

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 7th of February, 2023 commencing at 7:30 p.m.

Present

Steven A. Vescio, Mayor
Peter S. Chatzky, Deputy Mayor
Kevin Hunt, Trustee
Rhea Mallett, Trustee
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

**Continued 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 over 50 years old and in need of replacement. He further stated the proposed generator was more than compliant with the noise ordinance.

Upon motion by Deputy Mayor Chatzky, seconded by Trustee Hunt, the Board voted unanimously to close the public hearing.

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

WHEREAS, the Board of Trustees (“Board of Trustees”) of the Village of Briarcliff Manor, New York (“Village”) received an application and accompanying documentation dated August 11, 2022 submitted by Sapphire HC, Inc. (“the Applicant/Owner”) for amended Special Permit Approval for the existing 11.7-acre Briarcliff Manor Center for Rehab and Nursing (the “Facility”), located at 620

Sleepy Hollow Road, Briarcliff Manor, NY 10510 (Section 105.13, Block 2, Lot 55); and

WHEREAS, the Facility operates under a 1984 special permit as a “[c]onvalescent or nursing home or homes for the aged” under Village Code §220-6(J)(7) within a R40B Single-family Residence District;

Whereas, the Applicant is proposing a new electrical generator for the existing Facility on an 0.007-acre portion of the Project Site which will be sized to provide power to the Facility for a minimum of 48 hours with a built-in diesel tank (“Project”); and

WHEREAS, the Applicant is seeking an amendment to their existing special permit to allow the Project;

WHEREAS, in support of its Application, the Applicant submitted the following documents and plans:

1. ALTA/NSPS Land Title Survey of Property prepared by Insite Engineering, Surveying & landscaping Architecture, P.C. dated May 9, 2019;
2. Drawing E2 Electrical Power Site Plan prepared by J.P. Ross Engineers dated November 9, 2022; and
3. Henning Enclosure Systems Details dated August 12, 2021; and
4. Gillette Generators Specifications.

WHEREAS, in support of its Application, the Applicant also submitted a Short Environmental Assessment Form Part 1 (“Short EAF”), dated August 11, 2022 pursuant to the State Environmental Quality Review Act [“SEQRA”(6 NYCRR Part 617)]; and

WHEREAS, the Board of Trustees reviewed the Short EAF Part 1 for preliminary assessment of the environmental impacts of the Proposed Action under SEQRA, determined that it is subject to SEQRA, that it does not involve any federal agency, that it will involve other agencies, and that it is classified as an Unlisted Action under SEQRA, and by Resolution adopted December 17, 2022, declared its intent to serve as Lead Agency for the purpose of a coordinated review of the environmental impacts of the Proposed Action under SEQRA, directed the Village Clerk to transmit and file a notice, dated December 17, 2022 of the Board of Trustees’ intent to serve as Lead Agency pursuant to

6 N.Y.C.R.R. §617.6(b), and preliminarily classified the Proposed Action as an Unlisted Action under SEQRA pursuant to 6 N.Y.C.R.R. §617.6(a).; and

WHEREAS, the Village Clerk transmitted the Board of Trustees' Notice of Intent to serve as the SEQRA Lead Agency to the Village Planning Board, Village Fire Department, Westchester County Department of Planning, and Town of Mount Pleasant; and

WHEREAS, by resolution adopted December 20, 2022, the Board of Trustees set a Public Hearing on the Special Permit to be held at William J. Vescio Community Center, 1 Library Road Briarcliff Manor, at 7:30 PM on January 17, 2023; and

WHEREAS, the Village Clerk gave notice of the Public Hearing and as directed by the Board of Trustees, also referred the Proposed Amended Special Permit to neighbors within 500 feet of the Project Site; and

WHEREAS, the Board of Trustees held a duly advertised Public Hearing on issuance of the Proposed Amended Special Permit at William J. Vescio Community Center at 7:30 PM, at which time the Board heard oral comments from the public, and representatives of the Applicant, gave the opportunity to be heard to all those wishing to be heard, and adjourned the Public Hearing to February 7, 2023; and

WHEREAS, the Village Clerk gave notice of the resumed Public Hearing; and

WHEREAS, following the public hearing on January 17, 2023, the Board of Trustees held the public hearing open until February 7, 2023 at which time, after all members of the public wishing to be heard had an opportunity to speak, it was closed; and

WHEREAS, pursuant to New York General Municipal Law Sec. 239-m and Westchester County Administrative Code Sec. 277.61 and 277.71, the Application was referred to the Westchester County Planning Board/Department; and

WHEREAS, the Westchester County Planning Department responded to the referral by form letter dated December 29, 2022; and

WHEREAS, pursuant to Village Code §220-6(C), the Application was referred to the Village Planning Board for its review and recommendation; and

WHEREAS, the Village Planning Board responded to the referral by oral report given by the Village Engineer to the Board of Trustees during their January 17, 2023 meeting; and

WHEREAS, the Board of Trustees received and reviewed a Short Environmental Assessment Form, Part 2 (“EAF Part 2”) prepared on its behalf by the Village Planning Consultant BFJ Planning for assessment of the adoption of the Amended Special Permit; and

WHEREAS, the Board of Trustees considered the Short EAF Part 1, the Short EAF Part 2, oral report from the Village Planning Board, and form letter from the Westchester County Department of Planning dated December 29, 2022, other written submissions, and oral comments made at the Public Hearing; and

WHEREAS, the Proposed Action has been subject to a coordinated review by the Board of Trustees as Lead Agency under SEQRA, and the Board of Trustees has concluded that issuance of the Amended Special Permit to the Applicant will not result in any significant adverse environmental impact; and

WHEREAS, the Planning Board issued a general recommendation of support for the Proposed Specialty Warehouse Special Permit in its oral report; and

WHEREAS, the Board is familiar with the 620 Sleepy Hollow site which is currently improved with the existing Briarcliff Manor Center for Rehab and Nursing; and

WHEREAS, issuance of the Amended Special Permit will allow for installation of a new electrical generator to ensure the health and safety of Facility residents and allow better regulation and land use control of the Project Site; and

WHEREAS, the Project is an accessory use to the existing Facility and will replace the existing on-site generator, and is consistent with surrounding land uses, and zoning; and

WHEREAS, pursuant to the requirements of Village Code Chapter 220-6D., the Applicant has submitted the requisite information as follows: site plan (§ 220-6.D.1), drainage (§220-6D.2), marketing study (§220-6D.3), Infrastructure and Utility Study (§ 220-6.D.4), traffic (§ 220-6.D.5), municipal service impact study § 220-6.D.6), educational resources impact study § 220-6.D.7), and fiscal impact study § 220-6.D.8); and

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

RESOLVED, the Board of Trustees adopts and incorporates the recitations and statements set forth above as if fully set forth and resolved herein.

RESOLVED, in its consideration of the Sapphire HC Realty LLC's application, the Board of Trustees has reviewed and relied on:

1. Special Permit Application letters prepared by J.P. Ross Engineers dated August 11, 2022 and November 8, 2022, and accompanying Plans, Short Environmental Assessment Form, Parts 1, noise enclosure details and generator specifications and other analyses provided pursuant to §220-6.D.
2. Oral report from Village Planning Board on January 17, 2023.
3. Letter from the Westchester County Department of Planning dated December 29, 2022.
4. Amended Special Permit EAF, Part 2 prepared by Village Planning Consultants.
5. Presentations and statements made at the Public Hearing(s).

RESOLVED, that the Board of Trustees, having heard no objections from the other Involved Agencies, hereby declares itself Lead Agency for the environmental review of the Proposed Action pursuant to the requirements of SEQRA and Part 617 (6NYRR Part 617), the Statewide implementing regulations pertaining to SEQRA.

RESOLVED, the Board of Trustees has reviewed the studies provided pursuant to § 220-6.D and has determined that the Proposed Project will not result in significant impacts to the Village; and

RESOLVED, in accordance with Article 8 of the State Environmental Conservation Law and 6 NYCRR Part 617, and based upon the review of the Short EAF Parts 1, 2 and 3 and all other application materials that were prepared for this

action, the Board of Trustees hereby adopts a Negative Declaration for the Proposed Action and determines that the Proposed Action will not have a significant adverse impact upon the environment as it will not have an adverse impact upon the character of the area, nor will it result in an adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels, or result in a material conflict with the Village's current plans or goals.

RESOLVED, the Board of Trustees finds that:

1. The Project will result in the installation of a replacement generator at the existing Briarcliff Manor Center for Rehab and Nursing located at 620 Sleepy Hollow Road. The Facility currently operates under an existing special permit as a “[c]onvalescent or nursing home or homes for the aged” under Village Code §220-6(J)(7) within a R40B Single-family Residence District. Minimal external site modifications are proposed for the installation and operation of the Proposed Project on the Project Site. Namely, the Applicant proposes to remove an existing oil tank and install a new generator in a noise enclosure to the south of the existing building. Protective bollards are proposed around the generator to avoid physical damage to the generator from an existing service drive and landscaping around the generator is also proposed.
2. The proposed generator will be sized to provide power to the Facility for a minimum of 48 hours with a built-in diesel tank and has a power rating of 500 kiloWatts. The proposed generator will run for 30 minutes each week, similar to the existing generator.
3. The Facility's use of its property and location(s) on the site, the nature and intensity of the operations and traffic in connection with it, the size of the site in relation to it, and the location of the site with respect to the type, arrangement, and capacity of streets giving access to it are in satisfactory harmony with the appropriate and orderly development of the R40B zoning district in which the Facility is located.
4. The location, nature, and height of the generator and enclosure and the nature and extent of the landscaping and screening existing on the site and to be developed under the Proposed Site Plan are such that the Facility does not hinder or discourage the appropriate development and use of adjacent land and buildings.
5. The Facility's operations are not more objectionable to nearby properties by reason of noise, fumes, vibrations, lighting, than would be the operations of any permitted use on the site not requiring a special permit.

6. Parking areas are of adequate size for the Facility's use of the site, properly located, and suitably screened from any adjoining residential uses, and the entrance and exit drives are laid out so as to achieve maximum safety.
7. The character, intensity, size, and location of the Facility is generally in harmony with the orderly development of the R40B zoning district in which the Project Site is located and will not be detrimental to the orderly development of adjacent districts.
8. The Facility's operations and improvements on the site under the Proposed Site Plan will not impair the use, enjoyment, or value of adjacent residential properties.
9. The nature and intensity of the Facility and the traffic generated by it is not especially hazardous, incongruous, or detrimental to the prevailing residential character of the neighborhood and the Project will not change the capacity of the Facility or related traffic.
10. The Facility and its existing operations and improvements on the site under the Proposed Site Plan is and will be harmonious with the R40B district in which it is located, does not and will not create undue pedestrian or vehicular traffic hazards, and does not and will not include any display of signs, noise, fumes, or lights that will hinder the normal development of the district or impair the use, enjoyment and value of adjacent land and buildings.
11. The applicable conditions and standards for Special Permit Use set forth in Village Code §220-6J.(7) have been met.

RESOLVED, that the Board of Trustees imposes the following conditions on the issuance of an Amended Special Permit to the Facility:

1. Except as otherwise set forth in these conditions or approved by the Board of Trustees in an amendment to the Amended Special Permit, the Briarcliff Manor Center for Rehab and Nursing special permit is conditioned and contingent on the Village Planning Board approval of the Proposed Site Plan in the form set forth in drawing E2 "Electrical Power Site Plan" prepared by J.O. Ross Engineers, as may be modified by the Planning Board during Site Plan review.
2. Except as otherwise set forth in these conditions, no change shall be made on the site to add an improvement or to change the footprint or location of any improvement shown on the Proposed Site Plan Amendment approved by the Village Planning Board ("Site Plan") unless approval for the addition

or change is obtained from the Village Planning Board under Village Code §220–14.

3. All applicable fees, charges, and reimbursements charged to Applicant by the Village on the Village’s review and determination of the Application, the Proposed Action, the Proposed Specialty warehouse Special Permit, the Proposed Site Plan Amendment, and any matter incidental to any of the same shall be paid the before the Specialty Warehouse Special Permit takes effect.

RESOLVED, the Board of Trustees grants the Amended Special Permit to Sapphire HC Realty LLC in accordance with the provisions of Village Code §220–6 subject to the terms and conditions of this Resolution and to the Applicant’s:

1. Operation of the Facility in conformity with the requirements of the Village Code with regular, repeated, or continued deviations therefrom constituting a violation of the Amended Special Permit.
2. Use and improvement of the Project Site in conformity with the requirements of the Village Code and as set forth in the Site Plan, with regular, repeated, or continued deviations from the maintenance and improvement of the Project Site as set forth in the Site Plan constituting a violation of the Briarcliff Manor Center for Rehab and Nursing Special Permit.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the foregoing Resolution is hereby adopted.

Roll Call:

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

Public Hearing Special Use Permit Amendment Request – Morrell and Company the Wine Emporium LTD, 600 Albany Post Road

Upon motion by Deputy Mayor Chatzky, seconded by Trustee Mallett, the Board voted unanimously to open the public hearing.

Mr. David Steinmetz, Attorney for the Applicant, gave a brief overview of the proposed changes. He stated they were seeking to add approximately 700 square feet of retail space with limited stock.

The Board had general discussion regarding signage, traffic flow, parking and potential future requests for uses.

Mr. Mac Taylor, Applicant, stated access to the retail space would be via a doorbell with a small overhead sign to be compliant with the State Liquor Authority regulations and the retail portion of their business was only 5% of their overall sales. He stated approval was still needed for the site by the State.

Mr. Alex Lowe of 610 Albany Post Road stated he shared a driveway with the site and asked what the parking plans were for the retail. He stated he had concerns with people using his driveway as a turnaround.

Mr. Paul DuMont, Engineer for the Applicant, stated the northern driveway would be used and didn't see any issues.

The Board asked if the applicant would consider directional signage.

Mrs. Margaret Midgley of 1 Ivanhoe Place asked if there were any plans for special events.

Trustee Midgley stated Margaret was his wife.

Mr. Steinmetz stated no special events or advertising was planned for the retail space.

The Board directed Counsel to prepare a resolution for consideration at the next meeting.

Upon motion by Trustee Mallett, seconded by Deputy Mayor Chatzky, the Board voted unanimously to adjourn the public hearing to Tuesday, February 21, 2023 at 7:30pm.

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

Upon motion by Deputy Mayor Chatzky, seconded by Trustee Mallett, the Board voted unanimously to open the public hearing.

The Board had general discussion regarding the use of the building and if there was a residence there.

Bishop Herzog stated that it was the residence of Sister Nancy Ruth and the use had not changed since their original approval in 2003.

The Board had general discussion regarding the number of parking spaces.

Upon motion by Trustee Mallett, seconded by Deputy Mayor Chatzky, the Board voted unanimously to adjourn the public hearing to Tuesday, March 7, 2023 at 7:30pm.

Board of Trustees Announcements

- The Fire Department offered portable generator safety tips and were seeking volunteers to join the department.
- The new rescue truck arrived yesterday.

Village Manager's Report

- The old rescue truck would be converted to a water department vehicle.
- The ice rink is still not frozen and needed freezing temps for several days in order to open.
- The online registration system for Recreation and new Village website are being worked on.
- A Fiscal Transparency link is on the website.
- Stafford Street is now one way.
- Work is progressing at the Youth Center with a targeted completion in March.
- The oculus will be closed in.
- Con Edison and the Sustainability Advisory Committee will be cohosting an event on February 16th.
- The siren will be reactivated on Monday, February 13th.

Village Engineer's Report

- An extension was granted DEIS for the Meadows at Briarcliff Project in the Town of Mount Pleasant. Potential impacts to the Village are being reviewed. The next hearing is March 30th.
- Easements for the Mobility Project are being reviewed.
- The bike trail grant project will be rebid.
- There are 7 local road improvement projects.
- 1050 Pleasantville Road will be demoed in March and the Fire Department has scheduled two training events.
- Cross Access 90% drawings were received today.
- Tri-Village presentation on February 28th.

Committee Reports

Recreation Advisory Committee:

- A softball clinic is being offered.
- There is a survey for the Law Park Pool on the website. All are encouraged to take it.
- March 20th Spring Program Registration opens.
- March 27th begins camp registration.
- April 1st is the Egg Hunt.

Library Board:

- Many program offerings listed on their website.
- Thanks to DPW for repairing the HVAC issues and lights.
- The Human Library last year is being used as a model in other libraries.

Public Comments

Ms. Maureen Petri of 740 Sleepy Hollow Road stated she attended the public hearing for the Meadows at Briarcliff and stated she thought their traffic study was underestimated. She further stated she had concerns with runoff and protecting the lake.

Election Resolution for Annual Village Election 2023

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

BE IT RESOLVED that the Annual Village Election will be held in the Village of Briarcliff Manor at the Library and Community Center (1 Library Road) in said Village on Tuesday, March 21, 2023 between the hours of 6:00am and 9:00pm during which the polls will be open.

BE IT FURTHER RESOLVED that the polling places for the Village of Briarcliff Manor, will be designated as follows, the Village's Single Election District (Town Voting districts #15, #16, #17, #19, #26, #27 and #29) will vote in the Briarcliff Manor Library and Community Center (1 Library Road).

Election Inspectors for Village Election March 21, 2023

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

BE IT RESOLVED that, Celianne Silverstein and Estelle Kersch are hereby appointed Inspectors of Election for the March 21, 2023 Village Election.

BE IT FURTHER RESOLVED that Celianne Silverstein is hereby designated as Inspector of Election and Chairperson.

BE IT FURTHER RESOLVED that Rhonda, Alomar, Georgina Gualdino, Stephanie Volkell, Elizabeth Mackey, Joyce Perlmutter, Shannon Reilly, and Audrey May are hereby appointed as Alternate Inspectors of Election.

BE IT FURTHER RESOLVED that the compensation for each Inspector of Election other than the Inspector designated as Chairperson is hereby fixed at

Three Hundred and Fifty (\$350) dollars per day or prorated to \$22 per hour worked if necessary.

BE IT FURTHER RESOLVED that the compensation for the Inspector of Election that is designated as Chairperson shall be Three Hundred Seventy-Five (\$375) dollars per day.

Authorize Village Manager to Execute an Agreement with the Town of Ossining – Tax Issue at 1050 Pleasantville Road

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 an agreement with the Town of Ossining and the Briarcliff Manor Union Free School District regarding a tax issue related to the purchase and tax exemption of 1050 Pleasantville Road as of May 31, 2022 subject to non-material changes.

Roll Call:

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

Renaming of Horticultural Advisory Committee and Environmental Sustainability Advisory Committee

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

WHEREAS on June 7, 2022 the Board of Trustees created the Environmental Sustainability Advisory Committee and the Horticultural Advisory Committee; and

WHEREAS the Board of Trustees has decided alternate names are better suited to the committee's respective mission statements; and

NOW, THEREFORE BE IT RESOLVED that the Horticultural Advisory Committee is hereby renamed the Environmental Advisory Council and the Environmental Sustainability Advisory Committee is hereby renamed the Sustainability Advisory Committee effective immediately.

Schedule a Public Hearing to Amend Chapter 202-7, Tree Preservation Board

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

BE IT RESOLVED that a Public Hearing is hereby scheduled for the February 21, 2023 Board of Trustees meeting at 7:30pm at the William J. Vescio Community Center located at 1 Library Road, Briarcliff Manor, New York to hear and discuss a proposed local law to amend Chapter 202, Trees.

Award of Bid – HVAC

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

WHEREAS the Village received 3 bids for HVAC Maintenance Services (VM-2223-7); and

NOW, THEREFORE, BE IT RESOLVED that the bid for HVAC Maintenance Services (VM-2223-7); is hereby awarded to the lowest responsible bidder, Clean Air Quality Services, Inc. with their annual maintenance bid in the amount of \$26,978.00 and their Item Quantity Service proposal as follows:

Business Hours:	\$140 per hour
After Hours:	\$193 per hour
Parts/Specialty Equipment Mark-up:	20%

BE IT FURTHER RESOLVED that the Village Manager is hereby authorized and directed to execute a one-year contract with Clean Air Quality Services, Inc. for said project with the ability to renew for four consecutive years.

Roll Call:

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

Appointment of Police Officer

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

BE IT RESOLVED that John Conklin of Briarcliff Manor, New York is hereby appointed, effective February 13, 2023, to the position of Police Officer Grade 2

to be paid at an annual salary of \$114,500.60 as per the Village of Briarcliff Manor PBA Collective Bargaining Agreement salary scale effective June 1, 2022.

BE IT FURTHER RESOLVED that the Village Manager will undertake the necessary administrative steps to get Office Conklin appointed.

Roll Call:

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

Minutes

Upon motion by Deputy Mayor Chatzky, seconded by Trustee Hunt, the Board voted unanimously to approve the minutes of January 17, 2023 as amended.

Adjournment

Upon motion by Trustee Hunt, seconded by Deputy Mayor Chatzky, the Board voted unanimously to adjourn the regular meeting at 8:57pm.

Respectfully Submitted By,

Christine Dennett
Village Clerk