



AGENDA
NOVEMBER 6, 2013
BOARD OF TRUSTEES
VILLAGE OF BRIARCLIFF MANOR, NEW YORK
REGULAR MEETING – 7:30 PM

1. Continuation of Public Hearing to Renew and Amend a Special Use Permit – Faith Lutheran Brethren Church
2. Public Hearing to Renew a Special Use Permit – St. Theresa's Church

Board of Trustees Announcements

Village Managers Report

Public Comments

3. Acceptance of Donations from the Friends of the Library
4. Fire Department Membership
5. Minutes
 - October 16, 2013 – Regular Meeting

NEXT REGULAR BOARD OF TRUSTEES MEETING – NOVEMBER 20, 2013

VILLAGE OF BRIARCLIFF MANOR
BOARD OF TRUSTEES AGENDA
NOVEMBER 6, 2013

1. **PUBLIC HEARING TO RENEW AND AMEND A SPECIAL USE PERMIT,
FAITH LUTHERAN BRETHERN CHURCH**

**RESOLUTION
OF THE
VILLAGE OF BRIARCLIFF MANOR BOARD OF TRUSTEES
SPECIAL USE PERMIT RENEWAL AND AMENDMENT
FAITH LUTHERAN BRETHERN CHURCH**

WHEREAS, by Resolution dated October 15, 1987, the Board of Trustees of the Village of Briarcliff Manor issued a Special Use Permit for the continued operation of the Faith Lutheran Brethren Church at 480 Pleasantville Road, Briarcliff Manor, (the "Church") as a place of worship; and

WHEREAS, by Resolution dated January 17, 2008, the Board of Trustees renewed said Special Use Permit for a period beginning retroactively on October 17, 2001, through October 17, 2013; and

WHEREAS, by Resolution adopted January 18, 1966, the Village of Briarcliff Manor Planning Board granted Site Plan Approval for the Church; and

WHEREAS, by Resolution adopted October 2, 2012, the Board of Trustees approved the amendment of the Special Use Permit to allow the filling and re-grading of a portion of the Church property for use by Church members for outdoor meetings and recreation; and

WHEREAS, by Resolution dated February 12, 2013, the Planning Board granted site plan approval relative to said filling and re-grading project; and

WHEREAS, the Church has applied to the Board of Trustees to further amend the Special Use Permit, and to the Planning Board to further amend the said Site Plan Approval, relative to the construction of a 3,895 square foot addition to the existing Church building, which would provide additional Church meeting and assembly space as well as a new kitchen and dining area for Church parishioners, and the legalization and expansion of an existing apartment unit located in the basement level of the Church (the "Project"); and

WHEREAS, pursuant to Village Code Section 220-6(C), the Board of Trustees referred the application for amendment of the Special Use Permit to the Planning Board for report and recommendation; and

WHEREAS, at its meeting of May 14, 2013, the Planning Board authorized a memorandum bearing the same date to be forwarded to the Board of Trustees by which the Planning Board reserved its determination on the Site Plan amendment, but recommended that the Board of Trustees approve the Application for Special Permit approval relative to the Project; and

WHEREAS, at the time said memorandum was authorized, the Planning Board was unaware of the existence of the said apartment unit located in the basement of the Church, and at its meeting of August 13, 2013, the Planning Board, authorized a further memorandum similar in form and content to the prior one, but discussing the residential use and recommending that the that the Board of Trustees in approving the Application for Special Permit approval relative to the Project, condition such approval upon the Church apartment being limited to occupancy and use only by an employee of the Church and his or her immediate family, at no cost to the employee or in exchange for custodial and/or caretaker services; and

WHEREAS, by Resolution dated October 8, 2013, the Planning Board granted Amended Site Plan approval for the Project, subject to issuance of approval of the Board of Trustees of an Amended Special Use Permit relative to the Project; and

WHEREAS, the Board of Trustees has reviewed a Short Environmental Assessment Form submitted by the Applicant and has determined that the Project is an Unlisted action in accordance with the New York State Environmental Quality Review Act ("SEQRA").

NOW THEREFORE, BE IT RESOLVED THAT, in accordance with SEQRA, the Board of Trustees hereby determines that the proposed action will not have a significant impact upon the environment as it will not significantly alter the existing use of the Church property and it will not have an adverse impact upon the character of the area; and

BE IT FURTHER RESOLVED THAT the Special Use Permit for the Church is hereby renewed subject to the same conditions included in the original Special Use Permit approval dated October 15, 1987, as renewed by Resolution dated January 17, 2008, and amended by Resolution adopted on October 3, 2012, and further amended by this Resolution, said renewal herein to extend to October 17, 2018; and

BE IT FURTHER RESOLVED THAT should the Church desire to renew this Special Use Permit for another five year period, commencing in 2018, the

Church shall be responsible for requesting the renewal at least sixty (60) days prior to the expiration of the Special Use Permit; and

BE IT FURTHER RESOLVED THAT said Special Use Permit for the Church, is hereby further amended to reflect the construction of a 3,895 square foot addition to the existing Church building, which would provide additional Church meeting and assembly space as well as a new kitchen and dining area for Church parishioners, and the legalization and expansion of an existing apartment unit located in the basement level of the Church subject to all of the terms and conditions of this Resolution, and to all of the terms and conditions of the original Special Use Permit Resolution and subsequent renewals and amendments thereof as same may be modified therein and herein; and

BE IT FURTHER RESOLVED THAT as a condition of this approval the Church apartment shall be limited to occupancy and use only by an employee of the Church and his or her immediate family, at no cost to the employee or in exchange for custodial and/or caretaker services; and

BE IT FURTHER RESOLVED THAT, the violation of any term or condition of this Resolution or the Special Use Permit as renewed and amended, shall place the Special Use Permit and any associated Certificate of Occupancy in jeopardy and subject to revocation by the Village; and

BE IT FURTHER RESOLVED THAT except as otherwise provided herein, all other terms and conditions of the Special Use Permit shall remain in full force and effect.

VILLAGE OF BRIARCLIFF MANOR
BOARD OF TRUSTEES AGENDA
NOVEMBER 6, 2013

2. PUBLIC HEARING, SPECIAL USE PERMIT, ST. THERESA'S CHURCH

BE IT RESOLVED that the Special Use Permit issued to St. Theresa's Church is hereby renewed subject to the same conditions included in the original Special Use Permit approval dated October 3, 1996.

BE IT FURTHER RESOLVED that the Special Use Permit renewal shall be retroactive to October 3, 2013, and shall extend to October 3, 2018.

BE IT FURTHER RESOLVED that should the St. Theresa's Church desire to renew this Special Use Permit for another five year period, commencing in 2018, the Church shall be responsible for requesting the renewal at least sixty (60) days prior to the expiration of the Special Use Permit.

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EXCERPT FROM MINUTES OF THE REGULAR MEETING OF THE BOARD OF TRUSTEES
OF THE VILLAGE OF BRIARCLIFF MANOR, NEW YORK, HELD OCTOBER 3, 1996

Upon motion by Trustee Borho, seconded by Trustee Rittinger, the following resolution was unanimously passed:

WHEREAS, **St. Theresa's Church** (the Applicant) has previously been subject to a rezoning ordinance exemption which would otherwise require the Applicant to obtain a special permit from the Board of Trustees, in accordance with the Village Zoning Ordinance, to operate a place of worship; and

WHEREAS, the Applicant has submitted a subdivision request to the Planning Board which would modify its holdings in a residential area; and

WHEREAS, at the direction of the Planning Board, Gregory J. McWilliams, architect for the Applicant, by application dated August 23, 1996, has requested a special permit to allow St. Theresa's Church to continue to operate as a place of worship; and

WHEREAS, ST. Theresa's Church is located on Pleasantville Road, Briarcliff Manor, as shown on Village tax maps designated Section 4, Plate 4, Block 5, Lots 9 and 20; and

WHEREAS, said application was duly referred to the Planning Board for review and report thereon in accordance with the procedures established in the Village Zoning Ordinance; and

WHEREAS, the Board of Trustees, as lead agency, did request the applicant to complete a Short Environmental Assessment Form as part of the application and after review of said form the Board of Trustees has determined that the proposed development will not have a significant impact on the environment; and

WHEREAS, the Board of Trustees pursuant to the requirements of SEQR/VEQR, hereby issues a Negative Declaration, determination of nonsignificance, on the basis that the proposed special permit approval is an unlisted action, not requiring lead agency determination or circulation, and hereby directs such negative declaration to be filed with the Village Clerk's records as part of this action; and

WHEREAS, the Planning Board discussed the Applicant's proposal and the above information at a public meeting on September 10, 1996, and did report its written recommendations to the Board of Trustees by memorandum, dated September 17, 1996; and

WHEREAS, Village Counsel has expressed the opinion that the application is in harmony with the intent and purposes of the Village Zoning Ordinance and Comprehensive Plan, that the proposal meets the use and intensity requirements of the Village Zoning Ordinance, and the project will have no significant environmental impact upon the Village, except as may be noted in the Planning Board's memorandum of recommendation; and

WHEREAS, the Village Board of Trustees has carefully considered said application in relation to Section 4(B) of the Village Zoning Ordinance and finds that the Applicant's proposal in relation to the particular site on which it would be located is appropriate for the granting of a special permit and finds that the conditions and standards of Section 4(B), Subsection C of the Village Zoning Ordinance may be met with a special permit granted with the conditions set forth below;

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees, in a public meeting held on October 3, 1996, does hereby grant a special permit to St. Theresa's Church to continue operating a nonresidential institution, for a period of five years, subject to the following conditions, the violation of any of which shall place the special permit and its certificate of occupancy in jeopardy and subject to revocation by the Village:

1. The church shall obtain a site plan approval from the Planning Board. The information and documents noted herein including any site plan which may be approved by the Planning Board shall be filed with the Village Clerk. The applicant shall comply with all future requirements instituted by the Planning Board in connection with its final and detailed site plan review and approval;
2. The church shall maintain the existing landscaping and other site conditions so as to provide continued protection, peace and quiet for abutting property owners;
3. No parking, recreation or other outdoor activities shall be permitted on the site other than in designated areas shown on the site plan and as approved by the Planning Board, although permitted parking on Pleasantville Road is available for larger activities;

4. Compliance with the above conditions shall be a requirement for the continued validity of all certificates of occupancy issued by the building inspector in accordance herewith;
5. Prior to the expiration of this special permit, the applicant may request renewal of same, which shall be subject to review of the ten prevailing zoning regulations as well as the above conditions. The Board of Trustees may reestablish this special permit with or without the above conditions and any others it deems appropriate and lawful; and

BE IT FURTHER RESOLVED that the applicant is hereby commended for maintaining the church and its grounds in a manner which reflects well upon the historic ambiance of the institution and the neighborhood. The Board of Trustees urges the continuation of this effort by the applicant.

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

SPECIAL USE PERMIT AMENDMENT

ST. THERESA'S CATHOLIC CHURCH

WHEREAS, by Resolution adopted October 3, 1996 ("Original Special Use Permit Resolution"), the Board of Trustees of the Village of Briarcliff Manor issued a Special Use Permit for continued operation as a place of worship to St. Theresa's Catholic Church ("Special Use Permit"); and

WHEREAS, by Resolution adopted November 15, 2007, the Board of Trustees approved certain site changes under the Special Use Permit, and by Resolution adopted January 17, 2008, the Board of Trustees renewed the Special Use Permit for a period to expire on October 3, 2013; and

WHEREAS, by Resolution adopted August 12, 2008 ("Site Plan Amendment Resolution"), the Village of Briarcliff Manor Planning Board amended the Site Plan for St. Theresa's Catholic Church to approve and permit the use of an oversized sign as shown on the annexed drawing ("Sign"); and

WHEREAS, as a condition of the Site Plan Amendment Resolution, St. Theresa's Catholic Church has applied to the Board of Trustees to amend its Special Use Permit to acknowledge the use of the Sign;

NOW THEREFORE, BE IT RESOLVED THAT the Special Use Permit as renewed for St. Theresa's Catholic Church by Board of Trustees Resolution adopted January 17, 2008, is hereby amended to reflect the use of the Sign, subject to all of the terms and conditions of the Site Plan Amendment Resolution, a copy of which is annexed and made a part of this Resolution, to all of the terms and conditions of this Resolution, and to all of the terms and conditions of the Original Special Use Permit Resolution and subsequent renewals thereof as same may be modified therein or by this Resolution; and

BE IT FURTHER RESOLVED THAT the violation of any term or condition of the Special Use Permit shall place the Special Use Permit and any associated Certificate of Occupancy in jeopardy and subject to revocation by the Village; and

BE IT FURTHER RESOLOVED THAT except as otherwise provided herein, all other terms and conditions of the Special Use Permit shall remain in full force and effect.

VILLAGE OF BRIARCLIFF MANOR
BOARD OF TRUSTEES AGENDA
NOVEMBER 6, 2013

3. ACCEPTANCE OF DONATIONS FROM THE FRIENDS OF THE LIBRARY

BE IT RESOLVED, that the Board of Trustees hereby accepts a donation in the amount of \$1,005.98 from the Friends of the Library for the purposes of purchasing book carts and wall cork for the Briarcliff Manor Public Library.

Increase Revenue – Gifts
(L0108.2705) by \$1005.98

Increase Expenses – Special Matching Expenses
(L7410.206) by \$1005.98

BE IT FURTHER RESOLVED, that the Board of Trustees hereby accepts a donation in the amount of \$10,200 from the Friends of the Library, as custodian for the Readers Digest Grant, for the purposes of purchasing Overdrive eBooks, eAudio Books, DVD's, Children's nonfiction for Common Core, an online service for children's graphic novels and Playaways for the Briarcliff Manor Public Library.

Increase Revenue – Gifts
(L0108.2705) by \$10,200

Increase Expenses – Special Matching Expenses
(L7410.206) by \$10,200

VILLAGE OF BRIARCLIFF MANOR
BOARD OF TRUSTEES AGENDA
NOVEMBER 6, 2013

4. FIRE DEPARTMENT MEMBERSHIP

BE IT RESOLVED, that the Board of Trustees of the Village of Briarcliff Manor hereby approves the membership of **Joanna Lederman** to the Scarborough Engine Company.

Briarcliff Manor Fire Department

1111 PLEASANTVILLE ROAD
BRIARCLIFF MANOR, NY 10510

Office of the Chief



ROBERT O'HANLON, JR., Chief
DENNIS L. REILLY, 1st Ass't Chief
ROBERT M. GARCIA, 2nd Ass't Chief

EMAIL: fdchief@briarcliffmanor.org

EMERGENCY 911
CHIEF'S OFFICE (914) 941-0879
FAX (914) 944-2758

DATE: October 9, 2013

TO: Christine Dennett, Village Clerk
Briarcliff Manor Board of Trustee's

FROM: Chief Robert O'Hanlon, Jr. – Briarcliff Manor Fire Department

SUBJECT: NEW MEMBER – Request for Village Approval

Honorable Mayor and Trustee's;

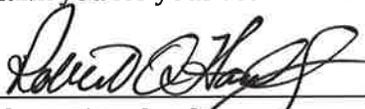
Joanna Lederman , date of birth 02/25/83 and residing at 25 S. Highland Ave, Apt 1, Ossining, New York , has applied for membership in the Briarcliff Manor Fire Department

The applicant listed above, has been vetted by the Scarborough Engine Company Membership Committee and determined to meet the criteria set forth by the Briarcliff Manor Fire Department.

FURTHERMORE, the Chief of Department has performed an Arson Background Check on said member who has been found to have NO record of Arson Conviction.

The Chief of Department Requests that the Village of Briarcliff Board of Trustee's approve the application set before you and send such confirmation to **Chiefs Office** at your earliest convenience.

Thank you for your assistance.



Robert O'Hanlon Jr.
Chief of Department

10/09/2013

Dated



Secretary - Scarborough Engine Co

10/10/2013

Dated



Village Clerk - Christine Dennett

10-18-13

Dated

VILLAGE OF BRIARCLIFF MANOR
BOARD OF TRUSTEES AGENDA
NOVEMBER 6, 2013

5. MINUTES

- October 16, 2013 – Regular Meeting

Village Board of Trustees
Regular Meeting
October 16, 2013
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 16th of October, 2013 commencing at 7:30 p.m.

Present

Lori A. Sullivan, Deputy Mayor
Mark Pohar, Trustee
Mark L. Wilson, Trustee

Also Present

Philip Zegarelli, Village Manager
Christine Dennett, Village Clerk
Dan Pozin, Village Counsel

Absent

William J. Vescio, Mayor
Robert Murray, Trustee

Public Hearing to Renew and Amend a Special Use Permit – Faith Lutheran Brethren Church

Upon motion by Trustee Pohar, seconded by Trustee Wilson, the Board voted unanimously to open the public hearing.

Mr. Michael Molinelli, Architect for the Church, gave a presentation regarding the amended site plan and their request to amend the Special Use Permit.

The Board stated they would adjourn the hearing to the next meeting to allow for additional public comments and would extend the existing permit to November 7, 2013.

Ms. Julia Crawford of Pleasantville Road stated they were unaware of the changes until tonight and wanted to make sure the addition did not affect the wetlands.

Upon motion by Trustee Wilson, seconded by Trustee Pohar, the Board voted unanimously to adjourn the Public Hearing to November 6, 2013 at 7:30pm.

Upon motion by Trustee Pohar, seconded by Trustee Wilson, the Board voted unanimously to extend the existing Special Use Permit to November 7, 2013.

Board of Trustees Announcements by Trustee Wilson

- The Library is hosting a Haunted House for children on October 19th.
- The Annual Fire Inspection and dinner is October 19th at 6pm.
- Speed monitoring has been increased throughout the Village.
- The Harvest in the Village was a huge success.
- Window Painting will be on October 19th.
- The Ragamuffin Parade will be on October 26th.
- The clay tennis courts are closed for the season.
- The platform tennis courts are open.

Village Managers Report by Village Manager Zegarelli

- The Community Center design is 90% complete.
- The New York State Department of Environmental Conservation has accepted the Village's application for a field at the Youth Center. There is a notice period for public comments.
- Leaf pickup has begun. Please do not put leaves into the streets or catch basins.
- The Court and CHIPS audits were completed.

Public Comments

Mr. Jeffrey Pennington of 360 South State Road, representing A Safer South State Road Resident Collective requested a status of their requests made for additional signage and speed issues.

The Board and Village Manager stated safety was a top priority and they would continue to give substantial attention to the matter and take appropriate measures.

Ms. Barbara Fratiani of 5 Haymont Terrace stated she was a resident of the Ossining Voting District 20 and represented the residents of Districts 17 and 20 that had the desire to be annexed from the Town of Ossining and become part of the Village of Briarcliff Manor. She submitted the petitions that were certified by the Westchester County Board of Elections and stated the originals were given to the Town of Ossining yesterday.

Village Attorney Pozin stated the petitions seemed to be consistent with General Municipal Law, Article 17 and the next step would be to adopt the resolution that was before the Board and then schedule a joint Public Hearing with the Town of Ossining. He further stated SEQRA would have to be complied with by both entities.

Resolution to Schedule a Meeting Regarding Annexation

The Board had general discussion regarding the process.

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

WHEREAS, property owners in the Town of Ossining have filed the Petition in the form annexed to this Resolution ("Petition") requesting the Village of Briarcliff Manor to annex property currently located in the unincorporated portion of the Town of Ossining; and

WHEREAS, the requirements and procedures for such annexation is governed by the Municipal Annexation Law codified as New York State General Municipal Law Article 17; and

WHEREAS, the Petition appears to meet the requirements of NYS General Municipal Law §703 and be sufficient to initiate the annexation process; and

WHEREAS, NYS General Municipal Law §704 & §705 require a joint public hearing be held by the Board of Trustees of the Village of Briarcliff Manor and the Town Board of the Town of Ossining to consider whether the Petition meets the requirements of NYS General Municipal Law §703, whether the Petition suffers from any substantial defect, and whether the proposed annexation is in the overall public interest of the property proposed to be annexed, the Village of Briarcliff Manor, the Town of Ossining, and any special district(s) and school district(s) in which the property proposed to be annexed is located;

NOW THEREFORE, BE IT:

RESOLVED, that the Village Mayor and the Village Manager each is authorized to schedule a joint meeting between the Village of Briarcliff Manor Board of Trustees and the Town of Ossining Town Board for such a time and place as may be mutually agreed; and be it further

RESOLVED, that at that meeting, the Village of Briarcliff Manor Board of Trustees and the Town of Ossining Town Board shall hold and conduct a joint public hearing in accordance with NYS General Municipal Law §704 & §705 and any other provision of NYS General Municipal Law and any other applicable law to hear and consider matters or issues that may come before the Boards in connection with the proposed annexation; and be it further

RESOLVED, that the Village Clerk shall give notice of that joint meeting and joint public hearing in accordance with NYS General Municipal Law §704, New York State Executive Law §104, and any other applicable law.

Schedule a Public Hearing to Renew a Special Use Permit – St. Theresa's Church

The Board requested a copy of the Special Use Permit for their review.

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

BE IT RESOLVED that a Public Hearing is hereby scheduled for the November 6, 2013 Board of Trustees meeting to hear and consider a request from St. Theresa's Church to renew a Special Use Permit.

Fire Department Memberships

The Board thanked the new members for volunteering.

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

BE IT RESOLVED, that the Board of Trustees of the Village of Briarcliff Manor hereby approves the membership of **William Johnson, Jr.** to the Briarcliff Manor Fire Company.

BE IT RESOLVED, that the Board of Trustees of the Village of Briarcliff Manor hereby approves the membership of **Stephen Fridakis** to the Briarcliff Manor Fire Company.

BE IT RESOLVED, that the Board of Trustees of the Village of Briarcliff Manor hereby approves the membership of **Steven Weintraub** to the Briarcliff Manor Hook & Ladder Company.

Minutes

Upon motion by Trustee Wilson, seconded by Trustee Pohar, the Board voted unanimously to approve the minutes of September 18, 2013 as amended.

Upon motion by Trustee Pohar, seconded by Trustee Wilson, the Board voted unanimously to approve the minutes of October 10, 2013.

Adjournment

Upon motion by Trustee Pohar, seconded by Trustee Wilson, the Board voted unanimously to cancel the Work Session scheduled for Tuesday, October 22, 2013 and reschedule it for Tuesday, October 29, 2013 at 6:45pm.

Upon motion by Trustee Pohar, seconded by Trustee Wilson, the Board voted unanimously to adjourn the meeting at 8:35pm.

Respectfully Submitted By,

Christine Dennett
Village Clerk