

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 21<sup>st</sup> of February, 2023 commencing at 7:30 p.m.

**Present**

Peter S. Chatzky, Acting 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

**Absent**

Steven A. Vescio, Mayor

**Pledge of Allegiance**

**Police Sergeant Promotion**

Acting Mayor Chatzky swore in Cody Wilkinson as Sergeant.

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

BE IT RESOLVED, that Cody Wilkinson is hereby promoted to the position of Police Sergeant at an annual salary of \$137,866.79 effective at 12:01 a.m. on February 22, 2023.

**Swearing in of Police Officer**

Acting Mayor Chatzky swore in Police Officer John Conklin.

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

Mr. Paul DuMont, Engineer for the Applicant, briefly explained the application.

The Board reviewed the resolution.

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

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

**Morrell Wine Facility  
600 Albany Post Road, Briarcliff Manor, NY  
Resolution of Amended Special Permit Approval**

**WHEREAS**, the Board of Trustees (“Board of Trustees”) of the Village of Briarcliff Manor, New York (“Village”) received an application and accompanying documentation dated January 10, 2023 submitted by Morrell and Company the Wine Emporium, LTD (the “Applicant”) for amended Special Permit Approval for the existing 9.37-acre Morrell Wine Facility (the “Facility”), located at 600 Albany Post Road (Section 104.11, Block 1, Lot 40, “Project Site”) within the Village’s Complementary Use Transition 2 (CT2) District; and

**WHEREAS**, the Facility operates under an existing special permit, adopted November 23, 2021, as a “Specialty Warehouse” under Village Code §220-6(M).2(o) within the CT2 District;

**Whereas**, the Applicant is proposing to add an approximately 710 square foot retail area within the existing 38,000 square foot specialty wine warehouse building (“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. Site Plans prepared by JMC Planning Engineering Landscape Architecture & Land Surveying, PLLC (“JMC”) dated January 10, 2023;
2. Traffic Narrative prepared by JMC, dated January 10, 2023;
3. Tax Analysis prepared by JMC, dated January 10, 2023; and
4. Drainage narrative, Stormwater Pollution Prevention Plan, and Site Utilities/Municipal Infrastructure Study prepared by JMC, dated January 10, 2023.

**WHEREAS**, in support of its Application, the Applicant also submitted a Short Environmental Assessment Form Part 1 (“Short EAF”), dated January 10, 2023 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 January 17, 2023, 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 January 17, 2023 of the Board of Trustees’ intent to serve as Lead Agency pursuant to 6 NYCRR. §617.6(b), and preliminarily classified the Proposed Action as an Unlisted Action under SEQR pursuant to 6 NYCRR. §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, Westchester County Department of Planning, and New York State Department of Transportation; and

**WHEREAS**, by resolution adopted January 17, 2023, the Board of Trustees set a Public Hearing on the Amended Special Permit to be held at William J. Vescio Community Center, 1 Library Road Briarcliff Manor, at 7:30 PM on February 7, 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 21, 2023; and

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

**WHEREAS**, following the public hearing on February 7, 2023, the Board of Trustees held the public hearing open until February 21, 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 February 17, 2023; 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 letter dated February 10, 2023; 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, letter from the Village Planning Board, and form letter from the Westchester County Department of Planning dated February 17, 2023, 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 Board is familiar with the Project Site which is currently improved with the existing Morrell Wine Facility; and

**WHEREAS**, issuance of the Amended Special Permit will allow for the addition of approximately 710 square feet of retail space within the existing 38,000 square foot Facility; and

**WHEREAS**, the Project will be limited in nature, with the predominant use of the Project Site continuing to be the private storage and distribution of wine; and

WHEREAS, minimal external modifications to the previously approved site plans associated with the Specialty Warehouse Special Permit are required to accommodate the retail space primarily related to wayfinding and signage; 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 Morrell and Company the Wine Emporium, LTD's application, the Board of Trustees has reviewed and relied on:

1. Special Permit Application letters prepared by Zarin & Steinmetz LLP dated January 10, 2023 accompanying Plans, Short Environmental Assessment Form Part 1, Traffic Narrative prepared by JMC, Tax Analysis prepared by JMC, Drainage narrative, Stormwater Pollution Prevention Plan, and Site Utilities/Municipal Infrastructure Study.
2. Letter from Village Planning Board dated February 10, 2023.
3. Letter from the Westchester County Department of Planning dated February 17, 2023.
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 addition of approximately 710 square feet of retail space within the existing 38,000 square foot Morrell Wine Facility for the retail sale of high-end wine and liquor subject to all state licensing requirements. The Facility currently operates under an existing special permit as a "Specialty Warehouse" under Village Code §220-6 M(2)(o) within the CT2 Complimentary Transition District. Minimal external modifications to the previously approved site plans associated with the Specialty Warehouse Special Permit are required to accommodate the retail space primarily related to wayfinding and signage to be finalized as part of Site Plan review by the Planning Board.
2. 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 CT2 zoning district in which the Facility is located.
3. The location, nature, and height of the existing building and the limited exterior improvements proposed on the Project are such that the Facility

- does not hinder or discourage the appropriate development and use of adjacent land and buildings.
4. 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.
  5. Parking areas are of adequate size for the Facility's use of the site, properly located, and suitably screened from any adjoining residential uses.
  6. The character, intensity, size, and location of the Facility is generally in harmony with the orderly development of the CT2 zoning district in which the Project Site is located and will not be detrimental to the orderly development of adjacent districts.
  7. 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.
  8. The nature and intensity of the Facility and the traffic generated by it is not especially hazardous, incongruous, or detrimental to the prevailing character of the neighborhood and the Project.
  9. The Facility and its existing operations and improvements on the site under the Proposed Site Plan is and will be harmonious with the CT2 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.
  10. The applicable conditions and standards for Special Permit Use set forth in Village Code §220-6M(2)(o)[1]-[20] have been met.
  11. The hours of operation of the retail portion of the Facility would be Monday through Saturday 11:00 a.m. to 6:00 p.m., with the warehouse operating between 8:00 a.m. and 5:00 p.m. Monday to Friday, and the ancillary office operations between 9:00 a.m. and 6:00 p.m. Monday to Friday but in no case shall the Facility operate beyond the hours of 8:00 AM and 10:00 PM, or as further limited by the Planning Board or Board of Trustees. No commercial vehicle traffic shall be permitted during Saturday hours other than express delivery carriers commonly providing weekend service to residential homes, such as USPS, FedEx, DHL and the like.

**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 Morrell Specialty Warehouse special permit is conditioned and contingent on the Village Planning Board approval of the Proposed Site Plan in the form set forth in drawing C-100 "Site Layout Plan" prepared by JMC, 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 Morrell and Company the Wine Emporium, LTD 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.
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.
3. Acceptance of Conditions and safeguards of Village Code §220-6 E to ensure compliance with the conditions herein.

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

Roll Call:

Trustee Mallett	Aye
Trustee Midgley	Aye



Trustee Hunt                      Aye  
Acting Mayor Chatzky        Aye

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

Mr. William Null, Attorney for the Applicant, reviewed the changes to their submission and stated they would be providing further documentation.

Ms. Susan Jainchil, Landscape Architect for the Applicant, gave an overview of the landscaping plan.

The Board had general discussion regarding site access, entrance points, tree removal and wetlands.

Ms. Sarah Yackel, Planning Consultant for the Village, stated 30 days had lapsed since the Board declared their intent to be lead agency.

The Board directed an EAF to be prepared.

Mr. Sal Maglietta of 217 Schrade Road stated the site wasn't appropriate for a solar farm and he couldn't find any information where they operated other facilities. He further stated there was a sewage leak that hadn't been addressed or responded to. He stated he was a big supporter of clean energy but there were many issues with this application.

Mr. Jeb Weisman of 285 Scarborough Road stated 90 decibels of noise for extended periods was detrimental to health and removing trees would worsen it.

Mr. Null stated he would submit the data but it was far below 90 decibels and misstated.

Upon motion by Trustee Hunt, seconded by Trustee Midgley, the Board voted unanimously to adjourn the public hearing to March 28, 2023.

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

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

Acting Mayor Chatzky gave a brief synopsis of the amendments.

Upon motion by Trustee Midgley, seconded by Trustee Mallett, the Board voted unanimously to adjourn the public hearing to March 7, 2023.

**Board of Trustees Announcements**

- The Fire Department offered clothes dryer safety tips and were seeking volunteers to join the department.

**Recreation Advisory Committee:**

- March 20<sup>th</sup> Spring Program Registration opens.
- March 27<sup>th</sup> begins camp registration.
- April 1<sup>st</sup> is the Egg Hunt.

**Library Board:**

- Many program offerings listed on their website.
- Museum passes are available.

**Village Manager’s Report**

- The Fire Department will be conducting training at 1050 Pleasantville Road before the building is demolished.
- There was a water main break last week. Kudos to the Water Department for their tireless efforts repairing it.
- The trail bid will be opened Friday.
- 1050 Pleasantville Road will be fenced in and demolished on March 6<sup>th</sup>.
- Sustainability Advisory Committee will be cohosting an event with Con Edison on February 16<sup>th</sup>.

**Public Comments**

There were no public comments.

**Amend Master Fee Schedule – Recreation Summer Fees**

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

BE IT RESOLVED that the Board of Trustees does hereby amend the Master Fee Schedule for the Village of Briarcliff Manor as follows:

***MASTER FEE SCHEDULE - RECREATION SUMMER FEES 2023***

TYPE OF APPLICATION LICENSE OR PERMIT	PROPOSED Resident Fee	OLD FEE	PROPOSED BMSD Fee	OLD FEE	DATE EFFECTIVE	DATE Last Amended
<b>Summer Day Camp Fees for Out-of-Village, BMUFSD applicants remain 25% higher than proposed Resident Fees</b>						
<b>Tree Camp – choose any 3, 4 or all 5 weeks</b>						
Full Day - entire 5 weeks	1440	1265	1800	1585	2/21/2023	2/15/2022
Full Day – Week 2 (4 day/week cost)	240	220	300	275	2/21/2023	2/15/2022
Full Day – Weeks 1, 3, 4, and/or 5 (5 day/week cost)	300	275	375	245	2/21/2023	2/15/2022

**Super Camp – choose any 3, 4 or all 5 weeks**

Full Day - entire 5 weeks	1440	1265	1800	1585	2/21/2023	2/15/2022
Full Day – Week 2 (4 day/week cost)	240	220	300	275	2/21/2023	2/15/2022
Full Day – Weeks 1, 3, 4, and/or 5 (5 day/week cost)	300	275	375	245	2/21/2023	2/15/2022

<b>Tree Camp and Super Camp CIT Enrollment</b>	400	Same	500	Same	No Change	3/2/2011
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**Camp Adventure – choose any 3, 4 or all 5 weeks**

Full Day - entire 5 weeks	1440	1200	1800	Same	2/21/2023	3/2/2021
Full Day – Week 2 (4 day/week cost)	240	-	300		2/21/2023	new
Full Day – Weeks 1, 3, 4, and/or 5 (5 day/week cost)	300	-	375		2/21/2023	new

**Camp Horizon – choose any 3, 4 or all 5 weeks**

Full Day - entire 5 weeks	1400	1265	1750	1585	2/21/2023	2/15/2022
Full Day – each week (3 days/week)	280	-	350	-	2/21/2023	new

Roll Call:

Trustee Mallett                      Aye  
 Trustee Midgley                      Aye  
 Trustee Hunt                              Aye  
 Acting Mayor Chatzky              Aye

**Budget Transfer – Youth Center**

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

BE IT RESOLVED that the Board of Trustees does hereby authorize the following budget transfers totaling \$30,000.00 for FY 2022-2023:

From: A1010-490	BOT-Special Projects	\$30,000
To: H7110-201-23460	Youth Center Renovation	\$30,000

Roll Call:

Trustee Mallett                      Aye  
 Trustee Midgley                      Aye

Trustee Hunt                      Aye  
Acting Mayor Chatzky         Aye

**DASNY Grant Funding Commitment – Purchase of Mini Excavator and Trailer**

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

WHEREAS, the Village endeavors to have appropriate equipment on hand for repairing and improving water, sewer, and other infrastructure in the Village;

WHEREAS, in that vein, the Village has a Capital Project as described below:

1. The purchase of a Kubota Excavator and Trailer
  - a. Estimated cost - \$111,500.00 with a 13,500.00 contingency

WHEREAS, the Village has been working with Senator Harckham on a \$125,000 grant to complete this purchase, and

WHEREAS, DASNY requires a funding commitment from the Village as this is a reimbursement grant;

NOW, THEREFORE, BE IT RESOLVED that the Village of Briarcliff Manor is committed to completing this purchase in its entirety and will cover all costs for the project. Evidence of committed funds is detailed attached hereto.

BE IT FURTHER RESOLVED, that the below line shall be used to cover the costs of the project:

Capital Account Line for Purchase of Mini Excavator and Trailer – H8397-201-23431

Roll Call:

Trustee Mallett                      Aye  
Trustee Midgley                      Aye  
Trustee Hunt                          Aye  
Acting Mayor Chatzky              Aye

**Fire Department Membership - Stoop**

The Board thanked Ms. Stoop for volunteering.

Upon motion by Trustee Hunt, 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 approve the membership of **Theresa Stoop** to the Scarborough Engine Company.

**Schedule Public Hearing to Amend Chapter 186, Streets and Sidewalks**

Upon motion by Trustee Midgley, seconded by Trustee Hunt, the Board voted unanimously to schedule a public hearing to amend Chapter 186, Streets and Sidewalks for Tuesday, March 7, 2023 at 7:30pm at the William J. Vescio Community Center.

**Minutes**

Upon motion by Trustee Midgley, seconded by Trustee Mallett, the Board voted unanimously to approve the minutes of February 7, 2023.

**Adjournment**

Upon motion by Trustee Hunt, seconded by Trustee Mallett, the Board voted unanimously to adjourn the regular meeting at 9:07pm.

Respectfully Submitted By,

Christine Dennett  
Village Clerk