



**AGENDA**  
**MARCH 18, 2015**  
**BOARD OF TRUSTEES**  
VILLAGE OF BRIARCLIFF MANOR, NEW YORK  
REGULAR MEETING – 7:30 PM

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P2

1. Public Hearing to Amend Chapter 220, Zoning to Allow For Mixed Use Residential/Commercial Uses Within a New CB1 Central Business District 1 and a New CB2 Business District 2

**Board of Trustees Announcements**

**Village Managers Report**

**Public Comments**

2. Scheduling Annual Organizational Meeting & Tentative Budget Public Hearing
  - a) Annual Organizational Meeting
  - b) 2015-2016 Tentative Budget Public Hearing
3. Minutes
  - March 4, 2015

**NEXT REGULAR BOARD OF TRUSTEES MEETING – APRIL 1, 2015**

VILLAGE OF BRIARCLIFF MANOR  
BOARD OF TRUSTEES AGENDA  
MARCH 18, 2015

- 1. PUBLIC HEARING: LOCAL LAW TO AMEND CHAPTER 220, ZONING TO ALLOW FOR MIXED USE RESIDENTIAL/COMMERCIAL USES WITHIN A NEW CB1 CENTRAL BUSINESS DISTRICT 1 AND A NEW CB2 BUSINESS DISTRICT 2**

BE IT RESOLVED that the proposed local law amend Chapter 220, Zoning to allow for Mixed Use Residential/Commercial uses within a new CB1 Central Business District 1 and a New CB2 Business District 2 is hereby adopted.

**BRIARCLIFF MANOR MIXED-USE ZONING  
PROPOSED AMENDMENTS  
December 6, 2012**

**Proposed  
Amendments to  
existing law are  
marked and  
displayed in red.**

**§ 220-3 Districts and maps.**

- A. Districts. For the purpose of this chapter the Village of Briarcliff Manor is hereby divided into the following classes of districts: [**Amended 12-17-2009 by L.L. No. 5-2009; Amended by xx-xx-2012 by L.L. No. X-2012**]

**Single-Family Residence Districts**

- R80A Minimum lot area: 80,000 square feet
- R60A Minimum lot area: 60,000 square feet
- R40A Minimum lot area: 40,000 square feet
- R40B Minimum lot area: 40,000 square feet
- R30A Minimum lot area: 30,000 square feet
- R20A Minimum lot area: 20,000 square feet
- R20B Minimum lot area: 20,000 square feet
- R12B Minimum lot area: 12,000 square feet
- R10B Minimum lot area: 10,000 square feet
- RT4B Minimum lot area: 7,260 to 10,890 square feet

**Multifamily Residence District**

- R30M Minimum lot area: 5,000 square feet
- EC Eldercare Community Residence District

**Business Districts**

- B1 Retail Business
- B1A Retail Business and Residential District
- B2 General Business, including light industry
- B Planned Office Building and Laboratory
- BT Business Transitional

**Central Business Districts**

- CB1 Central Business District 1
- CB2 Central Business District 2

- B. Map. The boundaries of such districts are hereby established as shown on the map entitled "Zoning Map, Village of Briarcliff Manor, New York, dated October 29, 1958," last revised on ~~December 17, 2009~~ XXX XX, 2012, which map accompanies and is hereby made a part of this chapter. Such map replaces in entirety the Zoning Map of June 1953 as heretofore amended from time to time. Editor's Note: The Zoning Map is on file in the office of the Village Clerk. [**Amended 12-17-2009 by L.L. No. 5-2009; Amended by xx-xx-2012 by L.L. No. X-2012**]

C. Boundaries. Except where referenced to a street line or other designated line shown on the Zoning Map by distance in feet therefrom, the district lines are intended to follow lot lines, or the center lines of streets, railroads, streams or aqueducts, or the boundaries of the Village, and where any district abuts upon the Hudson River the boundary lines thereof shall be deemed to extend outward to the boundary of the Village in such river. In unsubdivided land, or where a district boundary divides a parcel or lot, the location of such boundary, if not indicated by dimensions shown upon such map, shall be determined by the use of the scale appearing thereon.

**§ 220-6 Special permit uses.**

L. Special uses in central business districts. [Amended by xx-xx-2012 by L.L. No. X-2012]

(1) Central Business District 1 (CB1)

(a) Any special use permitted in a residential district and subject to the same requirements.

(b) Any special use permitted in a retail business district and subject to the same requirements.

(2) Central Business District 2 (CB2)

(a) Any special use permitted in any other district and subject to the same requirements.

(b) Multifamily dwellings provided that:

[1] The overall residential portion of the building does not exceed 80% of the gross floor area of the building or buildings;

[2] No ground floor dwelling units shall front any public right-of-way;

[3] No multifamily dwelling shall contain more than two bedrooms per unit.

[4] The use of buildings and land and the location, arrangement and size of buildings is in conformance with § 220 Attachment 3 and § 220 Attachment 4 of the Zoning Law; and

[5] The amount of off-street parking and loading and unloading space is provided as specified in § 220-12 of the Zoning Law.

O-M. Special use in a Planned Office Building and Laboratory B District or a Business Transitional BT District. [Added 3-21-1996 by L.L. No. 4-1996; amended 12-19-2002 by L.L. No. 4-2002]

(1) Conversion of single-tenant office use to multiple-tenant office use. On sites of 20 acres or less, the conversion of existing single-tenant office facilities and permitted accessory uses to permit use and occupancy by multiple tenants, provided that: [Amended 1-19-2006 by L.L. No. 3-2006]

(a) The site either:

[1] Has frontage on, or principal access to, a roadway under state or county jurisdiction; or

- [2] Is located within one mile of a limited-access highway under state jurisdiction by travel over the roadway on which the site fronts and from which it is accessed, except that where the building(s) to be converted to multiple-tenant use consists of less than 100,000 square feet of nonwarehouse space, such site may be located up to 2.5 miles from such limited-access highway by travel over any roadway(s).
- (b) The grounds and exterior of all buildings be maintained in conformity with the prevailing standards of the surrounding neighborhood, particularly with regard to signage and lighting;
  - (c) A minimum of 10% of the total number of parking spaces on the site are reserved for the exclusive use of visitors, in such locations as are determined by the Planning Board;
  - (d) Food service is available at the site for the use of the tenants in accordance with the site plan required to be submitted under Subsection D, provided that such food may be prepared on or off site and provided, further, that where the building to be converted to multitenant use consists of less than 50,000 square feet of nonwarehouse space, the Planning Board may waive this requirement.
  - (e) The employee population of the entire site shall not exceed one employee per 250 gross square feet of floor area of the principal office building or buildings as identified on the site plan required to be submitted under Subsection D;
  - (f) The owner/landlord of the site shall within 10 days prior to the commencement of occupancy of any tenant, or as part of any application for a building permit to demise a tenant space, as the case may be, certify to the Building Inspector the maximum employee population of that tenant and of the then total employee population of the site, and shall also annually certify the total employee population of the site;
  - (g) The site plan required to be submitted under Subsection D shall contain a notation which recites all of the conditions set forth herein and any other conditions of the special permit which may be imposed by the Village Board; and
  - (h) A traffic study, if required by the Village Board, be provided to analyze the potential traffic impacts of multiple tenant use on the road system which services the site.

P-N. Revocation and modification. [Amended 3-21-1996 by L.L. No. 4-1996; 5-16-1996 by L.L. No. 6-1996]

- (1) All such permits issued by the Village Board may be subject to revocation or modification by the Village Board upon a material breach or violation of any condition, term or safeguard imposed by the special permit or any other requirements imposed by the Village Zoning Chapter on the property which is the subject of the special permit and which is committed during the existence of the special permit.
- (2) Prior to the revocation or modification of any special permit, the Village Board shall, upon at least 10 days' notice to the property owner and/or person to whom the special permit was issued, cause to be mailed to the property owner and/or person to whom the special permit was issued, a notice stating the alleged breaches or violations warranting such action, and the time and place of the

hearing to be held concerning the revocation or modification of the special permit. The property owner and/or the person to whom the special permit was issued shall be given an opportunity to be heard and to introduce the testimony of witnesses and documentary evidence, and shall be given an opportunity to prove by competent evidence that the premises are in full compliance with the terms, conditions and safeguards imposed by the special permit and all other requirements imposed by the Village Zoning Chapter, and any mitigating circumstances surrounding the alleged breach or violation.

- (3) The action of the Village Board relative to such revocation or modification shall be final. Upon revocation, it shall be unlawful to use or occupy any portion of the property for the use specified in the special permit.

ZONING

220 Attachment 3

Village of Briarcliff Manor Schedule Limiting the Use of Buildings and Land and the Location, Arrangement and Size of Buildings [Amended 3-21-1996 by L.L. No. 4-1996; 5-15-1997 by L.L. No. 2-1997; 3-3-2005 by L.L. No. 1-2005; 1-19-1996 by L.L. No. 3-2006; 2-19-2009 by L.L. No. 3-2009; ~~XX-2012~~ XX-2012 by L.L. No. X-2012]

| 1   | 2   | 3   |
|---|---|---|
| Class of District and Symbol  | Permitted Principal Uses  | Permitted Accessory Uses  |
| Planned Office Building and Laboratory B and Business and Transitional BT | The following are the only principal uses permitted in respective districts designated to the left thereof:<br>1. Office building or buildings conforming with the meaning given in the definition of "office building" in § 220-2, in one ownership or tenancy, or owned or tenanted by separate subsidiaries of the same corporation.<br>2. Research laboratory conforming with the meaning given in the definition of "research laboratory" in § 220-2 of this chapter, and with the supplemental provisions and regulations contained in § 220-5C(1) hereof.<br>3. Multiple tenant office use under § 220-6L subject to special permit use approval.<br>4. Wireless telecommunication services facility, subject to special permit approval by the Planning Board pursuant to the special requirements of § 220-6J(13).   | The following are the only accessory uses permitted in the respective districts designated to the left thereof, and normally incident to the permitted uses set forth in Column 2 for such respective districts:<br>1. Private garage or private parking area, and off-street loading units, pursuant to the applicable provisions of § 220-12.<br>2. Signs. Maximum area of 12 square feet at each entrance to the premises and not closer than 20 feet to the street line. Provisions for lighting shall be the same as in General Business B2 Districts.<br>3. Multiple-tenant use under § 220-6L subject to special permit use approval for the building(s), which building(s) may include office, professional office, and medical and dental office, provided that the medical and dental offices do not exceed 30% of the available space within the building(s).<br>4. Dwelling spaces for caretakers or other resident employees, watchmen and their families.<br>5. Residential guest facilities, commensurate with the reasonable requirements for transient visitors to principal office buildings or research laboratories.<br>6. Maintenance shops, gate houses, enclosed storage facilities, transformer stations, and buildings housing mechanical equipment.   |
| Retail Business B1  | The following are the only principal uses permitted in respective districts designated to the left thereof:<br>1. A fully enclosed structure for sale of goods at retail, or performance of customary personal service or services clearly incident to retail sales, primarily for the convenience of the inhabitants of the Village and the immediate locality, but no fabricating, manufacturing, converting, altering, finishing or assembling shall be permitted except as incident to such retail sales; provided, however, that no retail establishment, or a designed group of establishments, shall be permitted to have a floor area used for merchandising or personal service in excess of that which, under this chapter, requires 100 off-street parking units.<br>2. Business, banking or professional office or studio, telephone exchange or school conducted for gain. | The following are the only accessory uses permitted in the respective districts designated to the left thereof, and normally incident to the permitted uses set forth in Column 2 for such respective districts:<br>(b) One or more signs for each building establishment, relating solely to the business or profession conducted on the premises and not exceeding in aggregate area 1 1/2 square feet per foot of lineal frontage of the façade of the particular business establishment in or on which it is located; the preceding limitation shall include all signs located inside of a building or structure within six feet of a show window or entrance, that are arranged and intended to be visible from the exterior of the building or structure, but shall not apply to temporary paper signs attached to store windows for a period of not more than seven days as commonly used in the conduct of a retail business; provided, however, that such temporary paper signs shall not be illuminated by lighting devices.<br>(c) Exterior signs shall not project above the highest level of the vertical wall of the building façade on which they are located, and shall not project more than 12 inches from the front, rear, or side wall of any building. If illuminated, such sign shall emit only steady white light of constant intensity or shall be illuminated by a steady white light from front or back. Such |

BRIARCLIFF MANOR CODE

| 1  | 2  | 3   |
|--|--|---|
| Class of District and Symbol             | Permitted Principal Uses   | Permitted Accessory Uses  |
| Retail Business<br>B1 (continued)        | <p>3. Restaurant, club, café, lodging house or other place for the sale of food or beverages to be consumed on the premises, but not including a lunchwagon, diner, dining car or similar refreshment place or stand with open air or outside counter or curb service, but this prohibition shall not prevent an establishment otherwise complying with this section from serving meals at tables on a porch or terrace attached to and constituting a part of the principal building.</p> <p>4. Theater, motion picture theater, assembly hall, mortuary or funeral home.</p> <p>5. Self-service or hand laundries.</p> <p>6. Outdoor display and sale of merchandise by religious, charitable or service organizations not operated for gain upon application to the Board of Trustees which may grant a special permit for a period not exceeding 30 days subject to such reasonable conditions as the Board of Trustees may see fit to impose.</p> <p>7. Wireless telecommunication services facility, subject to special permit approval by the Planning Board pursuant to the special requirements of § 220-7(13).</p> | <p>illuminated signs shall not be operated between the hours of 9:00 p.m. and 8:00 a.m. except that when the establishment is open to the public after 9:00 p.m. such business shall be permitted to operate such signs until the hour of closing.</p> <p>2. All uses, including storage of materials, equipment and products for sale or otherwise shall be within enclosed buildings, except sidewalk cafes and sidewalk vending shall be permitted as provided for in Chapter 186, Article IV.</p> <p>3. Dish antennas, two feet or less in diameter, as permitted in Residence Districts.</p> |
| Retail Business and Residential<br>(B1A) | <p>The following are the only principal uses permitted in respective districts designated to the left thereof.</p> <p>1. Any principal use permitted in a retail business district and subject to the same requirements and subject to the same requirements.</p> <p>2. Multifamily dwellings; (i) provided that the overall residential portion of the building does not exceed [a] 80% of the gross floor area of the building or group of buildings or [b] if all of the dwelling units in the multifamily dwellings are Affordable AFFH Units, 85% of the gross floor area of the building or group of buildings, and (ii) provided that no ground floor dwelling units shall front on any public right-of-way.</p>  | <p>The following are the only accessory uses permitted in the respective districts designated to the left thereof, and normally incident to the permitted uses set forth in Column 2 for such respective districts.</p> <p>1. Any accessory use permitted in a retail business district and subject to the same conditions.</p>   |

**BRIARCLIFF MANOR CODE**

| 1<br><b>Class of District and Symbol</b> | 2<br><b>Permitted Principal Uses</b>  | 3<br><b>Permitted Accessory Uses</b>   |
|--|---|--|
| <p>General Business B2</p>               | <p>The following are the only principal uses permitted in respective districts designated to the left thereof.</p> <ol style="list-style-type: none"> <li>Any principal use permitted in a retail business district and subject to the same requirements.</li> <li>Any use for which a special permit is required in any other district.</li> <li>Motor vehicle sales room, repair shop, gasoline filling station or public garage, but no display of vehicles for sale or for hire shall be permitted outdoors.</li> <li>Experimental laboratory, printing plant, shop for making or assembling articles, provided no machinery or process is used which emits dust, smoke, odor, fumes, noise, or vibration or causes other nuisance.</li> <li>Wholesale business, including indoor storage of building materials, cold storage plant, ice plant, ice cream plant or bakery.</li> <li>Greenhouses and the raising or selling of nursery products on four acres or more of land, provided such nursery products are grown on the premises.</li> <li>The preceding not withstanding, the following uses or activities are specifically prohibited:             <ol style="list-style-type: none"> <li>The slaughtering or processing of animals or fish, including the component parts thereof, or the manufacture of any commodity the principal ingredient of which is animal or fish matter, provided that nothing herein contained shall be construed to prevent the sale of animals or fish as food stuff or the preparation thereof of food products for sale at retail on the premises.</li> <li>The manufacture of heavy chemicals (such as, but not limited to, acids or other corrosives, ammonia and caustic soda), the manufacture of basic or semi-finished chemicals (such as, but not limited to, cellulose products, resins, dye-stuffs, glues, vegetable, animal or mineral fats or oils, explosives, soaps and detergents, fertilizers, combustible gases and asphalt and tar products); the manufacture or production of cement or plaster and their constituents, matches, paints, linoleum, oil-cloth, rubber and rubber products</li> </ol> </li> </ol> | <p>The following are the only accessory uses permitted in the respective districts designated to the left thereof, and normally incident to the permitted uses set forth in Column 2 for such respective districts.</p> <ol style="list-style-type: none"> <li>Any accessory use permitted in a retail business district and subject to the same conditions, except sidewalk cafes and sidewalk vending as provided for in Chapter 186, Article IV, shall not be permitted.</li> <li>Outdoor storage of lumber, building materials and coal.</li> <li>Underground storage of motor vehicle fuels. Storage of other combustibles for sale, not exceeding 500 gallons in all for liquid combustibles or liquid fuels, subject to the approval of the Fire Chief with respect to amount, placement, precautions taken against fire and explosion, methods of handling and any other matters having to do with the extent of the hazard connected therewith.</li> <li>Storage of liquefied petroleum gases is permitted but only in charged containers, not filled on the premises but stored, warehoused or handled for resale in container capacities suitable for delivery to consumers or in delivery tank trucks of not more than 1,300 gallons capacity. Storage of such gases in charged containers shall not total more than 15,000 gallons (65,000 pounds) kept on the premises of any establishment at any one time. All such containers and installations shall conform to the applicable standards and specifications of the National Board of Fire Underwriters.</li> <li>Dwelling unit and/or multifamily dwelling are prohibited.</li> <li>No outdoor storage shall exceed 25% of the lot area devoted to the permitted principal use. Such outside storage shall be screened from general off-site view with evergreen landscaping, fencing and/or structures in accordance with and subject to additional requirements which may be established by the Planning Board in site plan review and approval. Said storage area shall not be closer to any lot line than the front yard setback requirement of a principal use in the B-2 District. Maximum fence height shall be limited to 12 feet and storage at any point within the storage area shall not be greater than one foot less than the height of the fence. In an effort to minimize any adverse impact of said storage area upon adjacent land and development, the Planning Board may increase, but not decrease the restrictiveness of these requirements and may designate the specific location of the storage area on the lot.</li> <li>All uses, including storage of materials, equipment and products for sale or otherwise, except as otherwise set forth in this Schedule of Permitted Accessory Uses for the B2 District, shall be within enclosed buildings, except that the temporary outdoor display of merchandise for sale may receive site plan approval by the Planning Board, provided that such merchandise is kept within a fully enclosed building overnight and that the outdoor display area does not exceed 10% of the gross interior floor space of such establishment.</li> </ol> |

BRIARCLIFF MANOR CODE

| 1<br>Class of District and Symbol               | 2<br>Permitted Principal Uses  | 3<br>Permitted Accessory Uses   |
|---|--|---|
| <p><u>Central Business I</u><br/><u>CBI</u></p> | <p>(c) Any other similar use or purpose which will create waste gases or liquids or conditions of hazard, smoke, fumes, noise, vibration, odor or dust and thus tend to be detrimental to the quiet, peace, comfort, convenience, safety or general welfare of the community.</p> <p>(d) Junkyards, storage or baling of scrap paper, rags or metal, auto wrecking and house trailers.</p> <p>(e) The maintenance, storage, or repair of garbage or refuse collection vehicles of any type or weight used in the operation of a refuse or garbage collection and carting business or any other similar use or purpose.</p> <p>8. Single-family residence and/or multifamily dwelling are prohibited.</p> <p><u>The following are the only principal uses permitted in respective districts designated to the left thereof.</u></p> <p>1. <u>Any principal use permitted in a retail business district, subject to the same requirements, except that office and other professional uses shall be permitted both on the ground and upper floors of buildings in conjunction with residential uses, which shall be permitted only as designated below.</u></p> <p>2. <u>Multifamily dwellings, provided that any residential use is limited to the upper floor(s) of the building and no multifamily dwelling contain more than two bedrooms per unit.</u></p> <p>3. <u>Any special use permitted in a retail business district and subject to the same requirements.</u></p> <p>4. <u>For site plan and/or subdivision approval, all development plans shall comply, as interpreted by the Planning Board, with the design recommendations of the Village of Briarcliff Manor Comprehensive Plan for the "West Downtown, Pleasantville Road" (pages 101 through 111) dated November 2007 and as updated by the Village. Any deviation from the design guidelines deemed necessary will require review and approval by the Board of Trustees and shall be based upon a written justification to be included in any approval.</u></p> | <p><u>The following are the only accessory uses permitted in the respective districts designated to the left thereof, and normally incident to the permitted uses set forth in Column 2 for such respective districts:</u></p> <p>1. <u>Any accessory use permitted in a retail business district and subject to the same requirements.</u></p> |

BRIARCLIFF MANOR CODE

| 1  | 2  | 3   |
|--|--|---|
| <p><b>Class of District and Symbol</b><br/> <u>Central Business 2</u><br/>           CB2</p> | <p><b>Permitted Principal Uses</b><br/>           The following are the only principal uses permitted in respective districts designated to the left thereof:<br/>           1. Any principal use permitted in a general business district and subject to the same requirements, except that office and other professional uses shall be permitted both on the ground and upper floors of buildings in conjunction with residential uses, which shall only be permitted as designated below.<br/>           2. Multifamily dwellings by special permit only.<br/>           3. Any special use permitted in any other district and subject to the same requirements.<br/>           4. The preceding notwithstanding, any use or activity that is prohibited in a general business district is specifically prohibited in respective districts designated to the left thereof.</p> | <p><b>Permitted Accessory Uses</b><br/>           The following are the only accessory uses permitted in the respective districts designated to the left thereof, and normally incident to the permitted uses set forth in Column 2 for such respective districts:<br/>           1. Any accessory use permitted in a general business district and subject to the same requirements.</p> |

ZONING

220 Attachment 4

Village of Briarcliff Manor  
 Schedule of Limiting the Use of Buildings and Land and the  
 Location, Arrangement and Size of Buildings

| 1         | 4                   | 5   | 6   | 7                  | 8 Lot Limitations   |               |                                       |           | 11                                       | 12          | 13            | 14            | 15         | 16      | 17               | 18            | 19                       | 20 Building Limitations  |                          |   |  | 23 | 24      |
|-----------|---------------------|---|---|--------------------|---------------------|---------------|---------------------------------------|-----------|--|-------------|---------------|---------------|------------|---------|------------------|---------------|--------------------------|--|--------------------------|---|--|----|---------|
|           |                     |   |   |                    | Minimum Size of Lot |               | Maximum Percent of Lot to be Occupied |           |  |             |               |               |            |         |                  |               |                          | Minimum Yard Dimensions in Feet From Lot Lines to Principal Building |                          | Minimum Distance in Feet From Accessory Building To |  |    |         |
| KSV       | Area in Square Feet | Lot Width in Feet at Minimum Front Yard Setback | Principal Building                                    | Accessory Building | Front Yard          | One Side Yard | Two Side Yards Combined               | Rear Yard | Principal Building if Not Connected With | Street Line | Side Lot Line | Rear Lot Line | In Stories | In Feet | For Sloping Roof | For Flat Roof | For 1 1/2 Story Building | For 1 Story Building   | For 1 1/2 Story Building | For 2 or 2 1/2 Story Building                       | Minimum Average Livable Floor Area per Dwelling Unit |    |         |
|           |                     |   |   |                    |                     |               |                                       |           |  |             |               |               |            |         |                  |               |                          |  |                          |   |  | B  | 400,000 |
| BT        | 400,000             | 100   | 20% of minimum lot size – 10% of remainder (combined) | —                  | 100                 | 100           | 200                                   | 100       | —  | 100         | 100           | 100           | —          | 40      | 40               | —             | —                        | —  | —                        | —   | 750*   |    |         |
| B1 and B2 | 4,000 per building  | 40 per building                                 | 25%   | —                  | 10                  | —             | —                                     | —         | —  | —           | —             | —             | 2***       | 30      | **               | —             | —                        | —  | —                        | —   | 750  |    |         |
| CB1       | 4,000 per building  | 40 per building                                 | 25%   | —                  | 10/12****           | —             | —                                     | 20        | —  | —           | —             | —             | 3          | 35      | **               | —             | —                        | —  | —                        | —   | —  |    |         |
| CB2       | 4,000 per building  | 40 per building                                 | 25%   | —                  | 10                  | —             | —                                     | 20        | —  | —           | —             | —             | 3          | 35      | **               | —             | —                        | —  | —                        | —   | —  |    |         |
| B1A       | 4,000 per building  | 40 per building                                 | 25%   | —                  | 10                  | —             | —                                     | —         | —  | —           | —             | —             | 2***       | 30      | **               | —             | —                        | —  | —                        | —   | 750  |    |         |

\*If dwelling spaces are provided for resident employees and their families

\*\*No accessory buildings permitted

\*\*\*If the building is mixed use and all of the dwelling units in the building are Affordable AFFH Units, however, then the maximum number of stories shall be 3.

\*\*\*\*The front yard setback shall be 10 feet for properties located on the east side of Pleasantville Road and 12 feet for properties located on the west side of Pleasantville Road. The minimum front yard setback is also the maximum front yard setback.

VILLAGE OF BRIARCLIFF MANOR  
BOARD OF TRUSTEES AGENDA  
MARCH 18, 2015

**2. 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 **Wednesday, April 8, 2015 at 7:00 pm.**

**B. 2015-2016 TENTATIVE BUDGET PUBLIC HEARING**

BE IT RESOLVED, that a Public Hearing for the 2015-2016 Tentative Budget is hereby scheduled for **Wednesday, April 1<sup>st</sup> or 8<sup>th</sup>, 2015 at 7:30 pm.**

Village Board of Trustees  
Regular Meeting  
March 4, 2015  
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 4<sup>th</sup> of March, 2015 commencing at 7:30 p.m.

**Present**

William J. Vescio, Mayor  
Lori A. Sullivan, Deputy Mayor  
Cesare DeRose, Jr.  
Mark Pohar, Trustee  
Mark L. Wilson, Trustee

**Also Present**

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

The Board opened the meeting at 7:30pm as the Board of Trustees and the Board of Police Commissioners.

**Village Managers Report by Village Manager Zegarelli**

- Salt supplies were nearly depleted due to the number of storms. A new delivery was received. The Village is up to its 17<sup>th</sup> snow event this winter.
- There have been several water main breaks due to the cold weather.
- The Village Election is Wednesday, March 18<sup>th</sup>. Absentee Ballots are available in the Village Clerk's Office.
- A kick off meeting will be held next week for the construction of the Community Center.
- The budget process has begun for FY 15-16. It will be filed by March 20<sup>th</sup>.
- Visit the Recreation website for a listing of all upcoming programs.

**Public Comments**

There were no public comments.

**Award of Bid – Ambulance**

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

WHEREAS the Village received 1 bid for the purchase of an Ambulance (VM-1415-10); and

NOW, THEREFORE, BE IT RESOLVED that the bid for the purchase of an Ambulance (VM-1415-10) is hereby awarded to VCI Emergency Vehicle Specialists with their bid proposal of \$207,763 including a deduction in the amount of \$7,000 for the trade-in of the Village owned 1999 Horton Ambulance; and

BE IT FURTHER RESOLVED that additional equipment is required to be installed to put the new ambulance into service totaling \$41,406 for a total project cost not to exceed \$249,169 which will be charged to budget code H3410.201.15600; and

BE IT FURTHER RESOLVED that the Village Manager is hereby authorized and directed to execute a contract with VCI Emergency Vehicle Specialists of Holbrook, NY for said vehicle.

### **Refunding Bond Resolution**

The Board had general discussion regarding the refunding resolution and stated it was not related to the Public Purpose Bonds and no terms were extended.

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

Vote: Trustee Wilson – Aye  
Trustee Pohar – Aye  
Deputy Mayor Sullivan – Aye  
Trustee DeRose – Aye  
Mayor Vescio – Aye

REFUNDING BOND RESOLUTION OF THE VILLAGE OF BRIARCLIFF MANOR, COUNTY OF WESTCHESTER, STATE OF NEW YORK, ADOPTED MARCH 4, 2015, AUTHORIZING THE REFUNDING OF ALL OR A PORTION OF CERTAIN OUTSTANDING SERIAL BONDS OF SAID VILLAGE, STATING THE PLAN OF REFUNDING, AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$8,800,000 REFUNDING SERIAL BONDS OF THE VILLAGE, AND MAKING CERTAIN OTHER DETERMINATIONS ALL RELATIVE THERETO.

WHEREAS, the Village of Briarcliff Manor, located in Westchester County, State of New York (the "Village") previously issued \$5,445,880 principal amount of Public Improvement (Serial) Bonds, 2004 (the "Series 2004 Bonds") pursuant to a certificate of determination of the Village Treasurer of the Village (sometimes referred to herein as the "Chief Fiscal Officer"), dated January 22, 2004, which Series 2004 Bonds are dated January 15, 2004 and matured or mature in annual installments on November 15 in each of the years 2004 to 2024, inclusive, as follows:

\$430,880 in the year 2004;  
\$500,000 in the year 2005;  
\$475,000 in the year 2006;  
\$475,000 in the year 2007,  
\$475,000 in the year 2008,  
\$250,000 in the year 2009,  
\$250,000 in the year 2010,  
\$255,000 in the year 2011,  
\$255,000 in the year 2012,  
\$260,000 in the year 2013,  
\$205,000 in the year 2014,  
\$200,000 in the year 2015,  
\$200,000 in the year 2016,  
\$200,000 in the year 2017,  
\$175,000 in the year 2018,  
\$140,000 in the year 2019,  
\$140,000 in the year 2020,  
\$140,000 in the year 2021,  
\$140,000 in the year 2022,  
\$140,000 in the year 2023, and  
\$140,000 in the year 2024;

WHEREAS, the Series 2004 Bonds were authorized pursuant to a serial bond resolutions duly adopted by the Board of Trustees of the Village for the objects or purposes described therein and delegated to the Chief Fiscal Officer the power to prescribe the terms, form and contents of and to sell and deliver such serial bonds of the Village; and

WHEREAS, \$1,615,000 aggregate principal amount of the Series 2004 Bonds currently remain outstanding and unredeemed as of the date hereof; and

WHEREAS, the Village previously issued \$9,626,000 principal amount of Public Improvement Serial Bonds, Series 2006A (the "Series 2006 Bonds", and together with the 2004 Bonds, the "Refunded Bonds") pursuant to a certificate of determination of the Village Treasurer of the Village, dated October 5, 2006, which Series 2006 Bonds are dated October 1, 2006 and matured or mature in annual installments on October 1 in each of the years 2007 to 2026, inclusive, as follows:

\$136,000 in the year 2007,  
\$335,000 in the year 2008,  
\$350,000 in the year 2009,  
\$360,000 in the year 2010,  
\$375,000 in the year 2011,  
\$400,000 in the year 2012,  
\$410,000 in the year 2013,  
\$425,000 in the year 2014,

\$450,000 in the year 2015,  
\$475,000 in the year 2016,  
\$480,000 in the year 2017,  
\$500,000 in the year 2018,  
\$525,000 in the year 2019,  
\$550,000 in the year 2020,  
\$575,000 in the year 2021,  
\$600,000 in the year 2022  
\$625,000 in the year 2023,  
\$660,000 in the year 2024,  
\$680,000 in the year 2025, and  
\$715,000 in the year 2026.

WHEREAS, the Series 2006 Bonds were authorized pursuant to serial bond resolutions duly adopted by the Board of Trustees of the Village for the objects or purposes described therein and delegated to the Chief Fiscal Officer the power to prescribe the terms, form and contents of and to sell and deliver such serial bonds of the Village; and

WHEREAS, \$5,910,000 aggregate principal amount of the Series 2006 Bonds currently remain outstanding and unredeemed as of the date hereof; and

WHEREAS, it is hereby determined to be in the public interest of the Village to refund (i) all of the said outstanding \$1,615,000 aggregate principal amount Series 2004 Bonds maturing in 2015 and thereafter and (ii) all of the said outstanding \$5,910,000 aggregate principal amount Series 2006 Bonds maturing in 2015 and thereafter, by the issuance of the refunding bonds authorized herein pursuant to Section 90.10 of the Local Finance Law; and

WHEREAS, such refunding will only be undertaken if it results in present value savings in debt service as required by Section 90.10 of the Local Finance Law;

NOW THEREFORE, THE BOARD OF TRUSTEES OF THE VILLAGE OF BRIARCLIFF MANOR, NEW YORK, HEREBY RESOLVES (by the favorable vote of two-thirds of all the members of said Board of Trustees), AS FOLLOWS:

Section 1. For the purpose of refunding the outstanding principal balance of the Refunded Bonds as more fully set forth in the Refunding Financial Plan (hereinafter defined), including providing moneys which, together with the interest earned from the investment of certain of the proceeds of the refunding bonds herein authorized shall be sufficient to pay: (i) the principal amount of the Refunded Bonds; (ii) the aggregate amount of the unmatured interest payable on the Refunded Bonds to and including the date on which any series of the Refunded Bonds which are callable are to be redeemed prior to their respective maturities in accordance with the Refunding Financial Plan (as hereinafter defined) attached hereto as Exhibit B and made a part of this resolution; (iii) the costs and expenses incidental to the issuance of the refunding bonds hereinafter authorized,

including without limitation, the development of the Refunding Financial Plan, costs and expenses of executing and performing the terms and conditions of the Escrow Contract (as hereinafter defined), and any securities supply contract, the premium with respect to any bond insurance policy or policies acquired with respect to the Refunding Bonds (as defined below), discount or compensation of underwriters, fees of bond counsel and financial advisors, rating agency fees, printing and service agency fees and expenses, and fees and charges of the Escrow Holder (as hereafter described); and (iv) the redemption premium, if any, to be paid on any series of the Refunded Bonds which are to be called prior to their respective maturities; there are hereby authorized to be issued in one or more series not exceeding \$8,800,000 aggregate principal amount of refunding serial bonds of the Village pursuant to the provisions of Section 90.10 of the Local Finance Law (the "Refunding Bonds"), it being anticipated that the amount of Refunding Bonds actually to be issued will be approximately \$8,200,000 as provided in Section 4 hereof. The proposed principal amounts and dates of maturity of such Refunding Bonds are set forth in the Refunding Financial Plan attached hereto.

Section 2. It is hereby determined pursuant to Section 90.10 that:

(a) the maximum amount of the Refunding Bonds authorized to be issued pursuant to this resolution does not exceed the limitation imposed by subdivision 1 of paragraph (b) of Section 90.10 of the Local Finance Law with respect to each series of the Refunded Bonds;

(b) the maximum period of probable usefulness permitted by law at the time of the issuance of the Refunded Bonds for the objects or purposes for which the Refunded Bonds were issued is as shown in Exhibit A attached hereto;

(c) the last installment of the Refunding Bonds will mature not later than expiration of the maximum period of probable usefulness of the objects or purposes for which the Refunded Bonds were issued, or in the alternative, the weighted average remaining period of probable usefulness of the objects or purposes (or classes of objects or purposes) financed with the Refunded Bonds, in accordance with the provisions of Section 90.10(c)(1) of the Local Finance Law;

(d) the estimated present value of the total debt service savings anticipated as a result of the issuance of the Refunding Bonds, computed in accordance with subparagraph (a) of subdivision 2 of paragraph b of Section 90.10 of the Local Finance Law is as shown in the Refunding Financial Plan described in Section 4 hereof, subject to changes in market interest rates;

Section 3. (a) The Village Treasurer is hereby authorized and directed to enter into an escrow contract (the "Escrow Contract") with a bank or trust company located and authorized to do business in the State of New York as the Village Treasurer shall designate (the "Escrow Holder") for the purpose of having the Escrow Holder act, in connection with the Refunding Bonds, as the escrow holder to perform the services described in Section 90.10 of the Local Finance Law. In addition, the Escrow Contract may

include a forward supply or purchase contract or agreement as part thereof or as a separate agreement for the provision of acquiring obligations of the United States of America or unconditionally guaranteed by the United States of America or other obligations or instruments qualified under Section 90.10 of the Local Finance Law or may be necessary for the completion of the Refunding Financial Plan. The Escrow Contract shall contain such terms and conditions as shall be necessary or required, including terms and conditions required for the completion of the Refunding Financial Plan, including provisions for the Escrow Holder, without further authorization or direction from the Board of Trustees of the Village, except as otherwise provided therein, including, without limitation, (i) to make all required payments of principal, interest and any redemption premiums to appropriate paying agents with respect to the Refunded Bonds, (ii) to pay costs and expenses incidental to the issuance of the Refunding Bonds, including the development of the Refunding Financial Plan, and of executing and performing the terms and conditions of the Escrow Contract by the Escrow Holder, (iii) at the appropriate time or times, to cause to be given on behalf of the Village in the manner provided by law the notice of redemption authorized to be given pursuant to Section 7 hereof, and (iv) to invest the moneys held by the Escrow Holder pursuant to the terms of the Escrow Contract and consistent with the provisions of the Refunding Financial Plan. The Escrow Contract shall be irrevocable and shall constitute a covenant with the owners of the Refunding Bonds.

(b) The proceeds, inclusive of any premium, from the sale of the Refunding Bonds, immediately upon receipt, shall be placed in escrow by the Village with the Escrow Holder pursuant to the terms of the Escrow Contract. All moneys held by the Escrow Holder shall be invested only in direct obligations of the United States of America, in obligations the principal of and interest on which are unconditionally guaranteed by the United States of America or in obligations or instruments qualified under Section 90.10 of the Local Finance Law, which obligations or instruments shall mature or be subject to redemption at the option of the Escrow Holder not later than the respective dates when such moneys will be required to make payments in accordance with the Escrow Contract and the Refunding Financial Plan. Any such moneys remaining in the custody of the Escrow Holder after the performance in full of the Escrow Contract by the Escrow Holder shall be returned to the Village and shall be applied by the Village Treasurer to the payment of the principal of or interest on the Refunding Bonds then outstanding, to the payment of any amounts required to be paid to the United States of America in connection with the refunding of the Refunding Bonds or to the payment of or reimbursement for the costs of issuance or other administrative costs incurred in connection with the issuance of the Refunding Bonds. In connection with the investment of moneys held by the Escrow Holder under the Escrow Contract, the Village Treasurer is authorized to execute on behalf of the Village any forward purchase or supply contract for the purchase or supply of the securities described in this subsection (b) at a date subsequent to the delivery of the Refunding Bonds, as is needed to accomplish the purposes of the Refunding Financial Plan.

Section 4. The financial plan for the refunding authorized by this resolution (the "Refunding Financial Plan"), showing the sources and amounts of all moneys required to accomplish such refunding, the estimated present value of the total debt service savings and the basis for the computation of the aforesaid estimated present value of total debt

service savings, are set forth in Exhibit B attached hereto and made a part hereof. The Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds will be issued in the aggregate principal amount of \$8,130,000 and will mature, be of such terms, and bear such interest as set forth in the Refunding Financial Plan. The Board of Trustees of the Village recognizes that the principal amount of the Refunding Bonds, the series, maturities, terms, interest rate or rates borne by the Refunding Bonds, the provisions for redemption thereof prior to maturity and whether or not all of the Refunding Bonds will be insured, and the resulting present value savings are likely to vary from such assumptions and that the Refunding Financial Plan will likely vary from that attached hereto as Exhibit B. The Village Treasurer is hereby authorized and directed to determine the principal amount of the Refunding Bonds to be issued, the series and designation or designations thereof, the time or times of the sale thereof, the maturities and terms thereof, the provisions relating to the redemption of the Refunding Bonds prior to maturity, if any, the rate or rates of interest to be borne thereby, whether or not the Refunding Bonds will be insured in whole or in part or uninsured, and to prepare, or cause to be provided, a final Refunding Financial Plan, all in accordance herewith, and all powers in connection therewith may be exercised by the Village Treasurer; provided, that the terms of the Refunding Bonds to be issued, including the rate or rates of interest borne thereby, shall comply with the requirements of Section 90.10 of the Local Finance Law. The Village Treasurer shall file a copy of a certificate determining the details of the Refunding Bonds and the final Refunding Financial Plan with the Village Clerk within ten (10) days after the delivery of the Refunding Bonds, as herein provided.

Section 5. The faith and credit of the Village are hereby irrevocably pledged to the payment of the principal of and interest on the Refunding Bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on the Refunding Bonds becoming due and payable in such year. To the extent that the same are not paid from other sources, there shall be annually levied on all the taxable real property in the Village a tax sufficient to pay the principal of and interest on the Refunding Bonds as the same become due and payable, subject to applicable statutory limitations.

Section 6. Proceeds from the sale of the Refunding Bonds, including any accrued interest and, together with interest earned thereon, which shall be required for the payment of the principal of and interest on the Refunded Bonds, including any redemption or call premiums, in accordance with the Refunding Financial Plan, shall be irrevocably committed and pledged to such purpose and the owners of the Refunded Bonds shall have a lien upon such moneys and the investments thereof held by the Escrow Holder. The pledge and lien provided by this resolution shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding against all parties having claims of any kind in tort, contract, equity, at law or otherwise against the Village irrespective of whether such parties have notice thereof. Neither this resolution, the Escrow Contract, nor any other instrument relating to such pledge and lien, needs to be filed or recorded.

Section 7. In accordance with the terms of the Refunded Bonds and the provisions of Section 53.00 and of paragraph (h) of Section 90.10 of the Local Finance Law, the Village hereby elects to call in and redeem each Refunded Bond, which the Village Treasurer shall determine to be refunded at the earliest call date available. The sum to be paid therefor on such redemption date shall be the par value thereof plus the redemption premium, if any, and the accrued interest to such redemption date. The Escrow Holder is hereby authorized and directed to cause notice of such call for redemption to be given in the name of the Village in the manner and within the times provided in the issuance proceedings for the Refunded Bonds. Such notice of redemption shall be in substantially the form attached to the Escrow Contract. Upon the issuance of the Refunding Bonds, the election to call in and redeem the Refunded Bonds and the direction to the Escrow Holder to cause notice thereof to be given as provided in this paragraph shall become irrevocable, provided that this paragraph may be amended from time to time as may be necessary in order to comply with the notice requirements of paragraph (a) of Section 53.00 of the Local Finance Law, or any successor law thereto. It is hereby determined that with respect to the series of Refunded Bonds to be called in and redeemed as provided in this Section 7, it is to the financial advantage of the Village not to charge, impose and collect or receive from registered owners of the Refunded Bonds mailing, shipping, insurance or other similar charges in connection with such redemption or calls. Accordingly, pursuant to paragraph (c) of Section 70.00 of the Local Finance Law, no such charges shall be so charged, collected or received by the Chief Fiscal Officer, as fiscal agent.

Section 8. The Refunding Bonds shall be sold at a public sale using a notice of sale, or at the election of the Village Treasurer, at a private sale by negotiation, in either case to a purchaser (the "Purchaser") for a purchase price to be determined by the Village Treasurer, plus accrued interest from the date of the delivery of and payment for the Refunding Bonds, subject to the approval of the terms and conditions of such sale by the State Comptroller as may be required by subdivision 2 of paragraph f of Section 90.10 of the Local Finance Law. If sold at a public sale, the Village Treasurer is hereby authorized to conduct such public sale in accordance with the provisions of the Local Finance Law and all other applicable statutes and regulations, and to make all final decisions with respect to or arising out of such public sale. After the Refunding Bonds have been duly executed, they shall be delivered by the Village Treasurer to the Purchaser in accordance with the notice of sale or a purchase contract between the Village and the Purchaser, which shall be in form and substance satisfactory to the Village Treasurer.

Section 9. The Board of Trustees of the Village hereby appoints the law firm of Cahill Gambino LLP, of New York, New York, as bond counsel in connection with the issuance and sale of the Refunding Bonds. The Board of Trustees of the Village hereby appoints the firm of Capital Markets Advisors, LLC of Hopewell Junction, New York, as financial advisor in connection with the issuance and sale of the Bonds. The Board of Trustees of the Village is hereby authorized to appoint an Escrow Holder, as that term is referred to herein, at a future date.

Section 10. Each of the Refunding Bonds authorized by this resolution shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law and the

Refunding Bonds shall be general obligations of the Village, payable as to both principal and interest by a general tax upon all the taxable real property within the Village, subject to applicable statutory limitations imposed by Chapter 97 of the Laws of 2011 of the State.

Section 11. The Village Treasurer, pursuant to Sections 50.00, 90.00, 90.10 and 168.00 of the Local Finance Law, and all other officers, employees and agents of the Village are hereby authorized and directed for and on behalf of the Village to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby, including to correct or amend the documents and certificates authorized to complete the transactions contemplated by this resolution.

Section 12. All other matters pertaining to the terms, issuance and sale of the Refunding Bonds consistent with the provisions of Section 90.10 of the Local Finance Law shall be determined by the Village Treasurer and the powers in connection therewith not otherwise heretofore delegated thereto are hereby delegated to the Village Treasurer.

Section 13. The Village Treasurer is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the Refunding Bonds as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and, if applicable, to designate the Refunding Bonds authorized by this resolution as "qualified tax-exempt obligations" in accordance with Section 265 of the Code.

Section 14. For the benefit of the holders and beneficial owners from time to time of the obligations, the Village agrees, in accordance with and as an obligated person with respect to the obligations under, Rule 15c2-12 promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934 (the "Rule"), to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner, as may be required for purposes of the Rule. In order to describe and specify certain terms of the Village's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Village Treasurer is authorized and directed to sign and deliver, in the name and on behalf of the Village, the commitment authorized by subsection 6(c) of the Rule (the "Commitment"), to be placed on file with the Village Clerk, which shall constitute the continuing disclosure agreement made by the Village for the benefit of holders and beneficial owners of the obligations in accordance with the Rule, with any changes or amendments that are not inconsistent with this resolution and not substantially adverse to the Village and that are approved by the Village Treasurer on behalf of the Village, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed collectively by this paragraph and the Commitment, shall be the Village's continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet the costs the Village would be required to incur to perform thereunder. The Village Treasurer of the Village is further authorized and directed to establish procedures in order to ensure compliance by the Village with its continuing

disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the Village Treasurer of the Village shall consult with, as appropriate, the Village Attorney and bond counsel or other qualified independent special counsel to the Village. The Village Treasurer of the Village, acting in the name and on behalf of the Village, shall be entitled to rely upon any legal advice provided by such Village Attorney or bond counsel or other qualified independent special counsel in determining whether a filing should be made.

Section 15. When this refunding bond resolution takes effect, the Village Clerk shall cause the same, or a summary thereof, to be published together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law in The Gazette, a newspaper having a general circulation in the Village. The validity of the Refunding Bonds authorized by this bond resolution may be contested only if such obligations are authorized for an object or purpose, or class of object or purpose, for which the Village is not authorized to expend money, or the provisions of law which should have been complied with as of the date of publication of this bond resolution, or such summary thereof, were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or if such obligations are authorized in violation of the provisions of the Constitution of the State of New York.

Section 16. In the absence or unavailability of the Village Treasurer, the Deputy Village Treasurer is hereby specifically authorized to exercise the powers delegated to the Village Treasurer.

Section 17. The Village hereby determines that the issuance of the Refunding Bonds is a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQR") are required.

Section 18. This bond resolution shall take effect immediately upon its adoption by the Board of Trustees of the Village.

## EXHIBIT A

### DESCRIPTION OF CAPITAL IMPROVEMENTS FINANCED WITH THE PROCEEDS OF THE REFUNDED BONDS

#### **\$5,445,880 Public Improvement Serial Bonds, Series 2004A**

| <u>Object or Purpose</u> | <u>Period of Probable Usefulness</u> |
|--------------------------|--------------------------------------|
| Road Paving              | 15 years                             |
| Dump Trucks              | 15 years                             |
| Sewer Pump               | 30 years                             |
| Mapping Sanitary Sewer   | 5 years                              |
| Mapping Storm Sewer      | 5 years                              |
| Village Roads            | 15 years                             |
| Drainage Facility        | 30 years                             |
| Salt Storage Shed        | 30 years                             |
| Equipment                | 15 years                             |
| Village Buildings        | 20 years                             |
| Village Water            | 40 years                             |
| Water Distribution       | 40 years                             |
| Equipment                | 5 years                              |
| Project Planning         | 5 years                              |
| Salt Storage Shed        | 30 years                             |
| Parking Lots             | 10 years                             |
| Road Improvements        | 15 years                             |
| Park Facilities          | 15 years                             |
| Vehicles                 | 10 years                             |
| Vehicles                 | 15 years                             |
| Demolition               | 10 years                             |
| Water Meters             | 20 years                             |
| Water Linings            | 40 years                             |
| Demolition               | 10 years                             |

#### **\$9,626,000 Public Improvement Serial Bonds, Series 2006A**

| <u>Object or Purpose</u> | <u>Period of Probable Usefulness</u> |
|--------------------------|--------------------------------------|
| Tax Certs                | 5 years                              |
| Oil Tanks                | 15 years                             |
| Land Acquisition         | 40 years                             |
| Sewer Pump               | 40 years                             |
| Village Road             | 15 years                             |
| Village Sidewalks        | 5 years                              |
| Generator                | 30 years                             |
| Sewer Ejector            | 40 years                             |
| Boiler                   | 10 years                             |
| Park Facilities          | 15 years                             |
| Fire Truck               | 20 years                             |
| Land Acquisition         | 40 years                             |
| Equipment                | 15 years                             |
| Equipment                | 10 years                             |
| Flood Control Plan       | 5 years                              |
| Streetscape              | 5 years                              |
| Planning for Parking     | 5 years                              |
| Fire Equipment           | 5 years                              |
| <u>Object or Purpose</u> | <u>Period of Probable Usefulness</u> |
| Vehicles                 | 3 years                              |

|                           |          |
|---------------------------|----------|
| Traffic Signs             | 10 years |
| Salt Shed                 | 30 years |
| Sewers                    | 30 years |
| Intersections             | 10 years |
| Salt Shed                 | 15 years |
| Sidewalks                 | 10 years |
| Parking Planning          | 10 years |
| Sewer Improvements        | 30 years |
| Improvements              | 30 years |
| Village Roads             | 15 years |
| Park Improvements         | 15 years |
| Machinery                 | 15 years |
| Municipal Buildings       | 25 years |
| Fire Vehicles             | 20 years |
| Communication Equipment   | 20 years |
| Todd Lane Bridge          | 20 years |
| Motor Vehicles            | 5 years  |
| Computer Software         | 5 years  |
| Building Improvements     | 25 years |
| Fire Chief Vehicles       | 5 years  |
| Vehicles                  | 5 years  |
| Pump Station              | 40 years |
| Sewer Survey              | 40 years |
| Village Roads             | 15 years |
| Backhoe                   | 15 years |
| Infield Groomer           | 15 years |
| Dump Truck                | 15 years |
| Dump S-1800               | 15 years |
| Chevy Dump                | 15 years |
| Recycling Truck           | 15 years |
| Spreader                  | 15 years |
| Spreader                  | 15 years |
| Skid Steer                | 15 years |
| Backhoe                   | 15 years |
| Generator                 | 30 years |
| Water Pump                | 40 years |
| Water Lines               | 15 years |
| Water System Improvements | 40 years |
| Waterway Improvements     | 30 years |
| Village Water System      | 40 years |
| Water Lines               | 40 years |
| Utility Vehicle           | 5 years  |

**Adoption of Fund Balance Policy**

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

BE IT RESOLVED that Board of Trustees does hereby adopt the following policy:

**Village of Briarcliff Manor  
Fund Balance Policy**

**Policy Purpose:**

The Village of Briarcliff Manor (VBM) has an important fiduciary responsibility to its citizens to responsibly account for public funds, to manage municipal finances wisely and to plan the adequate funding of services desired by the public, including the provision and maintenance of public facilities. Credit agencies rate municipal creditworthiness. Their primary focus is the year to year growth in our fund balance. Municipalities strive to increase their bond rating, and now more than ever must focus on increasing fund balance.

**Reserve Funds:**

A. Reserve funds (which essentially are legally authorized allocated funds for particular and specific purposes) are a component in the VBM's financial planning for specific expenses, future projects, acquisitions and other lawful purposes. To achieve this governmental goal, the Village may establish and maintain reserve funds in accordance with New York State laws. This includes, but is not limited to, considering rules and/or opinions issued by the New York State Comptroller.

B. Village reserves funds must be properly established, designated, and maintained by the Mayor and Board of Trustees (M/BOT)'s to promote the goals of creating an open, transparent and accountable use of public funds. The VBM may engage independent experts and professionals, including but not limited to auditors, accountants and other financial and legal counsel, as necessary to monitor all reserve fund activity and prepare reports that the M/BOT may require.

**Fund Balance Reporting:**

GASB issued Statement No. 54, "*Fund Balance Reporting and Governmental Fund Type Definitions*", in February 2009. The requirements of GASB Statement No. 54 became effective for financial statements for the Village's fiscal period ending 31 May 2012. GASB Statement No. 54 abandoned the reserved and unreserved classifications of fund balance and replaced them with five new classifications: Non-spendable, restricted, committed, assigned and unassigned which are currently defined by the GASB as follows:

Nonspendable – consists of assets that are inherently non-spendable in the current period either because of their form or because they must be maintained intact, including prepaid items, inventories, long-term portions of loans receivable, financial assets held for resale and principal of endowments.

Restricted – consists of amounts that are subject to externally enforceable legal purpose restrictions imposed by creditors, grantors, contributors, or laws and regulations of other governments; or through constitutional provisions or enabling legislation.

Committed – consists of amounts that are subject to a purpose constraint imposed by a formal action of the government's highest level of decision-making authority (for VBM its M/BOT) before the end of the fiscal year, and that require the same level of formal action to remove the constraint.

Assigned – consists of amounts that are subject to a purpose constraint that represents an intended use established by the government’s highest level of decision-making authority (M/BOT), or by their designated body or official. The purpose of the assignment must be narrower than the purpose of the General Fund, and in funds other than the General Fund, assigned fund balance represents the residual amount of fund balance.

Unassigned – represents the residual classification for the government’s General Fund, and could report a surplus or deficit. In funds other than the General Fund, the unassigned classification should be used only to report a deficit balance resulting from overspending.

For the purposes of this Village Policy the term “Unassigned” shall be deemed to include not only General Fund but also Water Fund which is budgeted and operated separate from the General Fund.

**Funding Policy for restricted or committed and assigned fund balances:**

The formal action of the government’s highest level of decision-making authority (M/BOT) that restricts, commits or assigns fund balance to a specific purpose should occur prior to the end of the reporting period, but the amount, if any, which will be subject to the constraint, may be determined in the subsequent financial reporting period.

**Spending policy for all (General and Water) Fund Balances:**

By adoption of this policy, the VBM *shall* maintain the unassigned fund balances at a level no less than 10% each of the total annual revenues for the General Fund and Water Fund. Should a fund balance fall below the 10% floor due to emergencies or service delivery requirements above or beyond the limitations established by the Financial Goals and Policies, the M/BOT will develop a plan to re-establish at least a 10% floor within a period of no more than three years. Village policy shall be to grow Fund Balance to a 20% threshold. When this threshold is achieved, Village management shall make recommendations to the M/BOT to adjust/adhere to current economic and operational indicators. In all cases, reserves shall be set aside for unknown and unpredictable events, such as the result of a natural disaster, and may be used for unbudgeted and/or unpredictable expenses. The M/BOT shall make a formal resolution and vote in public on such recommendation.

The M/BOT will determine the composition of its ending fund balance(s) by applying its accounting policies regarding whether it considers restricted or unrestricted amounts to have been spent when an expenditure is incurred for purposes for which both restricted and unrestricted (committed, assigned, or unassigned) amounts are available. Similarly, within the unrestricted fund balance(s), the classification should be based on the government’s accounting policies regarding whether it considers committed, assigned or unassigned amounts to have been spent when an expenditure is incurred for purposes for which amounts in any of those unrestricted fund balance(s) classifications could be used. If a government does not establish a policy for its use of unrestricted fund balance(s) amounts, it should consider that committed amounts would be reduced first, followed by assigned amounts, and then

unassigned amounts when expenditures are incurred for purposes for which amounts in any of those unrestricted fund balance classifications could be used.

**Periodic review and annual report:**

A. The M/BOT and Village Manager (VM) will periodically review all restricted committed and assigned fund balances. The VM will prepare and submit an annual report of all restricted, committed and assigned funds for the M/BOT. The annual report shall include the following information for each reserve fund.

- (1) The type and description of the reserve fund.
- (2) The interest earned on each reserve fund.
- (3) Capital gains or losses resulting from the sale of investments of the reserve funds from  
the previous reporting period.
- (4) The sum total increase and sum total decrease in the reserve funds.
- (5) The ending balance in the reserve funds at fiscal yearend.
- (6) A summary statement of projected use and the need of the reserve funds exclusive of  
the unassigned.

B. The M/BOT shall utilize the information in the annual report to discuss reserve fund balances and to adequately maintain necessary funds for the VBM's long-term financial planning. The M/BOT will be mindful of its role and responsibility as a fiduciary of public funds when acting on all reserve fund issues.

**Authorize Village Manager to Execute a Grant Disbursement Agreement –  
Library and Community Center Generator**

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

**WHEREAS**, the Village of Briarcliff Manor ("Village") renovated and converted a portion of the former Briarcliff Manor Public Library building as the Village Community Center, including among other things, a full 2 story interior renovation, creation of a new mezzanine level, new dormers, new roofing, new exit stair and enclosure, and new mechanical, electrical and plumbing systems ("Project"), as intended by the Village when the building was expanded in and around 2008; and

**WHEREAS**, the State of New York provides funding for specialty capital projects for the public purpose under its Community Capital Assistance Program ("CCAP") through the New York State Assembly and Senate; and

**WHEREAS**, the Village applied for and was awarded a grant for CCAP funding in the amount of \$50,000.00 in the name and on behalf of the Briarcliff Manor Public Library for a generator incorporated as part of the Project ("CCAP Generator Funding Grant"); and

**WHEREAS**, the Village has received a Grant Disbursement Agreement from the Dormitory Authority of the State of New York for the CCAP Generator Funding Grant;

**NOW, THEREFORE, BE IT RESOLVED**, that the Village Board of Trustees does hereby authorize the Village Manager to execute a Grant Disbursement Agreement for the CCAP Generator Funding Grant in the form received from the Dormitory Authority of the State of New York by letter to Briarcliff Manor Library Director dated January 20, 2015; and be it further

**RESOLVED**, that any action taken to date by the Village Manager to execute or implement the Grant Disbursement Agreement for the CCAP Generator Funding Grant in the form received from the Dormitory Authority of the State of New York by letter to Briarcliff Manor Library Director dated January 20, 2015, is ratified and approved; and be it further

**RESOLVED**, that the Village Manager is further authorized to make or accept any change to the Grant Disbursement Agreement 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.

**Fire Department Membership - Barrot**

The Board thanked Mr. Barrot for volunteering.

Upon motion by Trustee Wilson, seconded by Trustee Pohar, 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 **Keenan Barrot** to the Briarcliff Fire Company.

**Schedule Public Hearing to Amend Chapter 220, Zoning to Allow for Mixed Use Residential/Commercial Uses Within a New CB1 Central Business District 1 and a New CB2 Business District 2**

Mayor Vescio stated the proposed local law was a goal of former Deputy Mayor David Venditti and thanked him for his efforts.

Village Attorney Smith stated an Environmental Assessment Form "EAF" was done in 2012 and was received by the Board.

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

BE IT RESOLVED that a Public Hearing is hereby scheduled for the March 18, 2015, Board of Trustees meeting to hear and discuss a proposed local law to amend Chapter 220, Zoning of the Code of the Village of Briarcliff Manor to

allow for mixed-use residential/commercial uses within a new CB1 Central Business District 1 to be applied to parcels located within the existing B1 Retail Business District along Pleasantville Road and a new CB2 Central Business District 2 to be applied to parcels located within the existing B1 Retail Business District along North State Road and the existing B2 Retail Business District North of Route 9A and east of Old Saw Mill River Road/Old Route 100 and west of Route 100; and be it

RESOLVED FURTHER that the proposed local law to amend Chapter 220 of the Code of the Village of Briarcliff Manor to establish and map the CB1 Central Business District 1 and the CB2 Central Business District 2 is hereby directed to the Village Planning Board and to the Westchester County Planning Board for review and recommendation and to the Town of Ossining, Town of Mount Pleasant, and Village of Ossining for review and comment as they see fit.

### **Minutes**

Upon motion by Deputy Mayor Sullivan, seconded by Trustee DeRose, the Board voted unanimously to approve the minutes of February 18, 2015.

The Board adjourned the regular meeting and reconvened as the Board of Police Commissioners.

### **Amend Procedures Manual for the Briarcliff Manor Police Department Conductive Energy Device**

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

BE IT RESOLVED that the Board of Trustees, acting in their capacity as the Board of Police Commissioners, does hereby amend the Procedures Manual for the Briarcliff Manor Police Department to add Procedure Number 614, Conductive Energy Devices.

### **Adjournment**

The Annual Village Election is Wednesday, March 18<sup>th</sup> from 6am-9pm at the Youth Center.

Upon motion by Trustee Wilson, seconded by Trustee Pohar, the Board voted unanimously to adjourn the regular meeting at 8:05pm.

Respectfully Submitted By,

Christine Dennett  
Village Clerk