

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 16th of May, 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 Request – IPPsolar
Integration LLC, Chilmark Shopping Center, 1856 Pleasantville Road**

Mr. Maziar Dalaeli, Applicant, explained the proposed application.

The Board had general discussion regarding the shared parking, fire safety, potential noise and if the hearing needed to be renoticed.

Mr. Andrew Wolff of Apple Lane sent an email requesting evergreens be planted to screen the units.

Village Planning Consultant, Sarah Yackel stated a planting plan would be required as well.

Upon motion by Deputy Mayor Chatzky, seconded by Trustee Mallett, the Board voted unanimously to adjourn the public hearing to June 20, 2023 and renote as required.

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

Mr. William Null, Attorney for the Applicant, reviewed the revised submission.

Ms. Susan Jainchil, Landscape Architect for the Applicant, reviewed the landscaping plan and visual impacts.

Mr. Jim Bates, Consultant for the Applicant, addressed the wildlife habitat concerns.

The Applicant's Acoustical Consultant reviewed the potential noise impacts and stated their project would be below 45 decibels seven days a week operating at full capacity.

Mr. David Magid stated they were working through the PILOT and noted that New York State passed legislation to be all electric by 2027 which would increase demands on the grid.

Langan Engineering reviewed the erosion control plan.

Mr. Null asked the Board to not adopt a Positive Declaration and allow them more time to address concerns.

Village Planning Consultant, Sarah Yackel reviewed the SEQR process and timeline. She stated there were 18 impact categories on the site and eight were identified as large to moderate impacts and it would be a Type I Action.

Village Engineering Consultant, Chris Hanzlik reviewed the land impacts.

Mr. Richard Rosenblum of Marlborough Road quoted an article from the New York Times regarding project delays due to transmission lines.

Mr. Null stated the project did not rely on Con Edison.

Ms. Yackel reviewed the Positive Declaration process.

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

**State Environmental Quality Review
POSITIVE DECLARATION
Notice of Determination of Significance**

Date: May 16, 2023

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Village of Briarcliff Manor Board of Trustees has determined that the proposed action described below may have a significant environmental impact and a Draft Environmental Impact Statement will be prepared.

Name of Action: Briarcliff Solar, 345 Scarborough Road, Briarcliff Manor, NY 10510

Lead Agency: Village of Briarcliff Manor Board of Trustees

SEQRA Status: ■ Type 1

□ Unlisted

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WHEREAS, the Board of Trustees of the Village of Briarcliff Manor, Westchester County, New York, received an application for Special Permit approval pursuant to Village Code Chapter 220-6.J.(15) Large-scale solar collection system ("solar farms") for the proposed construction of a pair of collocated 5.0-MWAC community solar facilities that are 7.5-MWDC (the "Proposed Project") to be located at 345 Scarborough Road (parcel Nos: 97.16-1-1 & 97.12-1-9) in the Village of Briarcliff Manor (the "Project Site") by Briarcliff Solar LLC (the "Applicant");

WHEREAS, the Applicant will also seek Site Plan approval for the Proposed Project from the Planning Board pursuant to Village Code Section 220-14;

WHEREAS, the Applicant will also seek a Steep Slope Permit for the Proposed Project from the Planning Board pursuant to Village Code Section 220-15; and

WHEREAS, the Applicant may seek a potential Wetland Permit from the Planning Board pursuant to Village Code Chapter 218; and

WHEREAS, collectively these approvals are known as the "Proposed Action;" and

WHEREAS, pursuant to 6 NYCRR Part 617 ("SEQR") the Proposed Action is classified as a Type I Action under:

§617.4(b)(6): activities, other than the construction of residential facilities, that meet or exceed any of the following thresholds; or the expansion of existing nonresidential facilities by more than 50 percent of any of the following thresholds:

- (i) a project or action that involves the physical alteration of 10 acres;

§617.4(4)(b)(9): any Unlisted action (unless the action is designed for the preservation of the facility or site), that exceeds 25 percent of any threshold established in this section, occurring wholly or partially within, or substantially contiguous to, any historic building, structure, facility, site or district or prehistoric site that is listed on the National Register of Historic Places; and

WHEREAS, the Proposed Project will result in the physical disturbance of more than 28 acres of nonresidential development and the Project Site is adjacent to the Old Croton Aqueduct, a National Register-listed resource, and will exceed 25% of the threshold listed above; and

WEHERAS, on December 6, 2022, under the applicable standards of SEQR, 6 NYCRR Part 617, the Village Board of Trustees declared its intent to serve as the SEQR Lead Agency for the review of the project and circulated a Notice of Intent to all Involved and Interested agencies, as follows:

- Village of Briarcliff Manor Planning Board
- Village of Briarcliff Manor Fire Department
- Westchester County Department of Planning
- New York State Department of Environmental Conservation
- New York State Office of Historic Preservation
- NYSERDA
- ConEdison; and

WHEREAS, the Board of Trustees received and circulated Part 1 of a Full Environmental Assessment Form (Full EAF) prepared by the Applicant, dated May 13, 2022, as revised on June 22, 2022 to all Involved and Interested Agencies; and

WHEREAS, the Board of Trustees and its planning and engineering consultants have reviewed Applicant submissions dated March 21, 2022, May 25, 2022, June 22, 2022, August 25, 2022, April 11, 2023, and May 9, 2023; and

WHEREAS, the Board of Trustees reviewed Village Planning Consultant, BFJ Planning, on June 16, 2022, July 7, 2022, and September 9, 2022; Village Traffic Consultant, DTS Provident, on June 15, 2022, July 26, and 2022, September 9, 2022; the Village Civil Engineering and Natural Resources Consultant, DTS Provident, on June 16, 2022, July 26, 2022, September 9,

2022, March 23, 2023, and May 11, 2023; the Village Environmental Consultant, Alexandra Moch, on July 24, 2022, August 11, 2022, and September 5, 2022 and the Village Lighting Consultant Lynstarr on June 15, 2022, July 27, and 2022, September 7, 2022.

WHEREAS, the Planning Board has carefully reviewed a Full EAF Parts 2 and 3 and Part 3 Supplement prepared by the Village's Planning Consultant, BFJ Planning, the Village's Civil Engineering, Transportation and Natural Resources Consultant, DTS Provident, dated May 11, 2023; and

NOW THEREFORE BE IT RESOLVED, that pursuant to 6 NYCRR Part 617, State Environmental Quality Review, the Village of Briarcliff Manor Board of Trustees hereby confirms its Lead Agency designation for the SEQR Review of the Proposed Action.

BE IT FURTHER RESOLVED, that pursuant to 6 NYCRR Part 617.4(a)(1)..." the fact that an action or project has been listed as a Type I action carries with it the presumption that it is likely to have a significant adverse impact on the environment and may require an EIS."; and

BE IT FURTHER RESOLVED, that the Full EAF Part 2 identified eight impact categories where potentially moderate or large environmental impacts could occur as a result of adoption of the Proposed Action, as follows (numbers correspond to the numbers in the Full EAF part 2):

- Impact to Land
- Impacts on Surface Water
- Impacts on Groundwater
- Impacts on Plants and Animals
- Impacts on Aesthetic Resources
- Impact on Transportation
- Impact on Human Health
- Consistency with Community Character

BE IT FURTHER RESOLVED, that the analysis of the issues identified in the Full EAF Part 2 and elaboration of the basis and reasons for this determination outlined in the Full EAF Part 3 Supplement supports a finding that there may reasonably be expected to be a significant impact with respect to the environmental impact categories identified above.

BE IT FURTHER RESOLVED, the 28+ acres of ground disturbance, 12+ acres of disturbance with areas of steep slopes (12.01 acres within 15-25% slopes, and .07 acres within 25% slopes and above), along with the removal of approximately 1,756 trees, more than 900 of which are in either good or fair condition, is deemed by the Board of Trustees to be a significant

adverse impact that is not sufficiently mitigated as part of the action and therefore requires further study in a Environmental Impact Statement.

BE IT FURTHER RESOLVED, that based on a review of 6 NYCRR 617.7, there is a reasonable expectation that there may be significant adverse environmental impact(s) and therefore, an Environmental Impact Statement is required. How and when "scoping" will be conducted pursuant to §617.8 will be determined by the Board of Trustees at a regularly scheduled public meeting with due notice to the Applicant and the public.

BE IT FINALLY RESOLVED that this SEQR Positive Declaration resolution shall have an effective date of May 16, 2023.

Roll Call:

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

Continued Public Hearing to Amend Chapter 186, Streets and Sidewalks

Deputy Mayor Chatzky gave a brief synopsis of the proposed changes.

There were no public comments.

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

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

BE IT RESOLVED that the proposed local law is an unlisted, Type II action under SEQR, Negative Declaration and the Board hereby declares itself as Lead Agency; and

BE IT FURTHER RESOLVED that the proposed local law to amend Chapter 186, Streets and Sidewalks, Article I is hereby adopted.

Roll Call:

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

Mayor Vescio

Aye

Continued Public Hearing Amend Chapter 178, Solar and Alternative Energy, Article III, Alternate Energy System PILOT

Deputy Mayor Chatzky gave a brief synopsis of the proposed changes.

There were no public comments.

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

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

BE IT RESOLVED that the proposed local law is an unlisted, Type II action under SEQR, Negative Declaration and the Board hereby declares itself as Lead Agency; and

BE IT FURTHER RESOLVED that the proposed local law to amend Chapter 178, Solar and Alternative Energy, Article III, Alternate Energy System PILOT.

Roll Call:

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

Public Hearing Special Use Permit Request – 333 South Highland LLC, Skae Power Solutions, 333 South Highland Avenue

Mr. George Pommer, Engineer for the Applicant, reviewed the application and stated they would be using a level two sound enclosure.

The Board had general discussion regard noise impacts and requested a site walk.

Mr. Wayne Edwards of 27 Briarbrook Drive stated he lived directly behind in Scarborough Glen and it was as if they were in a bowl. He stated they could hear the existing generator and had concerns with an increase. He requested the applicant install a sound wall.

Upon motion by Trustee Midgley, seconded by Deputy Mayor Chatzky, the Board voted unanimously to adjourn the public hearing to June 20, 2023.

Board of Trustees Announcements

- Picks and Pickleball will be held on May 20th at Chilmark Park.
- Recreation has extended summer office hours. Visit their website for further information.
- The Fire Department offered home safety tips and encouraged residents to join the Department.
- The Historical Society is hosting a Road Race event on May 21st.
- The Route 9A study is underway and a public meeting will be held on June 21st from 6-8pm.
- Congratulations to Trustee Mallett for achieving her second law degree.
- A call for volunteers. Interested residents should email with their resume to BOT@briarcliffmanor.gov.

Village Manager's Report

- The Senior Car Parade will be on May 21st.
- Last call for enrollment in Camp Horizon.
- The Village is applying for two grants.
- David Turiano is retiring in June after 30 years with the Village.
- The Village is hiring a Building Inspector.

Village Engineer's Report

- A project update will be emailed to the Board.
- Village Engineer, Jeff Gaspar gave the annual Stormwater Management Report and reviewed the 5 minimum measures.

Public Comments

Ms. Jenny Wallach of 72 Colby Lane stated noise, safety, adjacent property maintenance were all of concern to Briarcliff Commons. She further stated she had concerns with the bike path being brought closer to them and the camp traffic blocking their intersection and felt all these items were piling on her and her neighbors.

Ms. Suzie Michelle of 84 Colby Lane stated a car that veered off Route 9A was dangling right by her home and the noise from 9A was riveting. She requested a safety wall be installed and thanked the Board for supporting them with pushing for the Route 9A study.

Mr. Jay Novin of 83 Colby Lane stated there was a chunk of concrete that fell off a truck over a month ago. He requested signage for the bike path be installed.

Mr. Charles Blowe of 14 Colby Lane echoed his neighbors' comments and stated they were complex issues. He asked who was responsible for the School Board Election and he had concerns with it happening in the school while children were there.

The Board discussed steps to take to address the concerns.

Authorize Village Manager to Execute Agreements:

OVAC General EMT

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

BE IT RESOLVED that the Village Manager is hereby authorized to execute an Agreement with Ossining Volunteer Ambulance Corps, Inc. (OVAC) to supplement the Village’s staffing with contract personnel for Emergency Medical Services for a term to expire on May 31, 2024 subject to immaterial changes in the reasonable discretion of the Village Manager and Village Counsel; and

BE IT FURTHER RESOLVED that the Agreement shall be renewable without further action by either the Village or OVAC on May 31, 2024 with the new rate as set forth in section V of the agreement.

Roll Call:

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

OVAC Flycar Amendment

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

BE IT RESOLVED that the Village Manager is hereby authorized and directed to execute an addendum to the agreement with the Village of Croton on Hudson, NY and the Ossining Volunteer Ambulance Corps. Inc. (OVAC) for Fly Car Services and to negotiate such modifications and revisions to the contract as may be in the Village’s interest.

Roll Call:

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

Cohen Law Group - Cable Franchise Legal Retainer

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

BE IT RESOLVED that the Village Manager is hereby authorized and directed to execute an agreement with the Cohen Law Group for professional services related to Cable Franchise Renewal Services for the Village as set forth in the agreement as amended.

Roll Call:

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

Town of Ossining – Paving the Village’s Portion of Tappan Terrace

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

BE IT RESOLVED that the Village Manager is hereby authorized and directed to execute an agreement with the Town of Ossining to pave the Village’s portion of Tappan Terrace in the amount of \$14,592 as set forth in the agreement.

BE IT FURTHER RESOLVED the paving project will be charged to H5110-201-24491 – Annual Paving.

Roll Call:

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

Amendment to Capital Budget for 2022/2023

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

BE IT RESOLVED, that the Board of Trustees does hereby amend the Capital Budget for Fiscal Year 2022-2023 in the amount of \$25,000 and create a new capital project related to the Village Phone System:

Budget Amendments

Increase:	A0101-1289	Legal Charges-Recovery	\$27,414.03
Decrease:	A1990-499	Contingency	1,585.97
Increase:	A9901-910	Transfer to Capital	29,000.00
Increase:	H-0101-5031	Interfund Transfer in	\$29,000.00
Increase:	H-1230-201-23180	Village Wide Phone Upgrade	29,000.00

Budget Transfers

From:	A9901-910	Transfer to Capital	\$29,000
To:	H-0101-5031	Interfund Transfer in	\$29,000

Roll Call:

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

Authorize Village Manager to Offer the Excelsior Plan to Employees hired after June 1, 2023

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

WHEREAS, the Village of Briarcliff Manor recognizes the importance of providing quality healthcare benefits to its employees; and

WHEREAS, the New York State Health Insurance Program (NYSHIP) offers a variety of healthcare plans to municipalities at competitive rates; and

WHEREAS, the Empire Plan offered by NYSHIP has been the healthcare plan for previously hired Village employees; and

WHEREAS, the Excelsior Plan offered by NYSHIP provides comprehensive benefits to new Village employees hired after June 1, 2023; and

WHEREAS, providing access to both the Empire Plan and the Excelsior Plan will give Village employees more healthcare plan options;

WHEREAS, the Village of Briarcliff Manor recognizes the need to balance the benefits provided to employees with being fiscally responsible to the residents of the Village;

NOW, THEREFORE, BE IT RESOLVED that the Village of Briarcliff Manor will enroll all new non-union employees hired after June 1, 2023 in the Excelsior Plan offered by NYSHIP, which provides competitive rates and comprehensive benefits.

BE IT FURTHER RESOLVED that all previously hired Village employees will maintain their enrollment in the Empire Plan offered by NYSHIP, which has provided quality healthcare benefits to Village employees.

BE IT FURTHER RESOLVED that any new employee enrolled in the Excelsior Plan will be required to contribute 15% towards the cost of their healthcare benefits, effective on the date of their employment throughout their entire employment with the Village and into retirement.

BE IT FURTHER RESOLVED that the Village Manager is directed to review the healthcare plans offered by NYSHIP annually to ensure that the Village is receiving competitive rates and quality benefits.

BE IT FURTHER RESOLVED that the Village Manager is authorized to negotiate with NYSHIP or other providers to ensure that the Village is receiving the best possible rates and benefits for its employees.

BE IT FURTHER RESOLVED that the Village Manager is authorized to execute any documents necessary to effectuate the enrollment of new employees in the Excelsior Plan, subject to review and approval by the Village Attorney.

BE IT FURTHER RESOLVED that the Village Manager will update the employee handbook to reflect these changes.

Roll Call:

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

Schedule a Public Hearing to Amend Chapter 207-6, Vehicles and Traffic, Maximum Speed Limit (School Zone)

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

BE IT RESOLVED that a Public Hearing is hereby scheduled for the June 6, 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 207-6, Vehicles and Traffic, Maximum Speed Limits (School Zone).

Fire Department Memberships

The Board thanked the new members for volunteering.

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 of the Village of Briarcliff Manor hereby approve the membership of **Joseph Martinez** to the Briarcliff Manor Hook & Ladder Company.

BE IT RESOLVED, that the Board of Trustees of the Village of Briarcliff Manor hereby approve the under 18 membership of **Rashmi Narayanan** to the Briarcliff Manor Fire Company.

Minutes

Upon motion by Deputy Mayor Chatzky, seconded by Trustee Hunt, the Board voted unanimously to approve the minutes of the May 2, 2023 regular meeting.

Adjournment

Upon motion by Trustee Hunt, seconded by Deputy Mayor Chatzky, the Board voted unanimously to adjourn the meeting at 11:00pm.

Respectfully Submitted By,

Christine Dennett
Village Clerk