

A Regular Meeting of the Board of Trustees of the Village of Briarcliff Manor, New York was held at the William J. Vescio Community Center on the 17<sup>th</sup> of January, 2023 commencing at 7:30 p.m.

**Present**

Steven A. Vescio, Mayor  
Peter S. Chatzky, Deputy Mayor  
Kevin Hunt, Trustee  
Rhea Mallett, Trustee via Zoom  
Edward E. Midgley, Trustee

**Also Present**

Josh Ringel, Village Manager  
Christine Dennett, Village Clerk  
Josh Subin, Village Attorney  
David Turiano, Village Engineer

**Pledge of Allegiance**

**Special Use Permit Application for Yeshivath Viznitz , 235 Elm Road**

Mr. Dan Patrick, Attorney for the Applicant, stated they were last before the Board on November 15, 2022 and they would be going before the Zoning Board of Appeals again on February 6, 2023. He stated there were other options that the Board of Trustees could grant to address the frontage issue.

Village Attorney Subin stated the Board would have to renote if they did a Zoning Text Amendment. He stated there were currently no actions before the Board of Trustees.

Village Special Counsel Barshov stated any new hearing would require a new notice.

Mr. Al Pirro, Attorney for the Applicant, asked if the Zoning Board granted the interpretation or variance would it reinstate the hearing.

Mr. Barshov stated the application would be reinstated but a new notice would need to be issued.

Mr. Jay Behzadi of 115 Holly Place stated it took him a year and a half to get approval for a pool and asked why the Applicant was not answering the questions asked of them.

Mr. William Wetzel of 2 Central Drive stated there had been inadequate discussion on students and special needs and submitted a copy of an article from the New York Times from December 29, 2022. He asked for the Board to give a conclusion of what was seen at the site visit.

Trustee Mallett reminded the public that the Zoning Board of Appeals also took public comment.

The Board adjourned the matter to February 21, 2023.

**Public Hearing Special Use Permit Request - 345 Scarborough Road, Briarcliff Solar, LLC**

Mr. William Null, Attorney for the Applicant, explained the proposal.

Mr. David Magid, Applicant, explained the business model.

Mr. Jim Taravella, Engineer for the Applicant, reviewed the potential slope disturbance and provided details on the panels.

The Board had general discussion regarding site access, site security and the PILOT proposal.

Mr. Null stated they would be submitting further information.

The Board had general discussion regarding fence height and type screening and noise.

Mr. Sal Maglietta of 27 Schrade Road stating hold a hearing was premature. He stated the applicant hadn't managed any other facilities and it would be a significant change to the Village and the environment. He stated several solar farms were for sale in NYS and asked what would happen if this company went under. He stated the application did not benefit the community.

Mr. Roger Battacharia of 16 Holbrook Road stated he had a clear view of the site in the winter and asked what type of sound and radiation the panels would emit. He asked for sufficient screening and a berm.

Upon motion by Deputy Mayor Chatzky, seconded by Trustee Hunt, the Board voted unanimously to adjourn the hearing to February 21, 2023.

## **Public Hearing Special Use Permit Amendment Request – 620 Sleepy Hollow Road -Sapphire HC Realty, LLC - Briarcliff Manor Center for Rehab and Nursing**

Mr. Pablo Ross, Engineer for the Applicant, explained the proposed project and stated the generator was more than compliant with the noise ordinance at 62 decibels from 140 feet away.

Upon motion by Deputy Mayor Chatzky, seconded by Trustee Midgley, the Board voted unanimously to adjourn the public hearing to February 7, 2023 and directed counsel to prepare a SEQR determination and draft a resolution for the next meeting.

### **Board of Trustees Announcements**

- The Fire Department offered Coyote and wood burning stove safety tips.
- Recreation is receiving training to go live with the new online registration program.
- New Neighbor Network's next event is February 4<sup>th</sup>.
- Ice Skating is still closed.
- Congratulations to the People's Caucus Nominees. Meet the Candidates will be held next week.

### **Village Manager's Report**

- The Assessor in Ossining is working with Tyler Technologies and is conducting site visits.

### **Village Engineer's Report**

- BFJ will review the DEIS for the Meadows at Briarcliff Project and will request the Mount Pleasant Board grant an extension on behalf of the Village.
- The bike trail grant project will be rebid.
- The bids are before the Board for 1050 Pleasantville Road for approval.

### **Committee Reports**

- No reports.

### **Public Comments**

Mrs. Jennifer Sendek of Hirst Road thanked the Board for their attention to the application at 715 Sleepy Hollow Road before Mount Pleasant and stated the project could be very detrimental to the environment.

Ms. Ally Friel of 738 Sleepy Hollow Road stated she was very worried about the potential development at 715 Sleepy Hollow Road and it was adjacent to parkland. She urged the Board to request more time to review the DEIS.

Ms. Nancy Rogers of Sleepy Hollow Road thanked the Board for taking the time to review the application at 715 Sleepy Hollow Road. She stated it could potentially be quite visually jarring and traffic could increase exponentially.

**Reappointment of a Library Board Member**

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

BE IT RESOLVED, that the Board of Trustees of the Village of Briarcliff Manor hereby reappoints Stephanie Casper as a member of the Library Board for a term to expire on December 31, 2027.

**Authorize the Village Manager to Execute a Professional Services Agreement with PKF, O’Connor Davies**

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

BE IT RESOLVED that the Village Manager is hereby directed and authorized to execute on behalf of the Village a Professional Services Agreement with PKF O’Connor Davies, LLP for Village Accounting Services in accordance with their letter of December 29, 2022.

Roll Call:

Trustee Mallett	Aye
Trustee Midgley	Aye
Trustee Hunt	Aye
Deputy Mayor Chatzky	Aye
Mayor Vescio	Aye

**Award of Bid – 1050 Pleasantville Road - Building Demolition and Disposal**

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

WHEREAS the Village received 8 bids for the 1050 Pleasantville Road Building Demolition and Disposal Project (VM-2223-2); and

NOW, THEREFORE, BE IT RESOLVED that the bid for the 1050 Pleasantville Road Building Demolition and Disposal Project (VM-2223-2) is hereby awarded to Stamford Wrecking Company per their bid of \$80,500 and charged to budget code H1230.201.22160.

<b>Budget Code</b>	<b>Amount Available</b>
H1230.201.22160	\$ 427,825.83
VM2223-2 Building Demolition	-\$80,500.00
VM2223-6 Parking Lot Improvements	-\$61,241.00
<b>TOTAL REMAINING:</b>	<b>\$ 286,084.83</b>

BE IT FURTHER RESOLVED that the Village Manager is hereby authorized and directed to execute a contract with Stamford Wrecking Company for said project.

**Award of Bid – 1050 Pleasantville Road - Parking Lot Improvements**

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

WHEREAS the Village received 14 bids for the 1050 Pleasantville Road Building Parking Lot Improvements Project (VM-2223-6); and

NOW, THEREFORE, BE IT RESOLVED that the bid for the 1050 Pleasantville Road Building Parking Lot Improvements Project (VM-2223-6) is hereby awarded to Gentile Construction Corp. per their item quantity bid of \$61,241 and charged to budget code H1230.201.22160.

<b>Budget Code</b>	<b>Amount Available</b>
H1230.201.22160	\$ 427,825.83
VM2223-2 Building Demolition	-\$80,500.00
VM2223-6 Parking Lot Improvements	-\$61,241.00
<b>TOTAL REMAINING:</b>	<b>\$ 286,084.83</b>

BE IT FURTHER RESOLVED that the Village Manager is hereby authorized and directed to execute a contract with Gentile Construction Corp. for said project.

**Consider Special Use Permit Amendment Request – Morrell and Company the Wine Emporium LTD, 600 Albany Post Road - Lead Agency Determination, Planning Board Referral and Scheduling of Public Hearing**

Mr. Paul DuMont, Engineer for the Applicant, gave a brief overview of the proposed changes.

The Board had general discussion and asked if there would be additional signage.

Mr. Mac Taylor, Applicant, stated it would remain the same and the retail portion of their business was only 5% of their overall sales.

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

**LEAD AGENCY DETERMINATION**

BE IT RESOLVED that the Village of Briarcliff Manor Board of Trustees issues this Notice of Intent for the purpose of determining lead agency pursuant to the requirements of the State Environmental Quality Review Act (SEQRA) and Part 617 (6NYRR Part 617), the Statewide implementing regulations pertaining to SEQRA. If no written objections are received the Village of Briarcliff Manor Board of Trustees will assume lead agency 30 days after the date of this notice. This notice has been prepared pursuant to Article 8 of the Environmental Conservation Law.

**Project Title:** Morrell Wine Facility

**Project Location:** 600 Albany Post Road, Village of Briarcliff Manor, Westchester County, New York

**SEQRA Type:** Unlisted Action

**Project Description:** The Morrell and Company the Wine Emporium, LTD (the “Applicant”) is seeking an amendment to an existing special permit from the Village of Briarcliff Manor Board of Trustees to for the addition of a 710 square foot retail space within the approved 38,000 square foot Specialty Warehouse Facility (“Special Permit Amendment”). The Morrell Wine Facility currently operates under a special permit as a “Specialty Warehouse” for the storage of fine wine and spirits in accordance with Section 220-6(M)(2)(o) of the Zoning Code. The proposed retail operation will be limited in nature, and the predominant use of the project site will continue to be the private storage and distribution of wine. No external modifications to the previously approved site plans associated with the Specialty Warehouse Special Permit are required to accommodate the retail space. The Applicant will also require Site Plan Approval, a steep slope permit, and a wetland permit from the Planning Board.

**Contact Person:** Christine Dennett, Village Clerk  
Briarcliff Manor, NY  
1111 Pleasantville Road  
Briarcliff Manor, New York 10510  
Phone: 914-941-4800

**PLANNING BOARD REFERRAL**

BE IT RESOLVED that the request for an amendment to a Special Use Permit by the Morrell and Company the Wine Emporium, LTD located at 600 Albany Post Road is hereby directed to the Planning Board for review and recommendation.

**SCHEDULE PUBLIC HEARING**

BE IT RESOLVED that a Public Hearing to hear and consider a request for an amended Special Use Permit by the Morrell and Company the Wine Emporium, LTD for the addition of a retail space within the existing Specialty Warehouse is hereby scheduled for Tuesday, February 7, 2023 at 7:30pm or soon thereafter at the William J. Vescio Community Center located at 1 Library Road, Briarcliff Manor, NY 10510.

Roll Call:

Trustee Mallett	Aye
Trustee Midgley	Aye
Trustee Hunt	Aye
Deputy Mayor Chatzky	Aye
Mayor Vescio	Aye

**Schedule a Public Hearing to Renew a Special Use Permit – American Anglican Church Diocese of the Holy Innocents – 680 Albany Post Road**

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

BE IT RESOLVED that a Public Hearing is hereby scheduled for February 7, 2023 at 7:30pm or soon thereafter in the William J. Vescio Community Center located at 1 Library Road, Briarcliff Manor, NY to hear and consider an application for the renewal of a Special Use Permit issued to the American Anglican Church (Holy Innocents).

**DASNY Grant Funding Commitment – Club Trail and Pump Station Decommissioning**

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

Whereas, the Village endeavors to improve its recreational trail offerings, and

Whereas, the Village also endeavors to remove and decommission old, unused facilities, and

Whereas, in that vein, the Village has two capital projects as described below:

1. The Club Field Walking Track
  - a. an additional recreation amenity, this ¼ mile stone dust walking path would encircle “the Club” Sports field. Estimated cost - \$42,500
  
2. Decommissioning Water Shaft & Convert to Trail Head Comfort Station
  - a. Originally the main water pump station from 1959 to 2012, this pump station with 200-foot shaft is ready to be fully decommissioned. The Village’s plan is to convert the building into a compostable toilet / comfort station for new trails to be blazed in Pine Road Park. Estimated cost - \$100,000

Whereas, the Village has been working with for Assemblywoman Galef and her successor Assemblywoman Levenberg on a \$125,000 grant to complete this work, and

Whereas, DASNY requires a funding commitment from the Village for any project costs exceeding the total grant amount; and

Now, Therefore, be it resolved that The Village of Briarcliff Manor is committed to completing this project in its entirety and will cover all costs in excess of the grant. Evidence of committed funds is detailed attached hereto.

Be it Further Resolved, that the below line shall be used to cover the excess costs of the grant:

Capital Account Line for Club Walking Trail Project – H5110-201-23483

Roll Call:

Trustee Mallett	Aye
Trustee Midgley	Aye
Trustee Hunt	Aye
Deputy Mayor Chatzky	Aye
Mayor Vescio	Aye

**Acceptance of Resignation of Recreation Advisory Committee Member**

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



BE IT RESOLVED that the Board of Trustees hereby accepts the resignation of Marc Milano from the Recreation Advisory Committee.

The Board thanked Mr. Milano for his service and all he does for the Village.

**Minutes**

Upon motion by Deputy Mayor Chatzky, seconded by Trustee Midgley, the Board voted unanimously to approve the minutes of December 20, 2022 as amended.

**Adjournment**

Upon motion by Trustee Midgley, seconded by Trustee Hunt, the Board voted unanimously to adjourn the regular meeting at 10:34pm.

Respectfully Submitted By,

Christine Dennett  
Village Clerk