



**AGENDA**  
**MAY 16, 2012**  
**BOARD OF TRUSTEES**  
**VILLAGE OF BRIARCLIFF MANOR, NEW YORK**  
**REGULAR MEETING – 7:30 PM**

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**Board of Trustees Announcements**

**Village Managers Report**

**Public Comments**

1. Board/Committee Appointments
2. Authorize Village Manager to Execute an Agreement for Senior Advocate Services
3. Minutes
  - May 2, 2012 – Regular Meeting

**NEXT REGULAR BOARD OF TRUSTEES MEETING – JUNE 6, 2012**

VILLAGE OF BRIARCLIFF MANOR  
BOARD OF TRUSTEES AGENDA  
MAY 16, 2012

**1. BOARD APPOINTMENTS**

BE IT RESOLVED, that the Board of Trustees of the Village of Briarcliff Manor hereby makes the following appointments:

Richard Pastore as a Planning Board Member for a term to expire on April 1, 2017.

Michael Gioscia as a Zoning Board Member for a term to expire on April 1, 2017.

VILLAGE OF BRIARCLIFF MANOR  
BOARD OF TRUSTEES AGENDA  
MAY 16, 2012

**2. AUTHORIZE VILLAGE MANAGER TO EXECUTE AN AGREEMENT  
FOR SENIOR ADVOCATE SERVICES**

BE IT RESOLVED that the Village Manager is hereby authorized and directed to execute an agreement with Family Services of Westchester, Inc. for Senior Advocate Services for the period from June 1, 2012 through May 31, 2013 per their proposal of \$20,000.



## RECREATION and PARKS DEPARTMENT

Village of Briarcliff Manor

Henry A. Jamin, CPRP, Superintendent

MEMO TO: Philip E. Zegarelli, Village Manager  
FROM: Henry Jamin *HJ*  
DATE: May 11, 2012  
RE: Senior Advocate Contract Award



As you are aware, we recently solicited proposals for the continuation of our Senior Advocate Program. We received two responses to our RFP. Our current service provider, Family Services of Westchester, Inc. (FSW) submitted a proposal, and we also received a proposal from the Dominican Sisters Family Health Service, Inc. (DSFHS) of Ossining, a previous provider of these services. The RFP asked for an annual cost proposal to continue providing Senior Advocate services at the same level that we currently provide. Both agencies have demonstrated the ability to provide the services we desire, so cost is the primary factor in evaluating the submissions.

The annual costs proposed for the contract term of June 1, 2012 through May 31, 2013 are as follows:

Family Services of Westchester	- \$20,000.00
Dominican Sisters Family Health Service	- \$23,400.00 * (total proposal was \$30,988)

\* Note that this figure represents the portion of DSFHS's \$46,688 proposal that corresponds to what was requested in our RFP – the continuation of services at our current level. The DSFHS proposal included additional services such as subsidized housecleaning (\$7,188) and Bed & Bath Services (\$22 per hour), that would raise the cost to \$30,988 or higher.

I have attached copies of the two proposals for your review. Family Services of Westchester has been providing our Senior Advocate services for the past six years, and by all accounts, they have been doing a fine job. Their proposal is for the same contract amount that we have paid the past three years and provides for the continuation of the program with no reduction in services. The Dominican Sisters' proposal, while competitive, would cost \$3,400 more for the same service level. The additional services proposed by DSFHS certainly have value, but they go beyond the scope of our current program and would significantly exceed our budget, set at \$21,000 for FYE 2013.

Positive experiences during the past three years of service, combined with a proposal that holds the line on cost while maintaining these services, makes Family Services of Westchester my recommendation for award of the Senior Advocate contract for FYE 2013. The proposed annual contract amount of \$20,000 is \$1,000 less than our approved budget, and I view the continuity we can maintain in our service provider to be an added benefit of awarding the work to FSW.

Thank you for your attention to this matter. Please let me know if you have any questions or concerns regarding the Senior Advocate program or my recommendation.



VILLAGE OF BRIARCLIFF MANOR  
BOARD OF TRUSTEES AGENDA  
MAY 16, 2012

**3. MINUTES**

- May 2, 2012 – Regular Meeting

Village Board of Trustees  
Regular Meeting  
May 2, 2012  
7:30 p.m.

The Regular Meeting of the Board of Trustees of the Village of Briarcliff Manor, New York was held in the Village of Briarcliff Manor Village Hall, at 1111 Pleasantville Road, Briarcliff Manor, New York on the 2<sup>nd</sup> of May, 2012 commencing at 7:30 p.m.

**Present**

William J. Vescio, Mayor  
Mark Pohar, Trustee  
Lori A. Sullivan, Trustee

**Also Present**

Philip Zegarelli, Village Manager  
Christine Dennett, Village Clerk  
Clinton Smith, Village Counsel

**Absent**

David Venditti, Deputy Mayor  
Robert Murray, Trustee

**Board of Trustees Announcements by Trustee Pohar**

- The Library has many upcoming events. Please visit their website for their Spring Brochure and programs.
- Recreation Spring Programs are in full swing.
- The Tennis Courts are open. Permits are required and will be enforced.
- Day Camp registration forms are available online and registration is currently open through May 11<sup>th</sup> without a late fee.
- The Summercliff Players summer show will be Once on this Island. Registration for all interested participants is by May 18<sup>th</sup>.
- The Pool Concession stand will be operated this year by Vinny Janiello.

Mayor Vescio requested that residents not use fields while they are closed and that the Village staff would determine if a field would be open or not.

**Village Managers Report by Village Manager Zegarelli**

- Punch list items are being closed out on the FWSP.
- The Village expects to receive \$266,000 from FEMA for last year's storms.
- The Village wide Hydrant Flushing Program is nearing completion.
- The North State Road project is underway.
- RFQ's are going out for the Community Center space.
- Tax bills will be mailed out Memorial Day weekend and the first half will be due by July 2<sup>nd</sup>. Village Hall will stay open until 7pm that evening.

**Public Comments**

There were no public comments.

**Stormwater Management Presentation by David Turiano, Village Engineer**

Village Engineer Turiano gave a presentation on the Village’s procedures for control and management of stormwater.

Mayor Vescio requested a log be kept when retention ponds are maintained.

**Amend Master Fee Schedule – Water Meters**

Upon motion by Trustee Sullivan, seconded by Trustee Pohar, the Board voted unanimously to approve the following resolution:

BE IT RESOLVED that effective June 1, 2012 the Board of Trustees does hereby amend the Master Fee Schedule for the Village of Briarcliff Manor as follows:

**DEPARTMENT OF PUBLIC WORKS**

**STANDARD WATER METERS & ACCESSORIES AND DIGITAL WATER METERS**

For all connections up to 2 inches, the fee shall be the retail cost of the meter at the time of the Village’s purchase plus 15% for handling and administration. There shall be an additional fee of \$15.00 if the meter is within a pit structure.

PIT REMOTE (REPLACE/REPAIR)                      N/A                      \$130.00

Other associated costs not specifically listed herein shall be at retail cost plus 15% or otherwise determined by the Superintendent of Public Works.

Reference is made that installation costs are provided for under Water and Maintenance Service Charges in the Master Fee Schedule.

BE IT FURTHER RESOLVED that the price levels established for the meters and accessories are subject to change without notice and shall adjust automatically as the cost of each varies on a retail basis.

**Amended SEQRA Determination for Urstadt Biddle Properties, Inc. – Chilmark Shopping Center**

Village Attorney Smith clarified that Trustee Pohar could vote on the matter as a current Board member.

Upon motion by Trustee Pohar, seconded by Trustee Sullivan, the Board voted unanimously to approve the following resolution:

**State Environmental Quality Review Act Determination  
Negative Declaration – Site Plan  
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 1 dated May 28, 2010 (“EAF Part 1”), 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 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); and

WHEREAS, the Board of Trustees thereafter commenced and continued a coordinated review of the Proposed Action under SEQR; 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 the 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, 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 [inaudible] 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, 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 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 gave all those wishing to be heard the opportunity 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 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 gave all those wishing to be heard the opportunity to be heard, no one asked to be heard, and the Board 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;

WHEREAS, by resolutions adopted March 21, 2012, the Board of Trustees (1) affirmed its earlier determination that the Proposed Action is an Unlisted Action pursuant to 6 N.Y.C.R.R. §612.4(b)(1), determined that the 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 would not have any potentially large impact or any significant adverse impact on the environment, and authorized the Mayor or his designee to execute an EAF and, for the reasons set forth, to execute and file a Negative Declaration on issuance of the Proposed Shared Parking Special Permit, and (2) issued 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; and

WHEREAS, in its review of the Proposed Local Law Zoning Amendments and Proposed Shared Parking Special Permit, the Board of Trustees also reviewed and received comments and information on the Proposed Site Plan Amendment and other components of the Proposed Action; and

WHEREAS, in its determination on the Proposed Shared Parking Special Permit, the Board of Trustees also reviewed three alternative site plans for the Chilmark Shopping Center and in fact conditioned issuance of the Special Permit on the Village Planning Board's granting site plan approval on any one of those

three alternative site plans (“Special Permit Resolution Site Plan Requirements”); and

WHEREAS, the Board of Trustees’ resolution on the “State Environmental Quality Review Act Determination, Negative Declaration – Special Permit, Chilmark Shopping Center Rezoning & Expansion” adopted March 21, 2012, inadvertently failed to recite the Board’s determination as to any environmental impact that might arise from the Village Planning Board’s granting site plan approval on any one of those three alternative site plans consistent with the Special Permit Resolution Site Plan Requirements; and

WHEREAS, the Board of Trustees wishes to clarify its resolution under SEQRA on the Proposed Shared Parking Special Permit dated March 21, 2012, and to supplement its resolution under SEQRA on the Proposed Local Law Zoning Amendments dated October 20, 2010, and its resolutions enacting the Proposed Local Law Zoning Amendments dated October 20, 2010, and issuing the Shared Parking Special Permit dated March 21, 2012, all as sought in the Proposed Action (collectively, “Prior Resolutions”), to recite its determination under SEQRA on the potential environmental impacts of the Proposed Site Plan Amendment and other aspects of the Proposed Action;

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 without amending, modifying, or otherwise affecting any of the Prior Resolutions, the Board of Trustees hereby reaffirms and incorporates into this resolution all of the contents and determinations made in the Prior Resolutions; and be it further

RESOLVED, that the Board of Trustees, having considered the facts and conclusions set forth in the EAF Part 1, the Zoning EAF Part 2, the Shared Parking Special Permit EAF Part 2, the Village Planning Board conclusion after review of the application with its consultants, that it did “not find that any of the project-related impacts will result in any potentially significant adverse environmental impacts as defined under SEQRA” in memorandum dated January 10, 2012, and all of the other oral and written comments and submissions regarding the potential environmental impacts of the Proposed Site Plan Amendment and other aspects of the Proposed Action, hereby states that granting the Proposed Site Plan Amendment consistent with the Special Permit Resolution Site Plan Requirements and implementing the other aspects of the Proposed Action 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

approval of the Proposed Site Plan Amendment consistent with the Special Permit Resolution Site Plan Requirements and on the other aspects of the Proposed Action in accordance with the applicable provisions of law.

**Excavation Permit; Deposit Right of offset for completion of work**

The Board had general discussion regarding the resolution and requested changes.

Upon motion by Trustee Sullivan, seconded by Trustee Pohar, the Board voted unanimously to approve the following resolution as amended:

**WHEREAS**, the Village of Briarcliff Manor ("Village") Department of Public Works ("DPW") issued Excavation Permit No. 3216 ("Permit") for installation of a new driveway at 107 Hickory Road in the Village ("Premises") to Yung Lee and/or Booyong Lee ("Lee") on January 3, 2008; and

**WHEREAS**, a Special Condition of the Permit requires that the "[o]ld driveway must be removed within the right-of-way (first 10 feet), asphalt curbing replaced and area behind to be top-soiled and seeded" ("Special Condition Work"); and

**WHEREAS**, Lee deposited the sum of \$1,000.00 with the Village as a guarantee in accordance with Village Code Chapter 186 ("Deposit"); and

**WHEREAS**, Village Code §186-9 provides that:

In the event of the failure of any person, firm, company or corporation executing the work in such excavation to restore the street, highway, sidewalk or public place in which the excavation is made, prior to the expiration of the permit issued therefor, the Village may apply such deposit, or so much thereof as may be necessary, to the cost of restoring the surface to its original condition, the balance, if any, remaining to be refunded to the applicant.

And

**WHEREAS**, DPW records indicate that the Permit has not been closed out; and

**WHEREAS**, DPW found on a recent site visit to the Premises that a portion of the old driveway still exists in the rear of the Premises adjacent to Cypress Lane; and

**WHEREAS**, by Certified Mail, Return Receipt Requested, dated March 6, 2012, DPW directed Lee to remove that portion of the old driveway, to replace it with topsoil and seed, to reinstall the curbing to the same height as the adjacent curbing and to complete that work by within 30 days of the date of the letter ("DPW Directive Letter"); and

**WHEREAS**, the DPW Directive Letter further gave notice to Lee that:

Failure to comply with this request will leave the Village no choice but to remove the driveway with Village forces, will result in the right of offset for completion of work of your \$1000.00 deposit currently held as well as you being billed for any and all expenses born the Village above and beyond the \$1000.00 Bond.

And further

**WHEREAS**, the Village received an executed Return Receipt for the DPW Directive Letter, undated; and

**WHEREAS**, DPW has reported that Lee still has not performed the Special Condition Work; and

**WHEREAS**, DPW has requested that the Deposit be declared to be a right of offset for the completion of work and the amount thereof be appropriated and used by the Village to pay for the Special Condition Work;

**NOW THEREFORE, BE IT RESOLVED**, that the foregoing recitals are incorporated as findings herein, and the Board particularly finds that:

1. Lee has failed to perform the Special Condition Work and otherwise failed to comply with the terms of the Permit.
2. Lee has been given sufficient notice of his failure to perform the Special Condition Work and otherwise comply with the terms of the Permit and sufficient opportunity to cure his failure to perform that work and otherwise comply.
3. Lee has not cured his failure to perform the Special Condition Work and otherwise comply with the terms of the Permit.

And, be it further

**RESOLVED**, that DPW is authorized to perform, or cause to be performed, the Special Condition Work and any other work necessary to protect Village property under the Permit; and be it further

**RESOLVED**, that the Deposit, or so much of it as may be necessary, is declared a right of offset for the completion of work and shall be applied by the Village to the cost of performing, or causing to be performed, the Special Condition Work and any other work necessary to protect Village property under the Permit, that any balance remaining thereafter shall be refunded to Lee, and that any deficiency thereafter shall be an obligation of Lee; and be it further

**RESOLVED**, that the Village Clerk is instructed to forward a copy of this Resolution to Lee forthwith; and be it further

**RESOLVED**, that any action heretofore taken in furtherance of the objects this Resolution is ratified and confirmed.

**Budget Amendment – Trust & Agency Account**

Upon motion by Trustee Pohar, seconded by Trustee Sullivan, the Board voted unanimously to approve the following resolution:

**BE IT RESOLVED** that the Board of Trustees does hereby authorize the following transfer for fiscal year 2011-2012:

From: TA 30	Guarantee & Bid Deposit	\$1,000
To: A0105.2560	Street Openings	\$1,000

**Minutes**

Upon motion by Trustee Sullivan, seconded by Trustee Pohar, the Board voted unanimously to approve the minutes of April 18, 2012.

Upon motion by Trustee Pohar, seconded by Trustee Sullivan, the Board voted unanimously to approve the minutes of April 24, 2012 as amended.

**Adjournment**

Upon motion by Trustee Sullivan, seconded by Trustee Pohar, the Board voted unanimously to schedule a work session for May 16, 2012 at 6:30pm at Village Hall in lieu of the work session scheduled for May 22, 2012.

Upon motion by Trustee Sullivan, seconded by Trustee Pohar, the Board voted unanimously to adjourn the meeting at 8:15pm.

Respectfully Submitted By,

Christine Dennett  
Village Clerk