



**AGENDA**  
**SEPTEMBER 5, 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. Schedule Public Hearings
  - a) Renewal of a Special Use Permit, The Clearview School
  - b) Amendment of a Special Use Permit, Faith Lutheran Brethren Church
2. Tax Abatement – 45 Oak Road
3. Budget Transfers
4. Authorize Village Manager to Execute an Agreement
  - a) Community Room Architect
  - b) BFJ Planning – Consulting Services
  - c) Land Swap Agreement – 1245 Pleasantville Road, LLC
5. Minutes
  - August 15, 2012 – Regular Meeting

**NEXT REGULAR BOARD OF TRUSTEES MEETING – SEPTEMBER 19, 2012**

VILLAGE OF BRIARCLIFF MANOR  
BOARD OF TRUSTEES AGENDA  
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**1A. SCHEDULE PUBLIC HEARING: SPECIAL USE PERMIT, THE  
CLEARVIEW SCHOOL**

BE IT RESOLVED that a Public Hearing is hereby scheduled for October 3, 2012 at 7:30pm or soon thereafter in Village Hall located at 1111 Pleasantville Road, Briarcliff Manor, NY to hear and consider an application for the renewal of a Special Use Permit issued to the Clearview School.

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**1B. SCHEDULE PUBLIC HEARING, SPECIAL USE PERMIT, FAITH  
LUTHERAN BRETHERN CHURCH**

1. Referral to the Planning Board

BE IT RESOLVED that the request for the amendment of a Special Use Permit issued to the Faith Lutheran Brethren Church located at 480 Pleasantville Road is hereby directed to the Planning Board for review and recommendation.

2. Schedule Public Hearing

BE IT RESOLVED that a Public Hearing is hereby scheduled for October 3, 2012 at 7:30pm or soon thereafter in Village Hall located at 1111 Pleasantville Road, Briarcliff Manor, NY to hear and consider an application to amend a Special Use Permit issued to the Faith Lutheran Brethren Church.

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**2. TAX ABATEMENT – 45 OAK ROAD**

WHEREAS, a Small Claims Assessment Review was filed on behalf of the property owner for 45 Oak Road; and

WHEREAS, a Stipulation of Settlement and Order in the Small Claim Assessment Review has been issued for the property at 45 Oak Road for the 2011 Town assessment year, Fiscal Year 2012-2013 Village assessment roll; and

WHEREAS, the Stipulation of Settlement and Order was received after the finalization of the Fiscal Year 2012-2013 assessment roll and the approval of the budget for Fiscal Year 2012-2013;

WHEREAS, the Stipulation of Settlement and Order reduced the tax assessment for the subject property for the Fiscal Year 2012-2013 assessment roll by \$1,050 from \$9,550 to \$8,500; and

NOW THEREFORE, BE IT RESOLVED that the Board of Trustees does hereby authorize the refund of the tax bill for Fiscal Year 2012-2013 in the amount of \$181.30 and the abatement of the tax bill for Fiscal Year 2012-2013 in the amount of \$181.30 based upon the reduced assessment values in the Stipulation of Settlement and Order.

Year	Address	Assessed Value	New Assessed Value	Assessment Reduction	Original Tax Amount	Reduced Tax Amount	Refund	Abatement
2012	45 Oak Road	\$9,550	\$8,500	\$1,050	\$3,297.99	\$2,935.39	\$181.30	\$181.30
				\$1,050			\$181.30	\$181.30
				TOTAL AV REDUCTION			TOTAL REVENUE REDUCTION	TOTAL ABATEMENT

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**3. BUDGET TRANSFERS – MISCELLANEOUS**

BE IT RESOLVED that the Board of Trustees does hereby authorize the following budget transfers for FY 2011-2012:

<b>From:</b> A1990.499	\$45,483.74
<b>To:</b> A3120.101	\$45,483.74
<b>From:</b> A1990.499	\$3,479.51
<b>To:</b> A3120.850	\$3,479.51
<b>From:</b> A1990.499	\$154.64
<b>To:</b> A1980.498	\$154.64
<b>From:</b> A1990.499	\$44,155.11
<b>To:</b> A3120.101	\$44,155.11
<b>From:</b> A1990.499	\$3,377.87
<b>To:</b> A3120.850	\$3,377.87
<b>From:</b> A1990.499	\$150.13
<b>To:</b> A1980.498	\$150.13
<b>From:</b> A1990.499	\$42,865.02
<b>To:</b> A3120.101	\$42,865.02
<b>From:</b> A1990.499	\$3,279.17
<b>To:</b> A3120.850	\$3,279.17
<b>From:</b> A1990.499	\$145.74
<b>To:</b> A1980.498	\$145.74
<b>From:</b> A1990.499	\$37,485.08
<b>To:</b> A3120.850	\$37,485.08

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**4A. AUTHORIZE VILLAGE MANAGER TO EXECUTE AN AGREEMENT –  
ARCHITECTURAL SERVICES**

BE IT RESOLVED that the Village Manager is hereby authorized and directed to execute on behalf of the Village an agreement with \_\_\_\_\_ for Architectural Services for the Community Center as per their proposal of \$\_\_\_\_\_.

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**4B. APPROPRIATION OF FUND BALANCE AND AUTHORIZE VILLAGE  
MANAGER TO EXECUTE AN AGREEMENT FOR CONSULTING  
SERVICES – BFJ**

**APPROPRIATION OF FUND BALANCE**

BE IT RESOLVED that the Board of Trustees does hereby authorize the following appropriation for fiscal year 2012-2013:

From: A0909	General Fund Fund Balance	\$28, 500
To: A1010.460	Professional Services	\$28, 500

**AUTHORIZE VILLAGE MANAGER TO EXECUTE AN AGREEMENT FOR  
CONSULTING SERVICES**

BE IT RESOLVED that the Village Manager is hereby authorized and directed to execute on behalf of the Village an agreement with Buckhurst, Fish and Jacquemart for Consulting Services to draft legislation as per their proposal of \$28,500.

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**4C. AUTHORIZE VILLAGE MANAGER TO EXECUTE A LAND SWAP  
AGREEMENT – 1245 PLEASANTVILLE, LLC**

**BE IT RESOLVED** that the Village Manager is hereby authorized and directed to execute on behalf of the Village a land-swap agreement and all documents necessary to effectuate such land-swap with 1245 Pleasantville LLC, in accordance with memorandum of Village Counsel dated August 30, 2012; and be it further

**RESOLVED** that the Village Manager is further authorized to make or accept any change to the land-swap agreement and related documents so long as the change is not material and adverse to the Village's interests and is acceptable to Village Counsel in form and substance.

Village Board of Trustees  
Regular Meeting  
August 15, 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 15<sup>th</sup> of August, 2012 commencing at 7:30 p.m.

**Present**

William J. Vescio, Mayor  
David Venditti, Deputy Mayor  
Robert Murray, Trustee  
Mark Pohar, Trustee  
Lori A. Sullivan, Trustee

**Also Present**

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

**Board of Trustees Announcements by Trustee Murray**

- The Library has had many successful programs throughout the summer. Please visit the website for information on their upcoming programs.
- Mark your calendars for Community Day on September 8<sup>th</sup>.
- There will be a ½ Triathlon on September 9<sup>th</sup>. Route 9A will be closed southbound between Croton on Hudson and Briarcliff Manor.
- Pool season is in full swing through September 3<sup>rd</sup> and permits are required and still available.
- The Fall Brochure will be available on the Recreation Page of the website as of September 1<sup>st</sup>.
- A Dedication Ceremony will be held in honor of the Blue Star Monument on September 8<sup>th</sup> at 11am in the Pocket Park on Pleasantville Road.
- The Youth Center "Back with a Splash" party will be on September 6<sup>th</sup> at the Village Pool.
- Subscribe to Rec News on the website to keep up to date on Recreation events and programs.

Mayor Vescio stated the Blue Star Memorial was installed by the Garden Club in the Pocket Park as part of a living memorial to honor those that have dedicated their lives to protect our freedom and safety.

**Village Managers Report by Village Manager Zegarelli**

- The walk through inspection for the FWSP went well.
- A summary of FEMA monies should be received shortly.

- The Club Field has recovered well but will remain closed for the remainder of the season.
- Summer Camp has ended for the season.
- On September 4<sup>th</sup> regular business hours will resume at Village Hall.
- The yearend audit for Fiscal Year 2011-2012 will be held after Labor Day.

**Public Comments**

There were no public comments.

**Police Sergeant Promotion**

The Board congratulated Detective Sergeant Doherty and stated it was well deserved and he would serve the village well in his new position.

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

BE IT RESOLVED, that Matthew Doherty of Hawthorne, New York is hereby promoted to the position of Police Sergeant at an annual salary of \$100,873 effective at 12:01 a.m. on August 16, 2012.

**Approval of Field Use Application**

The Board made minor changes to the application.

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

BE IT RESOLVED, that the Board of Trustees does hereby approve the distribution of the Field Use Application by the Recreation Department.

**Appropriation of Reserve – EFC Principal Payment**

Upon motion by Deputy Mayor Venditti, seconded by Trustee Pohar, the board voted unanimously to approve the following resolution:

BE IT RESOLVED that the Board of Trustees does hereby authorize the appropriation of the Full Supply Capital Project Reserve as follows:

From: F0878            Full Supply Capital Project Reserve            \$413,591.71

To:    F9901.940    Transfer Capital Loan EFC                            \$413,591.71

**Authorize Village Manager to Execute an Easement Agreement for the Village's benefit with Westchester County and 445 North State Road Partners, LLC**

The Board had general discussion regarding the resolution and made minor amendments.

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

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

**445 North State Road Developer Easement**

**WHEREAS**, by resolution adopted August 1, 2012 ("August 1 Resolution"), the Village of Briarcliff Manor ("Village") Board of Trustees ("Board of Trustees") authorized and directed the Village Manager to sign and deliver on behalf of the Village a certain Inter-Municipal/Developer Agreement between the Village, the County of Westchester ("County"), and 445 North State Road Partners, LLC ("445 Partners") ("IMDA"), a certain easement from the Village to the County (Municipality Easement"), and a certain Agreement between the Village and 445 Partners ("Developer Agreement"), in connection with development by 445 Partners and Comstock Development Inc. of mixed-use buildings including fourteen (14) affordable housing units and two (2) office spaces, with new private utilities/services including electric, sewer, water and storm ("Project") and the County's provision of services and funding for the benefit of the Project, including but not limited to improving utility service ("Infrastructure Improvements") to 445 Partners' property at 445 North State Road, Briarcliff Manor, New York ("Property"); and

WHEREAS, the August 1 Resolution further authorized and directed the Village Manager to make or accept any change to the IMDA, the Municipality Easement, or the Developer Agreement so long as the change was not material and was acceptable to Village Counsel in form and substance; and

WHEREAS, at closing on the IMDA, Municipality Easement, and Developer Agreement, the Village was asked also to sign and deliver a certain easement from 445 Partners to the County and the Village ("Developer Easement"); and

WHEREAS, the Developer Easement benefits and does not burden the Village; and

WHEREAS, Village Counsel reviewed the Developer Easement, concluded that it does not adversely affect any right or obligation of the Village, and found it acceptable in form and substance; and

WHEREAS, the Board of Trustees is satisfied with the Developer Easement and the rights, benefits, and protections afforded the Village therein;

**NOW THEREFORE, BE IT**

**RESOLVED**, that Board of Trustees finds that execution of the Developer Easement would be and is in the best interest of the Village; and be it further

**RESOLVED**, that Board of Trustees authorizes and directs the Village Manager to execute and deliver the Developer Easement on behalf of the Village; and be it further

**RESOLVED**, that the Village Manager is further authorized to make or accept any change to the Developer Easement so long as the change is not material and adverse to the Village's interests and is acceptable to Village Counsel in form and substance; and be it further

**RESOLVED**, that Village Manager's execution of the Developer Easement and any other action heretofore taken in furtherance of the objects this Resolution is ratified and confirmed.

**Minutes**

Upon motion by Trustee Sullivan, seconded by Deputy Mayor Venditti, with one abstention from Trustee Murray, the Board voted to approve the minutes of August 1, 2012.

**Adjournment**

Upon motion by Deputy Mayor Venditti, seconded by Trustee Pohar, the Board voted unanimously to adjourn the meeting at 8:00pm.

Respectfully Submitted By,

Christine Dennett  
Village Clerk