

MINUTES OF REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF
BRONXVILLE HELD ON SEPTEMBER 13, 2010 AT THE VILLAGE HALL, 200 PONDFIELD
ROAD, BRONXVILLE, N.Y.

* * * * *

PRESENT: Mary C. Marvin Mayor
Glenn D. Bellitto Trustees
William H. Barton, Jr.
Anne W. Poorman
Robert S. Underhill

ALSO PRESENT: Harold Porr III Village Administrator
James Staudt Village Attorney

* * * * *

WORK SESSION & EXECUTIVE SESSION

Mayor Marvin called the meeting to order at 6:42PM and in attendance were Mayor Marvin, Trustee Bellitto, Trustee Barton, Trustee Underhill, Trustee Poorman, Village Administrator Harold Porr and Village Attorney James Staudt.

Village Administrator, Harold Porr, reviewed the meeting agenda.

At 7:23PM, on motion of Trustee Poorman, second by Trustee Bellitto, the Trustees entered Executive Session to discuss personnel matters in the Administration Department and to seek legal advice on real estate matters.

At 7:45PM on motion of Trustee Bellitto, second by Trustee Underhill, the Trustees re-opened the work session to discuss police department operations with Chief Satriale.

The Trustees entered into the public session at 8:05PM.

* * * * *

Mayor Marvin opened meeting at 8:08PM. She welcomed all of the guests and thanked them for coming to honor our police officers who were being promoted and receiving awards.

Chief Satriale introduced Officer Gray and asked him to introduce his family.

Trustee Bellitto then swore Officer Gray in.

RESOLUTION – POLICE OFFICER PROMOTION TO SERGEANT

On motion of Trustee Underhill, second by Trustee Poorman, the following resolution was unanimously approved:

BE IT RESOLVED that the Board of Trustees of the Village of Bronxville appoints Alton Gray to police sergeant of the Village of Bronxville Police Department effective at 12:01AM on Monday, September 20, 2010 at an annual salary of \$109,189.00.

Chief Satriale introduced Officer Sandarciero and asked him to introduce his family.

Trustee Bellitto then swore Officer Sandarciero in.

RESOLUTION – PROMOTION TO SERGEANT

On motion of Trustee Barton, second by Trustee Underhill, the following resolution was unanimously approved:

BE IT RESOLVED that the Board of Trustees of the Village of Bronxville appoints Bart Sandarciero to police sergeant of the Village of Bronxville Police Department effective at 12:01AM on Tuesday, September 21, 2010 at an annual salary of \$109,189.00.

POLICE AWARDS

Chief Satriale distributed the following awards to members of his department:

- Meritorious Police Duty Award to Officer Anderson, Sergeant Gallo, Sergeant De Leo and Officer Karaman – for Blotter BP 802-08 on 4/19/08
- Excellent Police Duty Award to Officer Karaman – for Blotter BP 38-08 on 1/8/08
- Meritorious Police Duty Award to Chief Satriale – for Blotter BP1653-08 on 7/31/08
- Excellent Police Duty Award to Lieutenant Bunyan and Officer Carroll - for Blotter BP1653-08 on 7/31/08
- Excellent Police Duty Award to Officer Ulrich and Officer Anderson - for Blotter BP 1878-08 on 8/31/08
- Excellent Police Duty Award to Officer Morgan – for Blotter 2101-08 on 10/3/08
- Meritorious Police Duty Award to Officer Karaman – for Blotter 2180-08 on 10/15/08
- Excellent Police Duty Award to Chief Satriale - for Blotter 2180-08 on 10/15/08
- Certificate of Commendation to Officer Gray and Officer De Young - for Blotter 09-284 on 2/5/09
- Meritorious Police Duty Award to Officer Anderson – for Blotter 09-1740 on 8/3/09
- Meritorious Police Duty Award to Officer De Young and Officer Dorre – for Blotter 09-2093 on 9/9/09
- Meritorious Police Duty Award to Officer Dorre – for Blotter 09-2619 on 11/11/09

MAYOR'S REPORT

I am going to make my report as brief as possible because of our full agenda.

Summer was relatively quiet. We have finished our paving program. Thanks goes to the residents and merchants for their cooperation and patience. We know it was disruptive but in the end, certain neighborhoods now have much needed paved smooth roads that should last a decade. For the folks working and living near the business district, unfortunately they received a double whammy with Con Edison needing to do duct work. Con Ed legally can do this work as of right. They replaced ducts that hopefully will improve power service and eliminate some of the power interruptions to homes and business in the area. Again, a long term benefit but not without disruption. As a side note, they did want to run the conduits down the center of Park Place that would have not only damaged a newly paved road but also cause street closures and a great deal of disruption. But thanks to dogged negotiations by the Superintendent of Public Works, Rocco Circosta, Con Edison agreed to do it on the sidewalk and then provide brand new sidewalks free of charge to the businesses along Park Place.

Welcome back everyone especially all the school children. I would like to thank the Bronco football team for their day of service to the Village. It was appreciated by everyone in Village Hall and nice because staff, the police, DPW workers made an added connection with the kids.

Also a reminder about the idling law that is now in effect County-wide. Our issues with idling cars seem to center at the school and near the train station. We are asking that you voluntarily adopt the no idling over three minutes standard now mandated by law.

Continuing on the environmentally friendly front, I want to thank the Village's Green Committee under the capable direction of Deputy Mayor Bellitto for spearheading this anti-idling campaign as well as the many other green initiatives they are working on. It is a great new and active committee. Thanks to all those who volunteer.

We just learned this week that thankfully our member items from Senator Klein and Assemblywoman Paulin have survived the Governor's cuts. No one knows when we will be receiving the funds. So realistically, projects at Sagamore Park and Maltby Field will be in the spring. We were lucky to get the funds out of the current State budget. Given the costs of these two projects, we will not break ground until we have the money in hand. We are especially concerned about finances in light of the fact we have learned our extra pension fund costs per Mr. DiNapoli's projection is \$230,000 or over 3.5% tax increase for that line item alone.

Our revaluation effort is going very well. I believe 70% of homes have had a review. We are in the process of setting up a meeting with officials from the State ORPS

to help guide us. So we are on schedule. Given the volatile market it is fortuitous we are doing this now.

We are having our Fall Citizens' Advisory Committee meeting on Tuesday, September 28th. So, if you have any issues or concerns, please reach out to your neighborhood representatives.

Finally, you will not see many big projects this Fall because there are no extra funds. We will do some tree planting, crosswalk painting, the new traffic light at St. Joseph's. This is the only major project. We will be making small improvements throughout the Village using our own Village staff.

TRUSTEE REPORTS

Trustee Bellitto reported on the police department and that there were 10 felonies and 57 misdemeanors.

Parking – Trustee Bellitto reported that revenues are up.

Green Committee – the next meeting will be on September 23rd at 7:15PM at Village Hall.

Trustee Barton reported on the Department of Public Works and that the paving project is almost complete for this year.

He reported that the Village received a \$53K grant from the National Fish & Wildlife Commission with a goal of providing cleaner water from storm water. There will be a large catch basin installed near the Department of Public Works garage. This is just another example of the Village going green.

Finance – Trustee Barton reported that the Village is in good financial shape.

Trustee Poorman reported on the Library and that out of 38 libraries in the County system excluding White Plains, Bronxville ranks #31 in size; #18 for circulation and patron visits; and #10 in the number of library sponsored programs.

There were some air conditioning issues over the summer but they have all been resolved.

Chamber – Trustee Poorman reported that there were three great concerts and some new stores that opened over the summer. There will be a Fall Sidewalk Sale on October 2nd and a Halloween party for children on October 31st.

Trustee Underhill reported on the Building Department and that the activity is substantially higher than last year.

APPROVAL OF MINUTES

On motion of Trustee Underhill, second by Trustee Bellitto, the Board approved the minutes of the Regular Meeting on July 12, 2010 as drafted.

PUBLIC HEARING

At 8:50PM, on motion of Trustee Underhill, second by Trustee Bellitto, the Board opened the public hearing for Proposed Local Law #2-2010 regarding Solar Energy and Other Renewable Energy Systems.

Patrick Gasparo of Nature's Cradle Nursery asked if the purpose of this law is to install solar systems. He encouraged people to install solar panels and that they are a beautiful piece of technology. He asked that the Village provide incentives to people to install panels for example, decreasing taxes for those who install them.

Mayor Marvin said she promotes this law and residents who do want solar panels but also wants to respect the neighbors of these people as well. She commented that the Village received a letter from the County congratulating the Village on this legislation. She

believes this is fair and is a balancing act of interests in a community with property in such close proximity.

Mayor Marvin also mentioned that Village Hall is geothermal, is working on energy saving lighting and that Bronxville is one of the first Villages to move in this direction.

Village Attorney, James Staudt, said that this law is the culmination of eight months of work and that residents would not be prevented from installing other energy efficient structures if they wanted to. If there were some problems that arose they could obtain a variance from the Planning and/or Zoning Boards if needed. It is an effort to strike a balance and the law speaks in terms of this balance. The premise is that solar and other renewable energy are positive things but if not done correctly can be obtrusive.

At 9:08PM, on motion of Trustee Bellitto, second by Trustee Poorman, the Board closed the public hearing.

The Board reviewed the Local Law and determined that there was a negative declaration to meet the requirements of SEQRA, otherwise known as the State Environmental Quality Revision Act.

THEREFORE on motion of Trustee Barton, second by Trustee Underhill, this was unanimously approved.

RESOLUTION - LOCAL LAW #2 TO AMEND THE ZONING LAW OF THE VILLAGE OF BRONXVILLE, NEW YORK, CHAPTER 310, TO REGULATE THE INSTALLATION AND OPERATION OF SOLAR ENERGY AND OTHER RENEWABLE ENERGY SYSTEMS

On motion of Trustee Poorman, second by Trustee Barton, the following resolution was unanimously approved (with edits made by the Village Attorney):

BE IT ENACTED by the Board of Trustees of the Village of Bronxville as follows:

Section One. Subsection 310-22(F) is hereby added to Chapter 310 of the Code of the Village of Bronxville and shall read as follows:

§ 310-22. Supplementary regulations.

F. Solar energy systems and equipment.

(1) Legislative intent, purpose and definitions.

(a) Legislative intent and purpose. The purpose of these provisions is to allow and encourage solar energy systems and equipment within residential and business districts, according to certain safeguards and conditions. The intent is to balance the desirability and demand for alternative energy systems with maintaining the aesthetics of the Village and minimize the potential for any negative impact by these systems; and to protect the health, safety and welfare of the residents of the Village.

(b) Definitions. As used in this subsection 310-22(F), the following terms shall have the meanings indicated.

GROUND-MOUNTED – Directly installed in or on the ground and not attached or affixed to an existing structure.

INTEGRATED PRIMARY EQUIPMENT - Any part of a solar energy system, including but not limited to solar panels, that is built into the structure in such a manner that it blends aesthetically and functionally into that structure, such as solar roof tiles.

NON-INTEGRATED PRIMARY EQUIPMENT - Any part of a solar energy system that is not integrated primary equipment.

PHOTOVOLTAIC SYSTEM – A solar energy system that through semiconductor devices, or photovoltaic cells, converts solar energy directly into electricity.

PRIMARY EQUIPMENT – Any cell, panel, or other device that converts, absorbs, or transforms solar energy, including equipment for photovoltaic and solar thermal systems.

SECONDARY EQUIPMENT – Any supply lines, return lines, control valves, wiring, meters, switches, modules, inverters or other device and their cabinets associated with the installation or function of a solar energy system.

SOLAR ENERGY EQUIPMENT – Any primary equipment or secondary equipment.

SOLAR ENERGY SYSTEM – A photovoltaic system, a solar thermal system or any other system wherein sunlight or solar energy is used to generate electricity.

SOLAR THERMAL SYSTEM – A solar energy system that harnesses solar energy for thermal energy (heat), which is then used to generate electricity.

- (2) General standards for solar energy systems and equipment.
- (a) Solar energy equipment shall not be located in any principal front yard.
 - (b) Only integrated primary equipment may be located on any face of a building or structure facing a street, except that on corner lots, such equipment may be installed on any façade of a building or structure facing a non-principal front yard street when approved by the Planning Board pursuant to Article XI of this chapter.
 - (c) Solar energy equipment shall not be visible from any adjacent street, except:
 - i. in the case of a corner lot, roof-mounted primary equipment may be installed upon approval by the Planning Board as set forth in this chapter; or
 - ii. if such equipment is integrated primary equipment.
 - (d) All solar energy systems shall be designed, erected and installed in accordance with all applicable codes, regulations and standards, and shall comply with this subsection 310-22(F).
 - (e) Solar energy systems shall be permitted only to provide power for use by owners, lessee, residents or other occupants at the premises on which they are erected, but nothing contained in this provision shall be construed to prohibit the sale of excess power through a “net billing” or similar program in accordance with New York Public Service Law § 66-j or similar state or federal statute.
 - (f) The applicant shall demonstrate that the solar energy system will be minimally visually intrusive from surrounding properties and minimally disruptive to existing vegetation. The equipment shall use, to the extent practicable, materials, colors and textures designed to blend with the structure to which they are affixed or, if not affixed, to harmonize with the natural surroundings.
 - (g) Equipment shall not be unnecessarily bright, shiny, or reflective.
 - (h) To the greatest extent practicable, all equipment is to appear like and is to match the color of the part of the building or structure to which it is are attached.
 - (i) In any new building or structure or alteration thereof, all primary equipment shall be integrated primary equipment.

- (2) Roof-mounted solar energy equipment. Any solar energy equipment mounted to any roof, including flush-mounted and rack-mounted, shall be permitted under the following conditions:
- (a) Integrated primary equipment: Where such equipment is integrated as the surface layer of an existing roof structure, such as solar roof tiles, there shall be no apparent change in relief or projection.
 - (b) Non-integrated primary equipment:
 - i. Shall be located on a rear- or side-facing roof. On a corner lot, such equipment may be located on a roof facing a non-principal front yard upon approval of the Planning Board pursuant to Article VI of this chapter. The removal of potential obstructions, such as vegetation, shall not be sufficient cause for permitting installation on a roof facing the front yard.
 - ii. Shall not exceed the lesser of nine hundred square feet in area or thirty three percent of the area of the plane of the roof on which the equipment is mounted.
 - iii. Shall extend no more than twelve inches above the roof surface to which it is affixed.
 - iv. Shall be installed in a manner that minimizes its visibility while maintaining viability and functional integrity.
 - v. Vertical projection: When installed on a building or structure with a sloped roof surface, non-integrated primary equipment shall not project above the peak of the roof to which it is attached. When installed on a flat roof, such equipment shall not project above any cornice or parapet wall.
 - (c) Secondary equipment. No secondary equipment shall be exposed on the outside of any building or structure unless required by applicable codes and standards.
- (3) Free-standing and ground-mounted solar energy equipment. Free-standing and ground-mounted solar energy equipment shall be permitted under the following conditions:
- (a) It shall be located in a side or rear yard only, and shall comply with all setback requirements for a principal building.
 - (b) It shall not exceed six and one half feet in height above the ground, as measured to the highest point on the equipment. If the ground level is raised or built up for the installation, this height will be measured from the pre-existing ground level.
 - (c) It shall be fully screened from adjacent properties by fencing, a combination of evergreen and deciduous plantings which shall not be less than six and one half feet in height when installed, or, when possible and practicable, through the use of architectural features, earth berms, or other screening that will harmonize with the character of the property and surrounding area.
 - (d) It shall not exceed the lesser of one thousand square feet in area or five percent of the area of the lot on which it is located.
- (4) Procedure.
- (a) Site plan approval. Notwithstanding the provisions of § 310-26(A), site plan approval is not required for solar energy systems in residential districts except where Planning Board

approval is specifically required by this subsection 310-22(F).

- (b) A plan shall be submitted to the Superintendent of Buildings as a requirement for the issuance of a building permit for any solar energy system. Such plan shall indicate all existing and proposed grading, excavating, filling, paving, fencing, and screening as it may relate to the proposed solar energy system. The plan shall also indicate the location of all property lines and adjacent buildings, including buildings across an adjacent street, and shall comply with the requirements and standards of this subsection 310-22(F). The Superintendent of Buildings may refer any such application to the Planning Board and/or Design Review Committee for review and comment, but nothing contained in any such review or comment shall limit or otherwise affect the authority of the Superintendent of Buildings to issue or deny the permit.

Section Two. Subsection 310-22(G) is hereby added to Chapter 310 of the Code of the Village of Bronxville and shall read as follows:

§ 310-22. Supplemental regulations.

G. Renewable energy systems.

(1) Legislative intent, purpose and definitions.

- (a) Legislative intent and purpose. The purpose of these provisions is to allow and encourage non-solar energy alternative or renewable energy systems, including those that harness wind or geothermal energy, within residential and business districts, according to certain safeguards and conditions. The intent is to balance the desirability and demand for alternative energy systems with maintaining the aesthetics of the Village and minimize the potential for any negative impact by these systems; and to protect the health, safety and welfare of the residents of the Village.
- (b) Definitions. As used in this subsection 310-22(G), the following terms shall have the meanings indicated.

GEOHERMAL ENERGY SYSTEM – Energy system that uses heat or power from the earth’s core for heating, cooling, or generating other types of energy.

RENEWABLE ENERGY SOURCES – Sources of energy that are naturally replenished, including wind and geothermal heat, but not including natural gas, petroleum and other petro-chemicals, and coal.

RENEWABLE ENERGY SYSTEM – Energy system that uses or harnesses renewable energy sources to generate electricity, heat, or cooling, except solar energy systems that are regulated under subsection 310-22(F).

RENEWABLE ENERGY EQUIPMENT – Any device, equipment, supply lines, return lines, control valves, wiring, meters, switches, modules, or inverters associated with the installation or function of a renewable energy system.

(2) General standards for renewable energy systems and equipment.

- (a) Any above-ground renewable energy equipment shall not be located in any principal front yard, except that on corner lots, such equipment may be installed in a non-principal front yard when approved by the Planning Board.

(3) Procedure.

- (a) Site plan approval. Notwithstanding the provisions of § 310-26(A), site plan approval is not required for any geothermal energy system

except where Planning Board approval is specifically required by this subsection 310-22(G).

- (b) A plan shall be submitted to the Superintendent of Buildings as a requirement for the issuance of a building permit for any alternative energy system. Such plan shall indicate all existing and proposed grading, excavating, filling, paving, fencing, and screening as it may relate to the proposed alternative energy system. The plan shall also indicate the location of all property lines and adjacent buildings, including buildings across an adjacent street, and shall comply with the requirements and standards of this subsection 310-22(G). The Superintendent of Buildings may refer any such application to the Planning Board and/or Design Review Committee for review and comment, but nothing contained in any such review or comment shall limit or otherwise affect the authority of the Superintendent of Buildings to issue or deny the permit.

Section Three. Section 310-8 of Chapter 310 of the Code of the Village of Bronxville is hereby modified to include additional accessory uses and special permit uses as follows:

§ 310-8. One-Family Residence AAA District.

A. Use.

- (4) Accessory uses, limited to the following:
 - (f) Solar energy systems, as defined and subject to the supplementary standards in subsection 310-22(F) of this chapter.
 - (g) Geothermal energy systems, as defined in subsection 310-22(G) of this chapter.
- (5) Special permit uses. The Planning Board may allow the following uses by special permit, as regulated in Article VII of this chapter.
 - (a) Satellite earth stations and communication facilities.
 - (b) Renewable energy systems, as defined in subsection 310-22(G) of this chapter, except no special permit is required for geothermal energy systems.

Section Four. Section 310-14 of Chapter 310 of the Code of the Village of Bronxville is hereby modified to include additional accessory uses and special permit uses as follows:

§ 310-14. Central Business A District.

B. Accessory uses:

(2) Geothermal energy systems, as defined in subsection 310-22(G) of this chapter.

C. Special permit uses.

- (15) Solar energy systems, as defined in subsection 310-22(F) of this chapter.
- (16) Renewable energy systems, as defined in subsection 310-22(G) of this chapter, except no special permit is required for geothermal energy systems.

Section Five. Section 310-15 of Chapter 310 of the Code of the Village of Bronxville is hereby modified to include additional special permit uses as follows:

§ 310-15. Service Business B District.

B. Special permit uses.

- (7) Solar energy systems, as defined in subsection 310-22(F) of this chapter.

- (8) Renewable energy systems, as defined in subsection 310-22(G) of this chapter, except no special permit is required for geothermal energy systems.

Section Six. Subsection 310-42(N) of Chapter 310 of the Code of the Village of Bronxville is hereby added to provide individual standards and requirements for special permits for solar energy systems and renewable energy systems as follows:

§ 310-42. Individual standards and requirements for certain special permit uses.

N. Solar energy systems and renewable energy systems.

- (1) Definitions. As used in this subsection, terms shall have the same meanings as set forth in subsections 310-22(F) and 310-22(G) of this chapter, and as follows:

ALTERNATIVE ENERGY SYSTEM – Solar energy systems and renewable energy systems.

- (2) Legislative intent and purpose. The purpose of these provisions is to allow and encourage alternative energy systems and related equipment within residential and business districts, according to certain safeguards and conditions. The intent is to balance the demand for alternative energy systems with maintaining the aesthetics of the Village and minimize the potential for any negative impact by these systems; and to protect the health, safety and welfare of the residents of the Village.
- (3) Application of this subsection. A special permit shall be required for any solar energy system to be installed, constructed or erected in the Central Business A or Service Business B zoning district, any modification thereof, or any renewable energy system, except a geothermal energy system, in any district.
- (4) Application for special permit.
 - (a) An application for a special permit for an alternative energy system shall be signed on behalf of the applicant by the person preparing the same and with knowledge of the contents and representations made therein attesting to the truth and completeness of the information. If the applicant is not the owner of the property in which such system is proposed, the applicant shall submit a copy of the signed lease or other agreement pursuant to which the applicant is entitled to utilize such property for such system, which may have proprietary business terms redacted.
 - (b) Applications not meeting the requirements stated herein, or which are otherwise incomplete, may be rejected by the Village.
 - (c) The applicant shall submit the required number of copies of the application, drawings, photographs and documents to the Planning Board in folded and collated sets no larger than eleven inches by seventeen inches. All applications shall include the following information:
 - i. The name, address and telephone number of the applicant.
 - ii. The name, address, telephone number and written consent of the property and/or building owner.
 - iii. A description of the proposed installation(s).
 - iv. A plot plan and/or survey indicating the dimensioned location of the subject building or structure and all proposed equipment.
 - v. Sealed and dimensioned drawings and/or photographs of the subject building or property and all adjacent buildings or properties within seventy-five feet on all sides.
 - vi. Scaled and dimensioned drawings, photographs, documents and materials, including but not limited to, layout plans,

elevations, sections, details, manufacturers' specifications and catalogue cuts, material types, colors, finishes and structural support methods. Such drawings and documents shall also include proposed screening, if any.

- vii. Where a free-standing or ground-mounted solar energy system or any renewable energy system is proposed, a landscape and screening plan shall be submitted. The plan shall indicate all existing and proposed grading, excavating, filling, paving, fencing, and screening as it may relate to the alternative energy system, and shall indicate the location of all property lines and neighboring buildings and structures.
- (d) Material samples shall be presented at the Planning Board and Design Review Committee meetings.
- (5) Specific standards.
 - (a) All alternative energy systems shall be designed, erected and installed in accordance with all applicable codes, regulations and standards, and shall comply with subsections 310-22(F) and 310-22(G) of this chapter.
 - (b) Alternative energy systems shall be permitted only to provide power for use by owners, lessee, residents or other occupants at the premises on which they are erected, but nothing contained in this provision shall be construed to prohibit the sale of excess power through a "net billing" or similar program in accordance with New York Public Service Law § 66-j or similar state or federal statute.
 - (c) The applicant shall demonstrate that the alternative energy system will be minimally visually intrusive from surrounding properties and minimally disruptive to existing vegetation. The equipment shall use, to the extent practicable, materials, colors and textures designed to blend with the structure to which they are affixed or, if not affixed, to harmonize with the natural surroundings.
 - (d) Equipment shall not be unnecessarily bright, shiny, or reflective.
 - (e) To the greatest extent practicable, all equipment is to appear like and is to match the color of the part of the building or structure to which it is attached.
- (6) Pre-application meeting. There shall be a pre-application meeting in accordance with subsection 310-26(B) of this chapter, regardless of the cost of development.
- (7) Recertification; termination.
 - (a) During the six months prior to expiration of a special permit, the holder of the special permit shall submit a written application for recertification of the special permit.
 - (b) Subject to the provisions of (d) below, the Planning Board shall issue a recertification of the special permit if it finds that the holder of the special permit is in compliance with the terms of the special permit, the requirements of this subsection 310-42(N), and the requirements of applicable federal, state, and local law. If the recertification process has begun but is not complete by such anniversary date, the special permit may be extended for no more than three months. In the event of disapproval of the recertification application, the alternative energy system shall not be used after the date that the applicant receives written notice of disapproval and, unless an appeal is timely filed, shall be immediately removed upon the expiration of such appeal limitations period.
 - (c) Unless recertified, a special permit and any authorizations granted thereunder shall terminate as of the last day of the then current term as specified in the special permit.

- (d) Notwithstanding the foregoing, in connection with each recertification, the Planning Board shall consider changes to alternative energy technology since the date of issuance or last recertification, as applicable, of the special permit and determine whether the special permit should be modified or terminated as a result of such change.
- (8) Default and/or revocation. If an alternative energy system is not in compliance with this chapter or with its special permit, the Planning Board may revoke the special permit in accordance with subsection 310-40(B) of this chapter.
- (9) Application fee. A nonrefundable fee shall be payable with each application for a special permit for a alternative energy system and with each application for a modification in such amount as shall be set by the Board of Trustees from time to time.

Section Seven. If any section, subsection, clause, phrase or other portion of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

Section Eight. This local law shall take effect immediately upon filing with the Secretary of State.

NEW BUSINESS

RESOLUTION – PROPOSED PUBLIC HEARING FOR DOG ORDINANCE

On motion of Trustee Poorman, second by Trustee Bellitto, the following resolution was unanimously approved:

WHEREAS the making, creation or maintenance of excessive unreasonable noise by dogs and other animals within the Village of Bronxville affects and is a menace to public health, comfort, convenience, safety, welfare and the prosperity of the people of the Village, the Board of Trustees of the Village of Bronxville has caused to be drafted a Local Law that would regulate unreasonable noises by dogs and other animals; and

WHEREAS the Village of Bronxville Board of Trustees is desirous of receiving public comment on the proposed Local Law #3.

NOW THEREFORE BE IT RESOLVED that the Village of Bronxville Board of Trustees hereby schedules a Public hearing to receive comment on the draft Local Law #3 entitled, “A Local Law to Amend the Animal Law of the Village of Bronxville, NY, Chapter 92, to Regulate Unreasonable Noises by Dogs and Other Animals.” Said Public Hearing will be held at the Bronxville Village Hall, 200 Pondfield Road, Bronxville, NY in the Village Board public meeting room on Tuesday, October 12, 2010 at 8PM where all interested parties will be heard; and

BE IT FURTHER RESOLVED that the Village’s staff is hereby directed to publish and disseminate a Notice of this Public Hearing in accordance with applicable law.

RESOLUTION – MALTBY PARKING LOT & OTHER PUBLIC PARKING LOTS

On motion of Trustee Underhill, second by Trustee Poorman, the following resolution was unanimously approved:

WHEREAS, the Village Board is desirous of adjusting the duration and fee for pre-paid parking permits for metered spaces in the Village’s parking lots.

NOW THEREFORE BE IT RESOLVED as follows:

- 1. That Sections 7, 8 and 9 of A321-5C of the Code of the Village of Bronxville are hereby amended to read as follows:

“(7) Special pre-paid permit to allow resident parking at metered spaces restricted to residents in the Kraft Avenue Parking Lot and in the Kensington II Parking Lot: \$900 for a one-year period October 1st to September 30th; \$675 for the period January 1st to September 30th; \$450 for the period April 1st to September 30th; and \$225 for the period July 1st to September 30th.”

“(8) Special pre-paid permit to allow merchant parking at metered spaces restricted to merchants in the Kraft Parking Lot, the Kensington III Parking Lot: \$900 for a one-year period July 1st to June 30th; \$675 for the period October 1st to June 30th; \$450 for the period January 1st to September 30th; and \$225 for the period April 1st to June 30th. Special pre-paid permit to allow merchant parking at metered spaces restricted to merchants in the Maltby parking lot: \$25.00 for a one calendar month period or any part of a calendar month.”

“(9) Special pre-paid permit to allow merchant parking at metered spaces restricted to merchants in the Garden Avenue Lot: \$1,200 for a one-year period, July 1st to June 30th; \$900 for the period October 1st to June 30th; \$600 for the period January 1st to June 30th; and \$300 for the period March 1st to June 30th.”

2. The amendment to Sections of 7, 8 and 9 of A321-5C set forth in paragraph 1 of this Resolution shall take effect immediately.

RESOLUTION – TAX CERT SETTLEMENT – 26 PRESCOTT AVENUE

On motion of Trustee Bellitto, second by Trustee Barton, the following resolution was unanimously approved:

WHEREAS, petitions having been filed by the property owner below, challenging real property tax assessments on the Village's Final Assessment Roll with respect to the following parcel:

<u>Property Owner</u>	<u>Address Description</u>	<u>Year(s)</u>
Timothy & Andrea Collins	Section 13 Block 8, Lots 2 26 Prescott Ave.	2009 - 2010

WHEREAS, petitioner's court challenges are now pending in the Supreme Court, Westchester County; and

WHEREAS, the Village and the property tenant have reached a mutually agreeable resolution;

NOW THEREFORE BE IT RESOLVED, that the Village Board hereby authorizes the Village attorney to execute the following settlement on behalf of the Village and School reducing the assessments to no less than the following amounts:

YEAR	ASSESSMENT	REVISED ASSESSMENT	REDUCTION
2009	4,629,629	2,500,000	2,129,629
2010	4,305,300	3,500,000	805,300

RESOLUTION – TAX CERT SETTLEMENT – Bradford Hall Co –op Apartments - 5 -6 Alden Place – Section 6.G/3/25.C

On motion of Trustee Underhill, second by Trustee Barton, the following resolution was unanimously approved:

WHEREAS, petitions having been filed by the property owner below, challenging real property tax assessments on the Village's Final Assessment Roll with respect to the following parcel:

<u>Property Owner</u>	<u>Address Description</u>	<u>Year(s)</u>
Bradford Hall Co –Op Apt	5-6 Alden Pl. Section 6.G/3/25.C	2003-2010

WHEREAS, petitioner's court challenges are now pending in the Supreme Court, Westchester County; and

WHEREAS, the Village and the property owners have reached a mutually agreeable resolution;

NOW THEREFORE BE IT RESOLVED that the Village Board hereby authorizes the Village Attorney to execute the following settlement on behalf of the Village and School reducing the assessments to no less than the following amounts:

<u>Year</u>	<u>Assessment</u>	<u>Revised Assessment</u>	<u>Reduction</u>
2003	108,000	108,000	NONE
2004	108,000	108,000	NONE
2005	108,000	108,000	NONE
2006	108,000	108,000	NONE
2007	3,672,800	3,400,000	272,800
2008	3,672,800	3,400,000	272,800
2009	3,400,740	3,300,000	100,740
2010	3,400,740	3,300,000	100,740

RESOLUTION – TAX CERT SETTLEMENT – Southgate Co-op Apartments (Section 21/Block 2/Lots 2, 2.A & 2.B)

On motion of Trustee Poorman, second by Trustee Bellitto, the following resolution was unanimously approved:

WHEREAS, petitions having been filed by the property owner below, challenging real property tax assessments on the Village's Final Assessment Roll with respect to the following parcel:

<u>Property Owner</u>	<u>Address Description</u>	<u>Year(s)</u>
Southgate Co-op Apartments	Section 21 Block 2 Lots 2, 2.A & 2.B	2001-2010

WHEREAS, petitioner's court challenges are now pending in the Supreme Court, Westchester County; and

WHEREAS, the Village and the property owners have reached a mutually agreeable resolution;

NOW THEREFORE BE IT RESOLVED, that the Village Board hereby authorizes the Village attorney to execute the following settlement on behalf of the Village and School reducing the assessments to no less than the following amounts:

<u>Year</u>	<u>Assessment</u>	<u>Revised Assessment</u>	<u>Reduction</u>
2001	260,000	260,000	NONE
2002	260,000	257,400	2,600
2003	260,000	247,000	13,000
2004	260,000	226,400	33,600
2005	260,000	213,200	46,800
2006	260,000	210,600	49,400
2007	9,557,200	9,557,200	NONE
2008	9,557,200	9,557,200	NONE
2009	8,849,259	8,849,259	NONE
2010	8,849,259	7,900,000	949,259

RESOLUTION – TECTONIC/MTA

On motion of Trustee Bellitto, second by Trustee Barton, the following resolution was unanimously approved:

BE IT RESOLVED that the Village of Bronxville Board of Trustees authorizes the Mayor to enter an agreement with Tectonic Engineering & Surveying Consultants to conduct a preliminary review of Metro North's comments regarding the Vibration Monitoring Study. The contract is based on hourly rates and will not exceed \$1,500 in total cost.

RESOLUTION – INSTALLATION OF TRAFFIC LIGHT

On motion of Trustee Poorman, second by Trustee Underhill, the following resolution was unanimously approved:

BE IT RESOLVED that the Board of Trustees authorizes the Village Treasurer to establish project #20102011-0003-5110 Acquisition and Installation of Traffic Signal Equipment in the amount of \$170,000. The funding of this project to be included with the financing of the Village’s 2009/2010 adopted capital budget.

RESOLUTION – JUSTICE COURT EXAMINATION

On motion of Trustee Underhill, second by Trustee Poorman, the following resolution was unanimously approved:

WHEREAS the Uniform Justice Court Act requires that the Village Board of Trustees, as the Auditing Board of the Village, examine the records of the Justice Court, at least once per year, and

WHEREAS the Board has delegated that responsibility to the Village Treasurer, as Accountant for the Justice Court, and

WHEREAS the Treasurer has completed such examinations for the fiscal year ended May 31, 2010 and provided a copy of the report to the Trustees (attached), and

WHEREAS the Board has examined this report and has determined that the fines therein collected have been turned over to the proper Village officials,

NOW THEREFORE BE IT RESOLVED that the Village of Bronxville Board of Trustees acknowledges that the required examination was conducted, and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded along with a copy of the report to the NYS Office of Court Administration.

RESOLUTION – PADDLE TENNIS PRO CONTRACT

On motion of Trustee Underhill, second by Trustee Barton, the following resolution was unanimously approved:

WHEREAS, Rodrigo Schtscherbyna is a PPTA certified platform tennis professional who has many years of experience in paddle and tennis instruction; and

WHEREAS, the Village Board has determined that it is in the Village’s best interest to engage Schtscherbyna as an independent contractor who will provide paddle tennis instruction at the Village’s paddle tennis facilities to persons holding valid paddle tennis permits issued by the Village; and

WHEREAS, for each hour of instruction conducted, Schtscherbyna shall pay the Village \$10,

NOW THEREFORE BE IT RESOLVED that Board of Trustees of the Village of Bronxville authorizes the Mayor to sign an agreement with Rodrigo Schtscherbyna to provide paddle tennis instruction at the Village’s paddle tennis facility as outlined in the attached contract for which Schtscherbyna shall pay the Village \$10 for each hour of instruction.

RESOLUTION – ACQUISITION OF VARIOUS EQUIPMENT

On motion of Trustee Underhill, second by Trustee Poorman, the following resolution was unanimously approved:

BE IT RESOLVED that the Board of Trustees authorizes the issuance of \$211,797 serial bonds of the Village of Bronxville, Westchester County, New York to pay the cost of the Acquisition of Various Equipment and Furnishings; the Acquisition of Computer

Equipment; the Acquisition of Police Vehicles; the Acquisition of Parking Meters; the Acquisition of Machinery and Apparatus for Construction and Maintenance; and Village Wide Reassessment. All have a period of probable usefulness of five years.

RESOLUTION – ACQUISITION OF MACHINERY

On motion of Trustee Barton, second by Trustee Bellitto, the following resolution was unanimously approved:

BE IT RESOLVED that the Board of Trustees authorizes the issuance of \$630,862 serial bonds of the Village of Bronxville, Westchester County, New York to pay the cost of the Acquisition of Machinery and Apparatus for Construction and Maintenance; and for the Paving and Reconstruction of Village streets. All have a period of probable use of fifteen years.

RESOLUTION – ACQUISITION OF INSTALLATION OF TRAFFIC SIGNALS

On motion of Trustee Bellitto, second by Trustee Poorman, the following resolution was unanimously approved:

BE IT RESOLVED that the Board of Trustees authorizes the issuance of \$176,078 serial bonds of the Village of Bronxville, Westchester County, New York to pay the cost of the Acquisition and Installation of Traffic Signals for the Village. All have a period of probable usefulness of twenty years.

RESOLUTION – ACQUISITION, CONSTRUCTION & RECONSTRUCTION OF IMPROVEMENTS TO VARIOUS PUBLIC BUILDINGS

On motion of Trustee Poorman, second by Trustee Underhill, the following resolution was unanimously approved:

BE IT RESOLVED that the Board of Trustees authorizes the issuance of \$75,462 serial bonds of the Village of Bronxville, Westchester County, New York to pay the cost of the Acquisition, Construction and Reconstruction of Improvements to various Public Buildings in and for the Village. All have a period of probable usefulness of twenty five years.

RESOLUTION – RECONSTRUCTION OF SANITARY & STORM SEWER IMPROVEMENTS

On motion of Trustee Poorman, second by Trustee Barton, the following resolution was unanimously approved:

BE IT RESOLVED that the Board of Trustees authorizes the issuance of \$130,801 serial bonds of the Village of Bronxville, Westchester County, New York to pay the cost of the Reconstruction of Sanitary and Storm Sewer Improvements in and for the Village. All have a period of probable usefulness of thirty years.

RESOLUTION – CABLE SYSTEMS UPGRADE

On motion of Trustee Barton, second by Trustee Underhill, the following resolution was unanimously approved:

BE IT RESOLVED that the Board of Trustees authorizes the Village Treasurer to amend the previously authorized capital project #20092010-0021-1010 Village Cable Systems Upgrade to increase its budget by \$30,000 to \$75,000. The funding for this amendment to come from the \$30,000 payment received from Verizon Fios.

RESOLUTION – BOARD OF TRUSTEES OCTOBER MEETING DATE CHANGE

On motion of Trustee Bellitto, second by Trustee Poorman, the following resolution was unanimously approved:

WHEREAS the regularly scheduled meeting of the Board of Trustees for the Village of Bronxville for October 2010 occurs on a national holiday, Columbus Day.

NOW THEREFORE BE IT RESOLVED that the Board of Trustees is officially now moving the date of the meeting to Tuesday, October 12, 2010 with the work session beginning at 6:30PM and the regular meeting beginning at 8PM. It will be located at Village Hall, 200 Pondfield Road, Bronxville, NY. This change will be posted in Village Hall and on the Village website.

PUBLIC COMMENTS –

Linda Cohen of Senator Klein's office mentioned that the Senator is having a Bronxville coffee at Slave to the Grind on October 5th and he will be discussing concerns of the residents. If residents have questions, she urged them to call the Senator's office at (718) 822-2049.

* * * * *

There being no further comments, the meeting was adjourned at 9:28PM by motion of Trustee Barton, second by Trustee Poorman.

Harold Porr III,
Village Administrator/Village
Clerk