center is comprised of the following parcels designated on the Village’s Tax Map: (i) Section 90.17, Block 1, Lots 4 & 5 owned by Petitioner and consisting of approximately 3.33 acres of land and containing two single story brick buildings with 28,605 square feet of retail and personal service uses and 148 parking spaces (“Petitioner Lots 4 & 5”), (ii) Section 90.17, Block 1, Lot 2 owned by Petitioner and consisting of approximately .0784 acres of land and containing 8,845 square feet of retail and personal service and restaurant uses and 42 parking spaces (“Petitioner Lot 2”), (iii) Section 90.17, Block 1, Lot 57, owned by Petitioner and consisting of approximately 0.225 acres of land and being vacant and undeveloped (“Petitioner Lot 57”), and (iv) Section 90.17, Block 1, Lot 3 owned by Shopwell, Inc. and consisting of approximately 2.124 acres of land and containing 22,500 square feet of supermarket use and 104 parking spaces (“A&P Lot 3”), and

WHEREAS, Petitioner Lots 4 & 5, Petitioner Lot 2, and Petitioner Lot 57 are benefited and burdened by cross-easements for ingress and egress and for parking with A&P Lot 3 recorded at Liber 7784, Page 54 and Liber 7784, Page 62 in the Westchester County Clerk’s Office (Division of Land Records); and

WHEREAS, Petitioner has acquired the parcel designated on the Village’s Tax Map as Section 90.17, Block 1, Lot 6 consisting of approximately 0.49 acres of land adjacent to Chilmark Shopping Center and currently containing 2,426 square feet of banking use and 14 parking spaces and intends by its Proposed Site Plan Amendment to modify the same and incorporate it into the shopping center (“Petitioner Lot 6”); and

WHEREAS, the Chilmark Shopping Center is and has been operated as a “designed group of such retail establishments used for merchandising or personal service” ... “forming a single functional shopping center”; and

WHEREAS, Shopwell, Inc. and/or the owner of A&P Lot 3 has not appeared before the Board of Trustees or joined in Petitioner’s applications for the Proposed Shared Parking Special Permit or the Proposed Site Plan Amendment; and

WHEREAS, Petitioner intends to operate Petitioner Lots 4 & 5, Petitioner Lot 2, Petitioner Lot 57, and Petitioner Lot 6, with its cross-easement ingress, egress, and parking rights, as a “designed group of such retail establishments used for merchandising or personal service” ... “forming a single functional shopping center” in accordance with Village Code §220-6.K(4) under and its Proposed Site Plan Amendment (“Urstadt Biddle Chilmark Shopping Center”); and

WHEREAS, the nature and category of the Urstadt Biddle Chilmark Shopping Center’s use will not be changed by issuance of the Proposed Shared Parking Special Permit; and

WHEREAS, the Proposed Action has been subject to a coordinated review by the Board of Trustees as Lead Agency under SEQRA, and the Board of Trustees has concluded that issuance of the Proposed Shared Parking Special Permit to the Urstadt Biddle Chilmark Shopping Center will not result in any significant adverse environmental impact; and

WHEREAS, the Planning Board issued a general recommendation of support for the Proposed Shared Parking Special Permit in its memorandum of November 12, 2010, and also noted that it did not find that any of the project-related impacts would result in any potentially significant adverse environmental under SEQRA in its memorandum of January 10, 2012; and

WHEREAS, the Board is familiar with the Chilmark Shopping Center and the Urstadt Biddle Chilmark Shopping Center’s operations and use of the property; and

WHEREAS, issuance of the Proposed Shared Parking Special Permit will allow for better regulation and land use control of the Urstadt Biddle Chilmark Shopping Center; and

WHEREAS, the Urstadt Biddle Chilmark Shopping Center’s continuation of its current operations are consistent with the past use of its site and the Village’s Master Plan, surrounding land uses, and zoning; and

WHEREAS, other important benefits of issuing the Proposed Shared Parking Special Permit for Urstadt Biddle Chilmark Shopping Center include, but are not necessarily limited to, greater clarity of legal status and more efficient regulation and administration; and

WHEREAS, the Petitioner’s has agreed before the Village Planning Board on its review of the Proposed Site Plan Amendment that Urstadt Biddle Chilmark Shopping Center and its tenants will not be operated or open on a 24-hour basis; and

WHEREAS, the Village Planning Board requested in its memorandum of January 10, 2012, that stricter standards than those included in the Village Sign Ordinance, Village Code Chapter 172, “Signs,” should be applied with respect to the size, type, design, and lighting associated with any new sign posted or on the facade of any building along Pleasantville Road, and the Board of trustees encourages the Planning Board to pursue Petitioner’s agreement to the same as it completes review of the Proposed Site Plan Amendment;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

RESOLVED, the Board of Trustees adopts and incorporates the recitations and statements set forth above as if fully set forth and resolved herein.

RESOLVED, in its consideration of the Urstadt Biddle Chilmark Shopping Center's application, the Board of Trustees has reviewed and relied on:

1. Petition dated May 18, 2010, with Exhibit A and accompanying Plans, Full Environmental Assessment Form, Part 1, and Parking & Traffic study.
2. Memorandum from Village Planning Board dated July 19, 2010.
3. Comment Letter from the Westchester County Department of Planning dated July 30, 2010.
4. Comment Letter from the Westchester County Department of Planning dated September 29, 2010.
5. Memorandum from Village Planning Board dated November 12, 2010.
6. Letter to the Village Planning Board from Riker Danzig Scherer Hyland Perretti LLP on behalf of Shopwell, Inc. dated April 26, 2011.
7. Letter to the Village Manager from Jerry Gershner dated October 16, 2011.
8. Memorandum from Village Planning Board dated January 10, 2012.
9. Letter to the Board of Trustees from John Meyer Consulting, PC dated January 13, 2012, with accompanying Plans.
10. Letter to the Board of Trustees from Cuddy & Feder, LLP dated January 30, 2012, with accompanying Plans.
11. Shared Parking Special Permit EAF, Part 2 prepared by Village Planning Consultants.
12. Presentations and statements made at the Public Hearing(s).

RESOLVED, the Board of Trustees finds that:

13. The Urstadt Biddle Chilmark Shopping Center presently has approximately 39,876 square feet of retail, personal service, and restaurant use, 204 parking spaces, and easement rights over 104 parking spaces.
14. Under the Proposed Site Plan Amendment's current three alternatives, the Urstadt Biddle Shopping Center will have (i) in one case, 46,790 square feet of retail, personal service, and restaurant use, 208 parking spaces, and easement rights over 104 parking spaces, (ii) in another case, 46,790 square feet of retail, personal service, and restaurant use, 206 parking spaces, 2 more land-banked parking spaces, and easement rights over 104 parking spaces, and (iii) in the last case, 47,290 square feet of retail, personal service, and restaurant use, 211 parking spaces, and easement rights over 104 parking spaces,.

15. The Urstadt Biddle Chilmark Shopping Center's use of its property and location(s) on the site, the nature and intensity of the operations and traffic in connection with it, the size of the site in relation to it, and the location of the site with respect to the type, arrangement, and capacity of streets giving access to it are in satisfactory harmony with the appropriate and orderly development of the B1 zoning district in which the shopping center is located.

16. The location, nature, and height of buildings, walls, and fences, and the nature and extent of the landscaping and screening existing on the site and to be developed under the Proposed Site Plan Amendment are such that the Urstadt Biddle Chilmark Shopping Center does not hinder or discourage the appropriate development and use of adjacent land and buildings.

17. The Urstadt Biddle Chilmark Shopping Center's operations are not more objectionable to nearby properties by reason of noise, fumes, vibrations, lighting, or flashing of lights, than would be the operations of any permitted use on the site not requiring a special permit.

18. Parking areas are of adequate size for the Urstadt Biddle Chilmark Shopping Center's use of the site, properly located, and suitably screened from any adjoining residential uses, and the entrance and exit drives are laid out so as to achieve maximum safety.

19. The character, intensity, size, and location of the Urstadt Biddle Chilmark Shopping Center is generally in harmony with the orderly development of the B1 zoning district in which the Property is located and will not be detrimental to the orderly development of adjacent districts.

20. The Urstadt Biddle Chilmark Shopping Center's operations and improvements on the site under the Proposed Site Plan Amendment will not impair the use, enjoyment, or value of adjacent residential properties.

21. The nature and intensity of the Urstadt Biddle Chilmark Shopping Center and the traffic generated by it is not especially hazardous, incongruous, or detrimental to the prevailing residential character of the neighborhood.

22. The Urstadt Biddle Chilmark Shopping Center and its operations and improvements on the site under the Proposed Site Plan Amendment is and will be harmonious with the B1 district in which it is located, does not and will not create undue pedestrian or vehicular traffic hazards, and does not and will not include any display of signs, noise, fumes, or lights that will hinder the normal development of the district or impair the use, enjoyment and value of adjacent land and buildings

23. The applicable conditions and standards for Special Permit Use set forth in Village Code §220-6(C)(1) through (8) have been met.

24. The Urstadt Biddle Chilmark Shopping Center is a designed group of establishments for sale of goods at retail or performance of customary personal service or services clearly

incidental to retail sales, primarily for the convenience of the inhabitants of the Village and the immediate locality.

25. The Urstadt Biddle Chilmark Shopping Center forms a single functional shopping center.

26. The Urstadt Biddle Chilmark Shopping Center is situated on lots aggregating in excess of two acres.

27. Petitioner has presented a parking accumulation study prepared during peak hour utilization to demonstrate that sufficient parking spaces exist at The Urstadt Biddle Chilmark Shopping Center so that no overflow parking is likely to occur in any public street.

28. Each of the site plans identified as SP-3-Overall Site Plan (A-1) and SP-3 Overall Site Plan (A-3) submitted by letter of Cuddy & Feder, LLP dated January 30, 2012, and annexed to this Resolution will provide the Urstadt Biddle Chilmark Shopping Center with at least 4.5 parking spaces per 1,000 square feet of floor area.

29. The site plan identified as SP-3-Overall Site Plan (A-2) submitted by letter of Cuddy & Feder, LLP dated January 30, 2012, and annexed to this Resolution will provide the Urstadt Biddle Chilmark Shopping Center with at least 4.0 parking spaces per 1,000 square feet of floor area and provides and indicates additional land-banked parking spaces which, if made available, will provide the shopping center with at least 4.5 spaces per 1,000 square feet of floor area.

30. The parking spaces provided to the Urstadt Biddle Chilmark Shopping Center under the site plan identified as SP-3-Overall Site Plan (A-2) submitted by letter of Cuddy & Feder, LLP dated January 30, 2012, and annexed to this Resolution net of any land-banked spaces are sufficient to meet the demands of the shopping center by reason of the provision of nonreserved parking spaces and variation in the probable time of maximum use by visitors, patrons and employees of the shopping center and its occupants.

31. The applicable conditions and standards for shared parking Special Permit use set forth in Village Code §220–6.K(4) have been met.

RESOLVED, that the Board of Trustees imposes the following conditions on the issuance of a Special Permit for shared parking (“Shared Parking Special Permit”) to the Urstadt Biddle Chilmark Shopping Center:

32. Except as otherwise set forth in these conditions or approved by the Board of Trustees in an amendment to the Shared Parking Special Permit, the Urstadt Biddle Chilmark Shopping Center Shared Parking Special Permit is conditioned and contingent on the Village Planning Board approval of the Proposed Site Plan Amendment in the form set forth in any one of the SP-3-Overall Site Plan (A-1), SP-3-Overall Site Plan (A-2), or SP-3-Overall Site Plan (A-3) submitted by letter of Cuddy & Feder, LLP dated January 30, 2012, and annexed to this Resolution, with the Planning Board to exercise its judgment and selecting among those plans.

33. Except as otherwise set forth in these conditions, no change shall be made on the site to add an improvement or to change the footprint or location of any improvement shown on the Proposed Site Plan Amendment approved by the Village Planning Board (“Site Plan”) unless approval for the addition or change is obtained from the Village Planning Board under Village Code §220–14.

34. All applicable fees, charges, and reimbursements charged to Petitioner by the Village on the Village’s review and determination of the Petition, the Proposed Action, the Proposed Local Law Zoning Amendments, the Proposed Shared Parking Special Permit, the Proposed Site Plan Amendment, and any matter incidental to any of the same shall be paid the before the Shared Parking Special Permit takes effect.

RESOLVED, the Board of Trustees grants the Shared Parking Special Permit to Urstadt Biddle Chilmark Shopping Center in accordance with the provisions of Village Code §220–6 subject to the terms and conditions of this Resolution and to the Urstadt Biddle Chilmark Shopping Center’s:

35. Operation of the Urstadt Biddle Chilmark Shopping Center in conformity with the requirements of the Village Code with regular, repeated, or continued deviations therefrom constituting a violation of the Shared Parking Special Permit.

36. Use and improvement of the property in conformity with the requirements of the Village Code and as set forth in the Site Plan, with regular, repeated, or continued deviations from the maintenance and improvement of the property as set forth in the Site Plan constituting a violation of the Urstadt Biddle Chilmark Shopping Center’s Shared Parking Special Permit.

RESOLVED, the Shared Parking Special Permit shall not apply to any nonconformity other than the preexisting Urstadt Biddle Chilmark Shopping Center’s parking deficiency.

RESOLVED, this Shared Parking Special Permit shall not approve, prohibit, or otherwise affect any other permit or approval that may apply to or be a required of or for the Urstadt Biddle Chilmark Shopping Center, the site, or the Urstadt Biddle Chilmark Shopping Center’s operations.

RESOLVED, in accordance with Village Code §220–6(F) & (G), the Urstadt Biddle Chilmark Shopping Center’s Shared Parking Special Permit approval shall expire and become void if the use of the site as a designed group of establishments for sale of goods at retail or performance of customary personal service or services clearly incidental to retail sales, primarily for the convenience of the inhabitants of the Village and the immediate locality, and forming a single functional shopping center ceases for more than 12 months for any reason.

**RESOLUTION  
VILLAGE OF BRIARCLIFF MANOR BOARD OF TRUSTEES**

**State Environmental Quality Review Act Determination  
Negative Declaration – Special Permit  
Chilmark Shopping Center Rezoning & Expansion**

WHEREAS, the Board of Trustees (“Board of Trustees”) of the Village of Briarcliff Manor, New York (“Village”) received a Petition dated May 28, 2010, with Exhibit A, and accompanying Full Environmental Assessment Form, Part I dated May 28, 2010 (“EAF Part I”), and other supporting material submitted on behalf of Urstadt Biddle Properties, Inc. (“Petitioner”) seeking to change certain Village zoning code parking requirements for shopping centers in the Village (“Proposed Local Law Zoning Amendments”) and a corresponding amendment of the Chilmark Shopping Center site plan (“Proposed Site Plan Amendment”) and issuance to Chilmark Shopping Center of a special permit for shared parking (“Proposed Shared Parking Special Permit”) if the zoning code parking requirements were changed (“Proposed Action”); and

WHEREAS, the Board of Trustees reviewed the EAF Part I for preliminary assessment of the environmental impacts of the Proposed Action under the State Environmental Quality Review Act (“SEQR”), determined that it is subject to SEQR, that it does not involve any federal agency, that it will involve other agencies, and that it is classified as an Unlisted Action under SEQR, and by Resolution adopted June 16, 2010, declared itself Lead Agency for the purpose of a coordinated review of the environmental impacts of the Proposed Action under SEQRA, directed the Village Clerk to transmit and file a notice of the Board of Trustees’ intent to serve as Lead Agency pursuant to 6 N.Y.C.R.R. §617.6(b), and preliminarily classified the Proposed Action as an Unlisted Action under SEQR pursuant to 6 N.Y.C.R.R. §617.6(a).

WHEREAS, by resolution adopted September 1, 2010, the Board of Trustees set a Public Hearing on the Proposed Local Law Zoning Amendments as sought in the Proposed Action to be held at Village Hall, 1111 Pleasantville Road, Briarcliff Manor, New York, at 7:30 PM on October 6, 2011; and

WHEREAS, the Village Clerk gave notice of the Public Hearing and referred the Proposed Local Law Zoning Amendments to the Village Planning Board, the Westchester County Planning Board/Planning Department, the Town of Ossining, and the Village of Ossining; and

WHEREAS, the Westchester County Planning Department responded to the referral by letters dated July 30, 2010, and September 29, 2010; and

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Briarcliff/ Chilmark Shopping Center Rezoning – Special Permit Negative Declaration  
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WHEREAS, the Village Planning Board responded to the referral by memoranda dated July 19, 2010; and

WHEREAS, the Board of Trustees received and reviewed a Full Environmental Assessment Form, Part 2 (“Zoning EAF Part 2”) prepared on its behalf by the Village Planning Consultant BFJ Planning for assessment of the adoption of the Proposed Local Law Zoning Amendments sought in the Proposed Action; and

WHEREAS, the Board of Trustees held a duly advertised public hearing on adoption of the Proposed Local Law Zoning Amendments at Village Hall at 7:30 PM on October 6, 2010, gave all those wishing to be heard the opportunity to be heard, and closed the hearing on October 6, 2010; and

WHEREAS, the Board of Trustees considered the EAF, the Zoning EAF Part 2, comment letters from the Village Planning Board dated July 19, 2010, and from the Westchester County Department of Planning dated July 30, 2010, and September 29, 2010, and oral comments made at the Public Hearing; and

WHEREAS, by resolutions adopted October 20, 2010, the Board of Trustees (1) determined that the Proposed Action is an Unlisted Action pursuant to 6 N.Y.C.R.R. §612.4(b)(1), that the adoption of a Proposed Local Law Zoning Amendments as sought in the Proposed Action would not have any potentially large impact or any significant adverse impact on the environment, that the circumstances of the procedural sequencing of the zoning changes and site plan amendment and issuance of a special permit as sought in the Proposed Action warranted action on the Proposed Local Law Zoning Amendments prior to final review and action on the Proposed Site Plan Amendment and the Proposed Shared Parking Special Permit, that such review would not be less protective of the environment because the zoning changes do not permit or otherwise allow any physical change in the environment and among other things, any site plan amendment and/or special permit will be subject to review under SEQR, and that the Mayor or his designee was authorized to execute an EAF and, for the reasons set forth, to execute and file a Negative Declaration on adoption of such a Local Law and (2) enacted Local Law 4 of 2010 to adopt the Proposed Local Law Zoning Amendments as sought in the Proposed Action in accordance with the applicable provisions of law; and

WHEREAS, Village Planning Board commented on the Proposed Shared Parking Special Permit by memorandum dated November 12, 2010; and

WHEREAS, by resolution adopted December 15, 2010, the Board of Trustees set a Public Hearing on issuance of a Proposed Shared Parking Special Permit as sought in the Proposed Action to be held at Village Hall, 1111 Pleasantville Road, Briarcliff Manor, New York, at 7:30 PM on January 20, 2011, at which time all those wishing to be heard would be given the opportunity to be heard; and

Draft 3/16/12  
Briarcliff/ Chilmark Shopping Center Rezoning – Special Permit Negative Declaration  
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Rezoning.120316.doc

WHEREAS, the Village Clerk gave notice of the Public Hearing and as directed by the Board of Trustees, referred the Proposed Shared Parking Special Permit to neighbors within 500 feet of the Chilmark Shopping Center; and

WHEREAS, the Board of Trustees held a duly advertised Public Hearing on issuance of the Proposed Shared Parking Special Permit at Village Hall at 7:30 PM on January 20, 2011, at which time the Board heard oral comments from Stephen Smalley, Ken Trabine, Rocco Circosta, Trisha Merkel, Anthony Myoki, Kay Gresard, Charles Bradley, Connie Kislack, Charles Mesello, Linda Edelstein, Jerry Morrissy, Sayid [illegible] from Prescriptions Plus in the Chilmark Shopping Center, and representatives of Petitioner, gave all those wishing to be heard the opportunity to be heard, and adjourned the Public Hearing to a date to be determined; and

WHEREAS, the Planning Board and the Village Manager received letters commenting on the Proposed Site Plan Amendment sought in the Proposed Action from Riker Danzig Scherer Hyland Perretti LLP on behalf of Shopwell, Inc. dated April 26, 2011, and from Jerry Gershner dated October 16, 2011; and

WHEREAS, the Board of Trustees received a memorandum from the Village Planning Board dated January 10, 2012, reporting on its review of the Proposed Site Plan Amendment and the need for the Board of Trustees to complete its review and make a determination under SEQR on the Proposed Action and act on the Proposed Shared Parking Special Permit before the Planning Board could proceed further; and

WHEREAS, by resolution adopted February 1, 2012, the Board of Trustees set resumption of the Public Hearing on issuance of the Proposed Shared Parking Special Permit for Village Hall, 1111 Pleasantville Road, Briarcliff Manor, New York, at 7:30 PM on March 7, 2012; and

WHEREAS, the Board of Trustees received letters dated January 30, 2012, and February 24, 2012, and other supporting material submitted on behalf of Petitioner to resume its application for the Proposed Shared Parking Special Permit; and

WHEREAS, the Village Clerk gave notice of the resumed Public Hearing; and

WHEREAS, the Board of Trustees held a duly advertised public hearing on issuance of the Proposed Shared Parking Special Permit at Village Hall at 7:30 PM on March 7, 2012, at which time the Board heard oral comments from Charles Bradley, Jenny Earl, Emily Sack, and representatives of Petitioner, and all those wishing to be heard were given the opportunity to be heard, and adjourned the hearing to March 21, 2012; and

WHEREAS, the Board of Trustees reviewed a Full Environmental Assessment Form Part 2 (“Shared Parking Special Permit EAF Part 2”) prepared on its behalf by the

Draft 3/16/12  
Briarcliff/ Chilmark Shopping Center Rezoning – Special Permit Negative Declaration  
F:\9476\031\Resolution.EAF Neg Dec Special Permit.Chilmark Shopping Center  
Rezoning.120316.doc

Village Planning Consultant BFJ Planning for assessment of the issuance of the Proposed Shared Parking Special Permit sought in the Proposed Action; and

WHEREAS, the Board of Trustees resumed the adjourned public hearing on issuance of the Proposed Shared Parking Special Permit at Village Hall at 7:30 PM on March 21, 2012, at which time the Board heard oral comments from \*\*\*\*\* , and representatives of Petitioner, gave all those wishing to be heard the opportunity to be heard, and closed the hearing on March 21, 2012; and

WHEREAS, the Board of Trustees considered the EAF, the Shared Parking Special Permit EAF Part 2, memoranda from the Village Planning Board dated July 19, 2010, November 12, 2010, and January 10, 2012, and from the Westchester County Department of Planning dated July 30, 2010, and September 29, 2010, and other written submissions and oral comments made at the Public Hearing;

NOW THEREFORE, be it

RESOLVED, that the Board of Trustees hereby reaffirms its earlier determination that the Proposed Action is an Unlisted Action pursuant to 6 N.Y.C.R.R. §612.4(b)(1); and be it further

RESOLVED, that the Board of Trustees, having considered the facts and conclusions set forth in the Shared Parking Special Permit EAF Part 2 regarding the potential environmental impacts of issuance of the Proposed Shared Parking Special Permit, hereby determines that issuance of a Special Permit for shared parking at Chilmark Shopping Center under Village Code Section 220-6.K(4) will not have any potentially large impact or any significant adverse impact on the environment; and be it further

RESOLVED, that the Mayor or his designee is authorized to execute an EAF and, for the reasons set forth, to execute and file a Negative Declaration on issuance of a Special Permit for shared parking at Chilmark Shopping Center under Village Code Section 220-6.K(4) as sought in the Proposed Action in accordance with the applicable provisions of law.

**To:** Mayor William Vescio and the Village Board of Trustees

**From:** Sarah K. Yackel, AICP, Associate Principal

**Subject:** Urstadt Biddle Properties Inc. (Chilmark Shopping Center) – Application for Special Permit and Amended Site Plan Review – SEQR Part 2

**Date:** March 6, 2012

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Attached for your review and consideration is the required Long Form Environmental Assessment Form (EAF) Part 2. Urstadt Biddle Properties, Inc. (the “Owner/Applicant”) submitted a Long Form EAF Part 1, dated May 28, 2010 in support of its Application for Special Permit and Amended Site Plan Review for the redevelopment of the Chilmark Shopping Center (the “Proposed Action”). At that time the Village Board of Trustees (the “BOT”) declared its intent to serve as the State Environmental Quality Review Act (“SEQR”) Lead Agency for the Proposed Action and a coordinated review pursuant to SEQR [§617.6(b)(3)] was conducted; the BOT is the SEQR Lead Agency for the Proposed Action.

Since the Long Form EAF Part 1 was submitted, the project has been revised based on extensive comments received from the BOT, the Village Planning Board, the Village Planning Consultants, the Town of Ossining, and the public. The basic components of the project remain the same; however certain aspects of the project have either been scaled back or redesigned based on comments. The project as originally proposed included an overall increase of approximately 7,900 square feet in building area and 309 parking spaces. The project as currently proposed includes an overall increase of 6,900 square feet in building area and approximately 312 parking spaces. Additionally improvements to onsite pedestrian and vehicular circulation, as well as off-site improvements to the following intersections have been made: Brookville Avenue and Pleasantville Road; Ramapo Road and Pleasantville Avenue; Pleasantville Road and the main entrance into the Chilmark Shopping Center; and Pleasantville Road and Orchard Road.

cc: Clinton Smith, Village Legal Counsel

## PART 2 - PROJECT IMPACTS AND THEIR MAGNITUDE

### Responsibility of Lead Agency

**General Information (Read Carefully)**

- ! In completing the form the reviewer should be guided by the question: Have my responses and determinations been **reasonable?** The reviewer is not expected to be an expert environmental analyst.
- ! The **Examples** provided are to assist the reviewer by showing types of impacts and wherever possible the threshold of magnitude that would trigger a response in column 2. The examples are generally applicable throughout the State and for most situations. But, for any specific project or site other examples and/or lower thresholds may be appropriate for a Potential Large Impact response, thus requiring evaluation in Part 3.
- ! The impacts of each project, on each site, in each locality, will vary. Therefore, the examples are illustrative and have been offered as guidance. They do not constitute an exhaustive list of impacts and thresholds to answer each question.
- ! The number of examples per question does not indicate the importance of each question.
- ! In identifying impacts, consider long term, short term and cumulative effects.

**Instructions (Read carefully)**

- a. Answer each of the 20 questions in PART 2. Answer **Yes** if there will be **any** impact.
- b. **Maybe** answers should be considered as **Yes** answers.
- c. If answering **Yes** to a question then check the appropriate box(column 1 or 2)to indicate the potential size of the impact. If impact threshold equals or exceeds any example provided, check column 2. If impact will occur but threshold is lower than example, check column 1.
- d. Identifying that an Impact will be potentially large (column 2) does not mean that it is also necessarily **significant**. Any large impact must be evaluated in PART 3 to determine significance. Identifying an impact in column 2 simply asks that it be looked at further.
- e. If reviewer has doubt about size of the impact then consider the impact as potentially large and proceed to PART 3.
- f. If a potentially large impact checked in column 2 can be mitigated by change(s) in the project to a small to moderate impact, also check the **Yes** box in column 3. A **No** response indicates that such a reduction is not possible. This must be explained in Part 3.

	1	2	3
	Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

#### Impact on Land

1. Will the Proposed Action result in a physical change to the project site?

NO  YES

**Examples** that would apply to column 2

- |  |                                     |                          |  |  |
|--|-------------------------------------|--------------------------|--|--|
| • Any construction on slopes of 15% or greater, (15 foot rise per 100 foot of length), or where the general slopes in the project area exceed 10%. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |  | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Construction on land where the depth to the water table is less than 3 feet.   | <input type="checkbox"/>            | <input type="checkbox"/> |  | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Construction of paved parking area for 1,000 or more vehicles.   | <input type="checkbox"/>            | <input type="checkbox"/> |  | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Construction on land where bedrock is exposed or generally within 3 feet of existing ground surface.   | <input type="checkbox"/>            | <input type="checkbox"/> |  | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Construction that will continue for more than 1 year or involve more than one phase or stage.  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |  | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Excavation for mining purposes that would remove more than 1,000 tons of natural material (i.e., rock or soil) per year.                         | <input type="checkbox"/>            | <input type="checkbox"/> |  | <input type="checkbox"/> Yes <input type="checkbox"/> No |

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• Construction or expansion of a sanitary landfill.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Construction in a designated floodway.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

2. Will there be an effect to any unique or unusual land forms found on the site? (i.e., cliffs, dunes, geological formations, etc.)

NO  YES

• Specific land forms:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
------------------------	--------------------------	--------------------------	--

**Impact on Water**

3. Will Proposed Action affect any water body designated as protected? (Under Articles 15, 24, 25 of the Environmental Conservation Law, ECL)

NO  YES

**Examples** that would apply to column 2

• Developable area of site contains a protected water body.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Dredging more than 100 cubic yards of material from channel of a protected stream.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Extension of utility distribution facilities through a protected water body.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Construction in a designated freshwater or tidal wetland.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

4. Will Proposed Action affect any non-protected existing or new body of water?

NO  YES

**Examples** that would apply to column 2

• A 10% increase or decrease in the surface area of any body of water or more than a 10 acre increase or decrease.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Construction of a body of water that exceeds 10 acres of surface area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No



1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

6. Will Proposed Action alter drainage flow or patterns, or surface water runoff?

NO       YES

**Examples** that would apply to column 2

- |  |                                     |                          |                              |                             |
|--|-------------------------------------|--------------------------|------------------------------|-----------------------------|
| • Proposed Action would change flood water flows                   | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action may cause substantial erosion.                   | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action is incompatible with existing drainage patterns. | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will allow development in a designated floodway. | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts:   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

Proposed stormwater improvements will result in reductions of peak rates of runoff.

**IMPACT ON AIR**

7. Will Proposed Action affect air quality?

NO       YES

**Examples** that would apply to column 2

- |   |                          |                          |                              |                             |
|---|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Proposed Action will induce 1,000 or more vehicle trips in any given hour.  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will result in the incineration of more than 1 ton of refuse per hour.  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Emission rate of total contaminants will exceed 5 lbs. per hour or a heat source producing more than 10 million BTU's per hour. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will allow an increase in the amount of land committed to industrial use.                                       | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will allow an increase in the density of industrial development within existing industrial areas.               | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts:  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

**IMPACT ON PLANTS AND ANIMALS**

8. Will Proposed Action affect any threatened or endangered species?

NO       YES

**Examples** that would apply to column 2

- |   |                          |                          |                              |                             |
|---|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Reduction of one or more species listed on the New York or Federal list, using the site, over or near the site, or found on the site. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
|---|--------------------------|--------------------------|------------------------------|-----------------------------|

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• Removal of any portion of a critical or significant wildlife habitat.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Application of pesticide or herbicide more than twice a year, other than for agricultural purposes.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

9. Will Proposed Action substantially affect non-threatened or non-endangered species?

NO  YES

**Examples** that would apply to column 2

• Proposed Action would substantially interfere with any resident or migratory fish, shellfish or wildlife species.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action requires the removal of more than 10 acres of mature forest (over 100 years of age) or other locally important vegetation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

#### IMPACT ON AGRICULTURAL LAND RESOURCES

10. Will Proposed Action affect agricultural land resources?

NO  YES

**Examples** that would apply to column 2

• The Proposed Action would sever, cross or limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Construction activity would excavate or compact the soil profile of agricultural land.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• The Proposed Action would irreversibly convert more than 10 acres of agricultural land or, if located in an Agricultural District, more than 2.5 acres of agricultural land.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• The Proposed Action would disrupt or prevent installation of agricultural land management systems (e.g., subsurface drain lines, outlet ditches, strip cropping); or create a need for such measures (e.g. cause a farm field to drain poorly due to increased runoff).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

**IMPACT ON AESTHETIC RESOURCES**

11. Will Proposed Action affect aesthetic resources? (If necessary, use the Visual EAF Addendum in Section 617.20, Appendix B.)

NO     YES

**Examples** that would apply to column 2

• Proposed land uses, or project components obviously different from or in sharp contrast to current surrounding land use patterns, whether man-made or natural.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed land uses, or project components visible to users of aesthetic resources which will eliminate or significantly reduce their enjoyment of the aesthetic qualities of that resource.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Project components that will result in the elimination or significant screening of scenic views known to be important to the area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

**IMPACT ON HISTORIC AND ARCHAEOLOGICAL RESOURCES**

12. Will Proposed Action impact any site or structure of historic, prehistoric or paleontological importance?

NO     YES

**Examples** that would apply to column 2

• Proposed Action occurring wholly or partially within or substantially contiguous to any facility or site listed on the State or National Register of historic places.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Any impact to an archaeological site or fossil bed located within the project site.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action will occur in an area designated as sensitive for archaeological sites on the NYS Site Inventory.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

	1	2	3	
	Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No

• Other impacts:

**IMPACT ON OPEN SPACE AND RECREATION**

13. Will proposed Action affect the quantity or quality of existing or future open spaces or recreational opportunities?

NO       YES

**Examples** that would apply to column 2

- |   |                          |                          |                              |                             |
|---|--------------------------|--------------------------|------------------------------|-----------------------------|
| • The permanent foreclosure of a future recreational opportunity. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • A major reduction of an open space important to the community.  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts:  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

**IMPACT ON CRITICAL ENVIRONMENTAL AREAS**

14. Will Proposed Action impact the exceptional or unique characteristics of a critical environmental area (CEA) established pursuant to subdivision 6NYCRR 617.14(g)?

NO       YES

List the environmental characteristics that caused the designation of the CEA.

**Examples** that would apply to column 2

- |   |                          |                          |                              |                             |
|---|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Proposed Action to locate within the CEA?                                   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will result in a reduction in the quantity of the resource? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will result in a reduction in the quality of the resource?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will impact the use, function or enjoyment of the resource? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts:  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

**IMPACT ON TRANSPORTATION**

15. Will there be an effect to existing transportation systems?

NO     YES

**Examples** that would apply to column 2

- |  |                                     |                          |                              |                             |
|--|-------------------------------------|--------------------------|------------------------------|-----------------------------|
| • Alteration of present patterns of movement of people and/or goods. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will result in major traffic problems.             | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts:   | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

Improvements to several intersections in the vicinity of the project site are proposed.

**IMPACT ON ENERGY**

16. Will Proposed Action affect the community's sources of fuel or energy supply?

NO     YES

**Examples** that would apply to column 2

- |   |                          |                          |                              |                             |
|---|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Proposed Action will cause a greater than 5% increase in the use of any form of energy in the municipality.   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two family residences or to serve a major commercial or industrial use. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts:  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

**NOISE AND ODOR IMPACT**

17. Will there be objectionable odors, noise, or vibration as a result of the Proposed Action?

NO     YES

**Examples** that would apply to column 2

- |  |                          |                          |                              |                             |
|--|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Blasting within 1,500 feet of a hospital, school or other sensitive facility.  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Odors will occur routinely (more than one hour per day).   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will produce operating noise exceeding the local ambient noise levels for noise outside of structures. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will remove natural barriers that would act as a noise screen.   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts:   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |



	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• Proposed Action will set an important precedent for future projects.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action will create or eliminate employment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

20. Is there, or is there likely to be, public controversy related to potential adverse environment impacts?

NO  YES

**If Any Action in Part 2 Is Identified as a Potential Large Impact or If you Cannot Determine the Magnitude of Impact, Proceed to Part 3**

VILLAGE OF BRIARCLIFF MANOR  
BOARD OF TRUSTEES AGENDA  
MARCH 21, 2012

**2. ACCEPTANCE OF GIFT: BATTLE OF THE MONITOR VERSUS THE  
MERRIMACK**

WHEREAS the 150<sup>th</sup> Anniversary of the Battle of the Ironclads, Monitor and Merrimack occurred on March 8<sup>th</sup> and 9<sup>th</sup> 1862; and

WHEREAS the Captain of the Monitor was Lt. John L. Warden who was born and raised in Sparta, Town of Mount Pleasant now known as Briarcliff Manor and who later became a Rear Admiral and Commandant of the Naval Academy for 5 years; and

WHEREAS, Philip E. Zegarelli, Village Manager of the Village of Briarcliff Manor purchased as a gift a limited edition (#15 of 500) fine art rendition of the "Monitor and Merrimac, First Fight Between Ironclads", from the Mariner's Museum;

NOW THEREFORE BE IT RESOLVED that the Board of Trustees of Village of Briarcliff Manor hereby accepts the gift of Philip E. Zegarelli with thanks.

VILLAGE OF BRIARCLIFF MANOR  
BOARD OF TRUSTEES AGENDA  
MARCH 21, 2012

3. **SCHEDULING OF ANNUAL ORGANIZATIONAL MEETING AND  
TENTATIVE BUDGET PUBLIC HEARING**

**A. ANNUAL ORGANIZATIONAL MEETING**

BE IT RESOLVED, that the Annual Organizational Meeting of the Board of Trustees is hereby scheduled for **Monday, April 2, 2012 at 7:30 pm OR Wednesday, April 4, 2012 at 7:00pm.**

**B. 2012-2013 TENTATIVE BUDGET PUBLIC HEARING**

BE IT RESOLVED, that the 2012-2013 Tentative Budget was filed on Tuesday, March 20, 2012.

BE IT RESOLVED, that a Public Hearing for the 2012-2013 Tentative Budget is hereby scheduled for **Monday, April 2, 2012 at 7:30 pm OR Wednesday, April 4, 2012 at 7:30pm.**

VILLAGE OF BRIARCLIFF MANOR  
BOARD OF TRUSTEES AGENDA  
MARCH 21, 2012

**4. AWARD OF BID – GUIDE RAIL PROJECT – NORTH STATE ROAD**

WHEREAS the Village received 3 bids for the Guide Rail Project North State Road Project (VM-1112-8); and

WHEREAS, the Village of Briarcliff Manor Capital Fund has designated \$198,375 from H.5110.201.08484 for the 2011-2012 Guide Rail Project North State Road; and

WHEREAS the BOT has reviewed the various alternatives for enhanced guiderail features to compliment and complete the site enhancements; having reviewed NYSDOT engineering instructions; and

NOW THEREFORE BE IT RESOLVED that the bid for the Guide Rail Project North State Road (VM-1112-8) is hereby awarded to Chemung Supply Corp. at the base price of \$9,268.00 for galvanized box beam with a contingency of up to \$1,000.00 to secure Corten finished products, if available, together with other miscellaneous costs totaling \$1,000.00 for a total project cost not to exceed \$11,268.00.

THEREFORE, BE IT FURTHER RESOLVED that the Village Manager is hereby authorized and directed to execute a contract with Chemung Supply Corp. for said project.



# M/BOT Information

16 March 2012

## Resolution: Guiderail Bid for North State Road

Quick update ... attached is a re-drafted resolution regarding the guiderail project for North State Road. The resolution is oriented to the low base bid by Chemung for the boxed galvanized steel (silver color). We have secured information from the NYSDOT and their commentary about the 10 year cycle to eliminate Corten Steel (the rustic rust brown type) from road projects. The memos of 2007 and 2008 call for the cessation of Corten steel over 10 years: especially designs for new projects and various uses. We will get this point confirmed since this is a replacement of the old "W" beam and might be eligible.

Reconfirming ... and regardless, the bid award is for the galvanized version ... however... I am told that Corten may be available out in existing inventory. If secured we might be able to utilize it here. Whether the price is potentially higher or perhaps lower (probably) remains to be seen.

Regardless, the contingency aspect can address the price point differential.

P2