Minutes of the Regular Meeting
Board of Trustees of the
Village of Larchmont held on
Monday, January 11, 2016 at
Kenny Hall, 111 Chatsworth Avenue

PRESENT: Mayor Anne McAndrews
Deputy Mayor Lorraine Walsh
Trustees Marlene Kolbert
John Komar

ABSENT: Trustee Peter Fanelli

Also Present: Dep. Clerk Rilley, Attorney Staudt,
Treasurer Brucciani, Administrator Datino
and Joanna C. Feldman, Esq., representing the Village Attorney's office

Mayor McAndrews welcomed all in attendance and called the meeting to order at 7:44 PM.

Mayor's Announcements

The Mayor made the following announcements.

1. The Water Meter Replacement Project is ongoing. 1,286 meters have been replaced so far with 423 remaining and 342 of those have not responded. If you haven't made an appointment to change your meter, call 1-888-448-0009.
2. Jean Marie Emerich was appointed as member to the Committee on the Environment at the January, 4, 2016 work session.

Trustee Kolbert said tomorrow, January 12th, a schools facilities bond issue will be voted on. Residents can vote at any elementary school from 7:00 AM to 9:00 PM.

Police Chief's Report

Chief Poleway gave the following report.

1. I have previously discussed how Westchester County is developing a countywide hazard mitigation plan that will identify and assess vulnerabilities to a variety of natural and man-made hazards and will include strategies to help minimize losses if disasters should occur. The intent of the plan is to provide a comprehensive document that takes into account the wide diversity of communities, businesses, and services that are an integral part of Westchester County and the region. In addition to its value as a tool to make Westchester County and its local municipalities more resilient to hazards, the development of this document is also required under the Disaster Mitigation Act of 2000 to ensure eligibility for federal mitigation funding. Throughout the comprehensive review process, required plan improvements were identified by NYS reviewers, addressed by the appropriate jurisdictions, and modified by the HMP Steering Committee. As you are aware, the Village of Larchmont is part of this plan, and as such, we have an annex that specifically addresses our concerns and mitigation strategies in regard to potential hazards.

FEMA Region II and the NYS Department of Homeland Security have now completed their review of the Westchester County Multi-jurisdictional Hazard Mitigation Plan and determined the plan is now Approvable Pending Adoption. FEMA strongly encourages each participating jurisdiction to adopt the plan as soon as possible to enable implementation of the mitigation strategy. Individual jurisdictions will be eligible for FEMA Hazard Mitigation Assistance once their adoption resolution has been received and recorded by the FEMA Region II Office. As such, I am seeking a resolution for the adoption of this plan so that it can then be forwarded to the appropriate agencies for final approval and implementation.

RESOLUTION
To approve **W**est. Cty
2015 **H**azard Mitigation Plan

On motion of Trustee Walsh, seconded by Trustee Komar, and unanimously carried, the following resolution was adopted:

WHEREAS, all jurisdictions within Westchester County have exposure to natural hazards that increase the risk to life, property, environment, and the County and local economy, and the pro-active mitigation of known hazards before a disaster event can reduce or eliminate long-term risk to life and property; and

WHEREAS, the Disaster Mitigation Act of 2000 (Public Law 106-390) established new requirements for pre and post disaster hazard mitigation programs; and

WHEREAS, a Hazard Mitigation Plan (HMP) serves two primary functions: (1) to identify the risks and hazards in the community and associated mitigation goals, objectives, and actions to reduce damage from future hazards most likely to occur, and (2) to establish eligibility for all federal mitigation grant funding for public and private mitigation projects; and

WHEREAS, the Village of Larchmont completed its HMP utilizing Federal Emergency Management Agency (FEMA) grand funds in 2013, followed by FEMA approval and subsequent Village Board adoption via resolution dated August 12, 2013; and

WHEREAS, FEMA has indicated that they will no longer fund single jurisdictional plans or updates and are strongly encouraging all municipalities to join a multi-jurisdictional plan; and

WHEREAS; the County of Westchester invited all municipalities within the County to participate in its county-wide HMP update, thereby cultivating a Coalition of Westchester County municipalities with like planning objectives to pool resources and create consistent mitigation strategies; and

WHEREAS, the Village of Larchmont participated with the Westchester County coalition which has completed a planning process that engaged the public, assessed the risk and vulnerability to the impacts of natural hazards, developed a mitigation strategy consistent with a set of uniform goals and objectives, and creates a plan for implementing, evaluating and revising this strategy; and

WHEREAS, the Federal Emergency Management Agency Region II and the New York State Division of Homeland Security & Emergency Services completed its review of the 2015 Westchester County Coalition's Hazard Mitigation Plan and conditionally approved the final plan, pending formal adoption by all participating jurisdictions, including the Village of Larchmont;

WHEREAS, the strategies and commitments contained within the updated 2015 HMP of the Village of Larchmont remain unchanged to that of the previously approved 2013 HMP; now therefore be it

RESOLVED, by the Village of Larchmont Board of Trustees that:

1) The Village adopts in its entirety, the 2015 Westchester County Hazard Mitigation Plan (the "Plan") as the jurisdiction's Natural Hazard Mitigation Plan, and resolves to execute the actions identified in the Plan that pertain to this jurisdiction;

2) The Village will use the adopted and approved portions of the Plan to guide pre- and post-disaster mitigation of the hazards identified;

3) The Village will coordinate the strategies identified in the Plan with other planning programs and mechanisms under its jurisdictional authority;

4) The Village will continue its support of the Mitigation Planning Committee as described within the Plan;

5) The Village will help to promote and support the mitigation successes of all participants in this Plan;

6) The Village will incorporate mitigation planning as an integral component of government and partner operations;

7) The Village will provide an update of the Plan in conjunction with the County no less than every five years.

Police Chief's Report
Con't.

2. Prescription drugs are now the second most abused category of drugs in the United States. Medicines that languish in home cabinets are highly susceptible to abuse. Medications that are flushed down the toilet or poured down the drain can taint our local rivers and streams. Proper disposal of medication is both an environmental and public safety concern. Westchester and Larchmont are dedicated to making medication take-back as easy for residents as possible. County Executive Astorino has dedicated funding so that each municipality can obtain a secure drug disposal unit through Westchester County's Med Take-Back Program. This program provides residents with an opportunity to safely, conveniently, and confidentially dispose of unwanted medications. As such, Larchmont will be receiving a secure drug disposal drop box that will be installed in the lobby of Village Hall so residents will have the opportunity to dispose of unused or expired prescription medications at their convenience during normal business hours. The distribution of the disposal units is being coordinated through Commissioner George Longworth and the Westchester County Department of Public Safety. The Medication Take-Back Program Does Not Accept Medical Sharps and Needles. For instructions on how to properly dispose of sharps, as well as other household items, visit http://environment.westchestergov.com/other-household-items or call the Recycling Help-Line at (914) 813-5425.

3. See Something – Say Something. I would like to remind everyone to stay vigilant in reporting any suspicious activity that may be observed. If you observe something that may be suspicious, please, do not keep it to yourself – call the 24 hour NYS Terrorism Tips Line at **866 SAFE-NYS (866-723-3697)** or simply dial 911 or call the Larchmont Police Department at (914) 834-1000.

Oath of Office
Della Vecchia, M.
Police Dept.

Chief Poleway then introduced Police Officer, Michael Della Vecchia, a recent graduate of the Westchester County Police Academy. Officer Della Vecchia's wife Rena, 3 month old daughter Eva and in-laws Mike and Maria were in attendance.

Mayor McAndrews administered the oath of office to Officer Della Vecchia.

Fire Chief's Report

Chief Caparelli gave the following report.

1. On January 30, 2016 the Volunteer staff in keeping with the Larchmont 125th yearlong celebration will be sponsoring a bon fire at Manor beach from 5-7 pm. There will be hot chocolate and hot cider for all attendees. Please bring a beach chair and blanket. Everyone is welcome.

2. I would once again like to remind residents now that the cold weather is approaching to please have their fire place chimneys checked and cleaned prior to use. Dispose of fireplace ash in a metal container at least 10 feet from all combustibles and ensure your smoke and c/o detectors are in working order.

3. When snow does arrive, I would ask all residents and commercial business owners to shovel out the fire hydrants in front of your business or home and keep all sidewalks clear of snow and ice to avoid injury to persons walking by.

4. Fire Inspections of the business district will begin again in March so now is a good time to make sure your business in in compliance with Village Code. Fire Extinguishers, emergency lights, exit signs and annual inspections of alarms and fire suppression systems should be checked for compliance prior to our arrival. Thank you for your cooperation.

All apparatus are in service and all equipment is operational.

Treasurer Brucciani made the following report.

Treasurer's Report

1. Request for the Mayor and Board of Trustees of the Village of Larchmont to review and approve the listing of the overdue/ delinquent property taxes as presented, all of which remain outstanding and uncollected as of this evenings meeting. This list of overdue taxes is comprised of twelve (12) parcels within the Village of Larchmont for an aggregate amount of $59,153.35 in the current year, Fiscal Year 2015-2016. For your edification and as a frame of reference, this compares to fourteen (14) overdue parcels aggregating $75,673.44 in Fiscal Year 2014-2015 and eleven (11) overdue parcels aggregating $42,041.59 in Fiscal Year 2013-2014.

RESOLUTION
Approve list of overdue
Taxes FY 2015-16

On motion of Trustee Komar, seconded by Trustee Walsh, and unanimously carried, it was:

RESOLVED, to approve the list of overdue taxes for an aggregate amount of $59, 153.35 in the current year, Fiscal Year 2015-2016.

2. Request permission from the Mayor and Board of Trustees to schedule the date for the 2015-2016 Tax Lien Sale on behalf of the Village of Larchmont for Monday, March 7, 2016 at 10:00 AM in the Village Hall Court Room, Second Floor. Publication of the date and time of the Village's Tax Lien Sale to appear in the Journal News on February 10, February 17 & February 24, 2016. This action on behalf of the Village is in an effort to collect all outstanding taxes appearing on the "List of Overdue Taxes" as of Monday, January 11, 2016.

RESOLUTION
Auth. **T**reasurer to hold
Tax Lien Sale
3/7/2016

On motion of Trustee Walsh, seconded by Trustee Komar, and unanimously carried, it was:

RESOLVED, to authorize Treasurer Brucciani to hold the 2015-2016 Tax Lien Sale on Monday, March 7, 2016 at 10:00 AM, in the Courtroom, 120 Larchmont Avenue.

RESOLUTION
To open **P**ublic Hearing on Proposed **L.** L. No. 6-2015

On motion of Trustee Komar, seconded by Trustee Walsh, and unanimously carried, it was:

RESOLVED, to open the Public Hearing on a proposed local law imposing a moratorium on certain land use applications.

Mayor McAndrews began the public hearing by reading highlighted sections of the draft local law. If adopted, the local law for the moratorium would be for six months while the planning consultant reviews the code.

The Mayor then began to call on those who put their names on the sign-in sheet to comment.

Comments on Proposed **L**. L. No. 6-2015

Those who commented in favor of the proposed local law were:

Sarah Bauer, 9 Walnut Ave- Preserve Larchmont, read statement, presented petition
Stacey Caffrey, 50 Ocean Ave- showed zoning map
Carla Porter, 8 Woodbine Ave- historic unique character
Susan Emery, 34 Mountain Ave- read statement of absent owners of 45 Larchmont Ave
Joel Sachs, Atty- representing Preserve Larchmont
Michael Puglisi, 2 Bay Ave & 10 Larchmont Ave & 65 Larchmont Ave- which properties excluded
Sally Roblin, 4 Bayard St- please pass moratorium
Jeff Powers, 60 Ocean Ave- worried about infrastructure
Diane Schwatka, Cherry Ave- protect scenic vistas
Greg Lewis, Architect- current applications for renovations
Andrew Shipley, Stuyvesant Ave- read a statement
Michelle Galvin, 2 Sheppard Pl-
Amy Froelich, 94 Larchmont Ave- moratorium approval tonight?
Donna Lamont, Pine Brook Drive
Laura Smith, 25 Valley Rd
Katherine, 27 Elkan Rd
Ed Fitzpatrick, 85 Willow Ave- pass moratorium

Those who commented against the proposed local law were:

Josh Grauer, Atty, Cuddy & Feder/5 Vanderburgh Ave- read statement
Lucia Chiocchio, Atty, Cuddy & Feder/ 40 Ocean Ave- read statement

Attorney Staudt addressed some questions that were brought during the comments.

Comments on Proposed **L**. L. No. 6-2015 Con't.

1. Additions do not fall under the moratorium. The Village does not issue permits for incidental demolition in connection with additions.
2. Can properties be cataloged by which properties or projects are subject to the exceptions? The Village cannot tonight. It may be possible to look at pending application to see how the language of the statute applies. The statute was not drawn by taking any particular properties or projects and making a predetermination as to whether or not they would be exempt. It is believed that a fair point of exemption was included in the statute. The Village is willing during business hours to take questions from anyone who has a pending application to see whether it is exempted. This also goes to the question from Mr. Grauer about his client. That will be taken up separately and see exactly where that application stands and apply the language.

RESOLUTION
To close **P**ublic Hearing
On Proposed **L.** L No. 6-2015

On motion of Trustee Kolbert, seconded by Trustee Komar, and unanimously carried, it was:

RESOLVED, to close the Public Hearing on a proposed local law imposing a moratorium on certain land use applications.

RESOLUTION
To briefly reopen
Public Hearing
On Proposed **L.** L No. 6-2015

On motion of Trustee Walsh, seconded by Trustee Komar, and unanimously carried, it was:

RESOLVED, to briefly re-open the Public Hearing on a proposed local law imposing a moratorium on certain land use applications.

RESOLUTION
To close **P**ublic Hearing
On Proposed **L.** L No. 6-2015

On motion of Trustee Walsh, seconded by Trustee Komar, and unanimously carried, it was:

RESOLVED, to close the Public Hearing on a proposed local law imposing a moratorium on certain land use applications.

RESOLUTION
To Adopt **L.** L No. 1-2016
Temporary **M**oratorium on Certain **L**and Use **A**pplications

On motion of Trustee Kolbert, seconded by Trustee Komar, and unanimously carried, the following resolution was adopted:

Resolution to adopt proposed Local Law # 6-2015
to establish a temporary moratorium on certain land use applications that are pending or may be subsequently filed with the Village

WHEREAS, the Board of Trustees is considering taking an action to adopt proposed Local Law #6-2015 to establish a temporary moratorium on certain land use applications; and

WHEREAS, a public hearing on proposed Local Law # 6-2015 was scheduled for January 11, 2016, at 7:30 p.m., and notice of such public hearing was timely published in the newspaper and circulated in accordance with applicable laws and regulations; and

WHEREAS, all requisite referrals and notices of the proposed local law and public hearing to the Westchester County Planning Board, neighboring municipalities, and other entities were timely made; and

WHEREAS, on December 21, 2015, the Village received a response from the Westchester County Planning Board affirming that this is a matter of legitimate local concern; and

WHEREAS, the Board referred proposed Local Law #6-2015 to the Village's Planning Board/Commission for an advisory report, and in a report dated and received by the Board of Trustees on January 6, 2016, the Village's Planning Board/Commission stated that it voted unanimously to recommend adoption of proposed Local Law # 6-2015; and

WHEREAS, a public hearing on proposed Local Law #6-2015 was duly held on January 11, 2016, at 7:30 p.m., during which public comments on the proposed local law were heard,

NOW, THEREFORE, BE IT RESOLVED: that the Board of Trustees finds that the proposed temporary moratorium is required in the public interest and is in furtherance of the purposes set forth in Article 7 of the New York State Village Law, and that such findings are set forth in the statement attached hereto,

AND BE IT FURTHER RESOLVED: that the Board of Trustees hereby adopts proposed Local Law #6-2015, thus establishing a temporary moratorium on certain land use applications that are pending or may be subsequently filed with the Village, and that upon adoption, proposed Local Law #6-2015 will become Local Law #1-2016;

AND BE IT FURTHER RESOLVED: that the Board of Trustees directs Village staff to file, publish and circulate Local Law #1-2016 in accordance with applicable law and regulations.

FINDING STATEMENT REGARDING
PROPOSED LOCAL LAW #6-2015

Over the last few years, the Village of Larchmont has experienced an increase in applications for approval of projects involving the apportionment or subdivision of existing lots in residential zoning districts. These projects have involved either the development of additional single-family homes on the newly created lots or the demolition of existing homes to make room for additional and/or larger houses.

For example, since just the latter half of 2013, the Village has received application materials for four separate projects involving the tear down and replacement of one single-family home with multiple single-family homes. As proposed, these projects would replace four single-family homes with twelve new single-family homes, thereby tripling the number of original homes on those original lots. In the four to five years leading up to that time, the Village did not receive *any* application materials for similar projects.

The Village expects to continue receiving similar applications, which are being supported by the current real estate market, and the Board of Trustees has grown concerned about continual increases in housing and buildings, both in terms of number and size. The trend to remove one home and replace it with a larger home has been building for a while, but the trend to develop multiple homes where one stood has emerged more recently. If not controlled appropriately, these trends have the potential to impact negatively the Village's residents and the Village's environment, character, infrastructure, and provision of services. Some of the important issues involved are change in the Village's unique architectural character, exacerbation of flooding issues that have become particularly problematic with recent weather trends, the impact of rock removal, and effects on our strained 125-year-old water and sewer infrastructure. The Board believes we have reached a tipping point where each new project may well make a significant difference.

As these negative impacts could be irreversible, the Board of Trustees believes it is in the best interest of the Village to study, identify and address present and future development impacts and needs, especially with respect to the appropriate degree to which property divisions should be permitted in various zoning districts. Such an analysis would consider the Village as a whole, rather than on a case-by-case basis.

To that end, the Village engaged the services of Phillips Preiss Grygiel LLC, a professional planning consultant firm, to work with the Village in such analysis. Engaging in such analysis is in keeping with the Village's Master Plan, which contemplated the potential negative impacts from excessive subdivision of larger lots and encouraged being mindful of such land uses, and, where appropriate, taking action. That the Village, which is one-square mile, has encountered four new projects over the course of two to three years, where none occurred many years before, is not something that can be ignored.

In a one-square mile area that is already heavily developed, without much open and developable land, and bound on one side by Long Island Sound, the potential impacts of allowing these kinds of projects to continue without appropriate limits and controls are not small matters. The temporary moratorium is specifically designed to guard against issues that comprehensive zoning regulations intend to address, such as promoting health and the general welfare, providing adequate light and air, preventing the overcrowding of land, avoiding undue concentration of population, and facilitating the adequate provision of transportation, water, sewerage, parks, and other public improvements and requirements. These are some of the purposes set forth in Article 7 of the New York State Village Law, and the Board determines that the proposed temporary moratorium furthers such purposes.

At the same time, however, the Board recognizes in certain circumstances, application of the temporary moratorium would cause an undue hardship. The exceptions to the temporary moratorium and the variance procedure listed in the proposed local law are, therefore, appropriate.

For the foregoing reasons, the Board finds, therefore, that it is in the best interests of the Village to enact the temporary moratorium set forth in proposed Local Law # 6-2015 until the Village completes its planning studies and the Board considers and enacts comprehensive zoning changes, as appropriate.

ADOPTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF LARCHMONT ON JANUARY 11, 2016

Local Law # 1-2016

A local law to establish a temporary moratorium on certain land use applications that are pending or may be subsequently filed with the Village of Larchmont

Be it enacted by the Board of Trustees of the Village of Larchmont as follows:

Section One. Purpose, Intent, and Findings.

Recently, the Village of Larchmont has experienced an increase in applications to apportion or subdivide existing lots in residential zoning districts and to develop additional single-family homes on the newly created lots. Applications have also involved the teardown of existing homes to make room for additional and/or larger houses. The Village anticipates continuing to receive similar applications. Over time, the replacement of one single-family home with multiple and/or significantly larger single-family homes has the potential to impact negatively the Village's residents, the Village's character, infrastructure, and provision of services, and such impacts could be irreversible.

The Village's Board of Trustees believes it is in the best interest of the Village to enact a temporary moratorium applicable to the Village's zoning districts designated below on the acceptance, consideration, and approval of certain kinds of land use applications such as applications for subdivision, demolition permits, site plan approval, building permits, variances, and special permits. The Village has engaged the services of a professional planning consultant firm to work with the Village on the preparation of a study and analysis of the zoning districts identified below in order to identify and address present and future development impacts and needs, especially with respect to the appropriate degree to which property divisions should be permitted in various zoning districts.

This moratorium is intended to ensure that no approvals of applications listed below are granted until the Village completes its planning studies and the Board of Trustees considers and enacts comprehensive zoning changes, as appropriate.

Section Two. Authority.

The Board of Trustees of the Village of Larchmont is authorized to adopt this local law pursuant to Article IX of the New York State Constitution, the Municipal Home Rule Law, the relevant provisions of the Village Law of the State of New York, and the general police power vested with the Village of Larchmont to promote the health, safety, and welfare of all of the residents and property owners in the Village.

Section Three. Definitions.

For the purpose of this local law, unless specified below, all terms shall be as defined in the Zoning Law of the Village of Larchmont, New York of 2005 (Chapter 381 of the Village Code), the Site Plan Approval Law of the Village of Larchmont (Chapter 361 of the Village Code)and Regulations for the Approvals of Subdivision Plats in the Village of Larchmont (Chapter 367 of the Village Code).

Section Four. Affected Zoning Districts.

This local law is applicable to the following zoning districts only:

R-30	One-Family Residence District
R-20	One-Family Residence District
R-15	One-Family Residence District
R-12.5	One-Family Residence District
R-10	One-Family Residence District
R-7.5	One-Family Residence District and Townhouse District
R-5	One-Family Residence District
W	Waterfront Coastal Zone District

Section Five. Duration.

The provisions of this local law shall be in effect for a period of six (6) months from the effective date hereof unless earlier repealed, modified, extended, or supplemented by further local law of the Village of Larchmont.

Section Six. Moratorium.

1. No board, commission, agency, department, officer, employee, consultant, or agent of the Village of Larchmont shall accept for review, continue review, hold a hearing, or make any decision upon any application for a subdivision whether that subdivision application was submitted prior to or after the effective date of this law. This law applies to subdivisions as defined in Chapter 367 and Chapter 381 of the Village of Larchmont Code. The state statutory and locally-enacted time periods for processing and making decisions and all aspects of subdivision approval (including, but not limited to, prepreliminary, preliminary, and final subdivision plats) are suspended and stayed while this local law is in effect.
2. No board, commission, agency, department, officer, employee, consultant, or agent of the Village of Larchmont shall accept for review, continue review, hold a hearing on, continue a hearing, or make any decision upon any application for site plan approval or special permit approval involving the demolition, creation, or replacement of a dwelling unit, whether said application was submitted prior to or after the effective date of this local law. The state statutory and locally-enacted time periods for processing and making decisions on all aspects of applications for site plan approval and special permits as indicated are suspended and stayed while this local law is in effect.
3. No board, commission, agency, department, officer, employee, consultant, or agent of the Village of Larchmont shall accept for review, continue review, hold a hearing on, continue a hearing, or make any decision upon any application for approval of a demolition permit for the demolition of all or any part of a one-family residential structure, except in connection with an interior renovation in contemplation of continued use of the structure for residential purposes, whether said application was submitted prior to or after the effective date of this local law. The state statutory and locally-enacted time periods for processing and making decisions on all aspects of applications involving such demolition are suspended and stayed while this local law is in effect.
4. No board, commission, agency, department, officer, employee, consultant, or agent of the Village of Larchmont shall accept for review, continue review, hold a hearing on, continue a hearing, or make any decision upon any application for a variance from any state or local land use law that involves the demolition, creation, or replacement a dwelling unit, whether said application was submitted prior to or after the effective date of this local law. The state statutory and locally-enacted time periods for processing and making decisions on all aspects of applications for a variance(s) from any state or local land use law as indicated are suspended and stayed while this local law is in effect.

Section Seven. Exceptions.

This local law shall not apply to:

1. Applications for residential subdivision, residential special permit, and/or residential site plan approval pending before any Village board provided such applications either have received preliminary subdivision approval and/or a negative declaration and/or a findings statement pursuant to the State Environmental Quality Review Act (SEQRA) and the regulations thereunder on or before the effective date of this local law.
2. Lot line adjustments where no new lots are being created and no additional dwelling unit(s) are being constructed.
3. An existing valid building permit and substantial construction having commenced in reliance thereon.
4. The issuance of a building permit required in connection with the ordinary repairs, maintenance, and/or interior renovations of a structure, and minor exterior changes such as a replacement of windows.
5. The issuance of a certificate of occupancy in connection with the completion of a project that obtained prior site plan approval or subdivision approval and for which building permits were issued and substantial construction commenced.

Section Eight. Appeal Procedures.

1. The Board of Trustees shall have the authority to vary or waive the application of any provision of this local law, in its legislative discretion, upon its determination that such variance or waiver is required to alleviate an unnecessary hardship affecting a lot. To grant such a request, the Board of Trustees must find that a variance or waiver will not adversely affect the purpose of this local law, the health, safety, or welfare of the Village of Larchmont, nor will it substantially undermine the land use planning and potential revision process under review. The Board of Trustees shall take into account the existing land use in the immediate vicinity of the property and the impact of the variance or waiver on infrastructure, neighborhood and community character, natural resources, government services, and other environmental issues. The development application must comply with all other applicable provisions of the Village's local laws and Village Code.
2. Any application for a variance or waiver shall be filed with the Village Clerk and shall include a fee of two hundred ($200) dollars for the processing of such application. An application for a variance or waiver shall contain the complete details of the proposed improvement project. To the extent that the Board of Trustees requires a consultant to assist it in reviewing such application, it may also require the applicant to pay the reasonable costs of such consultant. Any consultant shall be selected in the sole discretion of the Board of Trustees.

3. In the sole discretion of the Board of Trustees, the Board may refer any application for a variance or waiver of this local law to any official, department, and/or land use board. The Board of Trustees shall not be bound by any recommendation of any official, department, or land use board and shall conduct a public hearing and make a final decision on the application, with or without conditions. The Board of Trustees shall render a decision on an application for a variance or waiver of this local law within thirty (30) calendar days of the Village Clerk's receipt of a complete application.

4. The Board of Trustees shall notify the applicant of the Board's decision to approve, approve with conditions, or deny an application to vary or waive the application of any provision of this local law. In the event that the Board of Trustees determines to approve such application, the applicant may seek approvals from the relevant officials and/or land use boards under the terms set forth within the Board of Trustee's decision.

Section Nine. Conflicts with State Statutes and Local Laws and Authority to Supersede.

To the extent that any provisions of this local law are in conflict with or are construed as inconsistent with the provisions of the New York State Village Law or any local ordinance, law, or regulation, this local law supersedes, amends, and takes precedence over the Village Law and such local ordinances, laws or regulations, including but not limited to: the receipt, consideration of, and action on variance applications (§§ 7-712-a and 7-712-b of the Village Law, Article X of Chapter 381 of the Code of the Village of Larchmont), site plan applications (§ 7-725-a of the Village Law, Chapter 361 of the Code of the Village of Larchmont), special use permit applications (§ 7-725-b of the Village Law, Article VI of the Code of the Village of Larchmont), subdivision applications (§§ 7-728, 7-730, 7-732, 7-738 of the Village Law, Chapter 367 of the Code of the Village of Larchmont), and Building Department permit applications (New York State Uniform Fire Prevention and Building Code and Chapter 334 of the Code of the Village of Larchmont), pursuant to the Village's municipal home rule powers pursuant to Municipal Home Rule Law § 10 and § 22 to supersede any inconsistent authority. Pursuant to the same powers, and without limiting the generality of the foregoing, this local law supersedes the provisions contained in Article 8 of the Environmental Conservation Law (known as the State Environmental Quality Review Act) and the regulations thereunder to the extent that such provisions require that an agency determine the environmental significance of an application within certain specified timeframes.

Section Ten. Severability.

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 Eleven. Effective Date.

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

Next to address the Board was Andrew Mallon from Synergy Management who are seeking to solicit in the Village on behalf of Verizon FIOS. Mr. Mallon stated his company would like to go door to door in the Village between the hours of 11:00 AM – 7:30 PM, Monday through Saturday for a three month period. Mayor McAndrews informed Mr. Mallon that there is no soliciting in the Village on Sundays. Trustee Kolbert asked that properties with "No Solicitation" signs on them be honored. Mr. Mallon agreed.

RESOLUTION
Approve **S**olicitor's Permit
Synergy Mgnt.

On motion of Trustee Komar, seconded by Trustee Kolbert, and unanimously carried, it was:

RESOLVED, to approve the application of Synergy Management to solicit in the Village on behalf of Verizon FOiS, Monday – Saturday, 11:00 AM- 7:30 PM, for a three month period of time, pending Police Department background checks.

RESOLUTION
Hold **P**ublic Hearing
Tax Cap FY 2016-17
2/8/16

On motion of Trustee Walsh, seconded by Trustee Kolbert, and unanimously carried, the following resolution was adopted:

RESOLVED, that a Public Hearing is hereby scheduled by the Board of Trustees of the Village of Larchmont to be held in the Court Room in Village Hall on Monday, February 08, 2016, at 7:30 PM to review a local law authorizing the Board of Trustees to adopt a budget for the 2016-2017 Fiscal Year that requires a real property tax levy in excess of the amount otherwise prescribed in the General Municipal Law §3-c, as attached hereto and made a part hereof; and be it further

RESOLVED, that the Village Clerk is hereby directed to advertise said Public Hearing.

RESOLUTION
Amend agreement w/ **N**anna, A. **W**ater **M**eter Replacement Project

On motion of Trustee Komar, seconded by Trustee Walsh, and unanimously carried, the following resolution was adopted:

WHEREAS, in June of 2015 the Village Board approved a contract with Rio Supply Inc. to furnish, deliver and install water meters and related meter reading components for the entire water system comprised of approximately 1,700 water meters; and

WHEREAS, at its August 17, 2015 meeting the Village Board engaged the services of Angelo Nanna, to serve as the Project Manager of the Village-wide Water Meter Replacement Project; and

WHEREAS, Mr. Nanna has been performing his duties exceptionally well, contributing to the timely upgrade of 70% of the water meters in the Village, coordinating the contractor and Village staff, responding to inquiries from the public and assisting the Village with its recent water billing; and

WHEREAS, as of December 31, 2015 at total of $11,390 of the $12,500 agreement had been expended with additional work required to resolve the remaining 431 water accounts which have not yet scheduled an appointment to change the meter and to finalize the water utility database that will be incorporated into the Village's new utility billing software this spring; and

WHEREAS, Section 3 of the September 8, 2015 agreement (attached) between the Village and Mr. Nanna allows the Village Administrator to exceed $12,500 with the prior approval of the Village Board; now therefore be it

RESOLVED, that the Village Administrator is herein authorized to exceed the total compensation to Mr. Nanna pursuant to the agreement, in a revised amount not to exceed $20,000; and be it further

RESOLVED, that the cost of the amendment be charged to the appropriate Capital Budget Account as determined by the Village Treasurer.

On motion of Trustee Kolbert, seconded by Trustee Walsh, and unanimously carried, the following resolution was adopted:

RESOLVED, that the Village Administrator is authorized to hire up to four (4) election inspectors at an hourly rate of $20 per hour to inspect the Village Election to be held on Tuesday, March 15, 2016 between the hours of 7:00 a.m. and 9:00 p.m.

Mayor McAndrews announced at a work session on December 21, 2015, the Board approved Abstract Audit Voucher # 9, in the amount of $628,148.02.

Administrator Datino said that on October 19, 2015, the Board adopted Local Law No. 4-2015 that allowed the Village through Sustainable Westchester to join the Community Choice Aggregation. A memorandum of understanding is before the Board for approval so the CCA may move forward.

Attorney Feldman said some of the service companies will not bid unless they have a commitment from the communities involved.

Trustee Komar asked if there was any information on pricing so it can be determined if what Con Ed is currently charging and if the margin of savings through the CCA is worth it. Attorney Feldman replied that the information on pricing is to come.

Trustee Kolbert said that it is the goal of Sustainable Westchester to have communities working together so to provide more clout when it comes to pricing. There will be two prices, 1) current way and 2) opt up –wind & solar. She added residents will be able to opt out of CCA if they so choose.

RESOLUTION
Approve **M**emorandum of Understanding w/ **S**ustainable Westchester **C**ommunity Choice Aggregation

On motion of Trustee Kolbert, seconded by Trustee Walsh, and unanimously carried, the following resolution, pending Village Attorney's office approval, was adopted:

This Memorandum of Understanding is entered into by and between:

Sustainable Westchester, Inc, a New York not-for-profit corporation, and Village of Larchmont, a local government member of Sustainable Westchester, Inc.

1. **Background:**
   a. In February 2015, the New York Public Service Commission issued an Order for Case 14-M-0564 as follows: "The Petition of Sustainable Westchester is granted to the extent that its municipal members are authorized to undertake a Community Choice Aggregation demonstration project consistent with the discussion in the body of this Order…" (Attached as Exhibit 1.)
   a. The **Village of Larchmont** has adopted local legislation to enable Community Choice Aggregation and a local resolution expressing the intent to participate in Community Choice Aggregation ("Intent-to-Participate Resolution").
   b. As a member of Sustainable Westchester in good standing, the **Village of Larchmont** wishes to engage the services of Sustainable Westchester as the Program Manager for Community Choice Aggregation for the Operation and Maintenance of the Program.

c. Sustainable Westchester will serve as Program Manager under the terms of the Electric Service Agreement (attached as Exhibit B) on behalf of any member municipality that executes the Electric Service Agreement and otherwise qualifies for the Program, thereby creating a new, shared service among the participating cities, towns and villages of Westchester County.

2. Definitions:

a. **Bundled Customers** – Residential and Small Commercial customers of electricity or natural gas ("fuels") who are purchasing the fuels from the Distribution Utility.

b. **Community Choice Aggregation Program or CCA Program or Program**– A municipal energy procurement program, which replaces the incumbent utility as the default Supplier for all Bundled Customers within the Participating Municipality, as defined in the February Order.

c. **Competitive Supplier:** An entity duly authorized to conduct business in the State of New York as an energy service company (ESCO) that procures electric power and natural gas for Bundled Customers in connection with this CCA Program.

d. **Compliant Bid:** Electric power supply bid from a Competitive Supplier that meets the requirements specified in the Intent-to-Participate Resolution and ESA. Compliant bids meet one of the following criteria:
   i. the default price is guaranteed to be consistently less than the Distribution Utility price for the same period; or
   ii. the default price is fixed at a level that is less than the average utility price for the same commodity, for the same customer class, over the Preceding Twelve Month Period (as defined below); or
   iii. the default price is at first set at a level that is less than the average utility price for electricity, for the same customer class, over the Preceding Twelve Month Period, and only floats upward by less than twenty-five percent (25%) of the price increases implemented by the utilities

e. **Electric Service Agreement (ESA)**: The Electric Service Agreement that contains all the terms and condition appertaining the energy procurement request published by the Program Manager on behalf of the Participating Municipalities. (Attached as Exhibit B.)

f. **February Order:** February 26, 2015 "Order Granting Petition in Part" issued by PSC in Case 14-M-0564, "Petition of Sustainable Westchester for Expedited Approval for the Implementation of a Pilot Community Choice Aggregation Program within the County of Westchester." (Attached as Exhibit 1.)

g. **Independent Review**: An assessment of each Competitive Supplier's response by an independent accountant or other qualified consultant that is selected by the Program Manager (as defined below), to be undertaken on behalf of and paid for by the Program Manager. For each Competitive Supplier's response, such assessment will include a determination of (i) the creditworthiness of the Competitive Supplier or adequate documentation of alternative credit arrangement that is at least as secure as a credit-worthy Competitive Supplier, and (ii) compliance with respect to pricing, as outlined in these definitions and in each Intent-to-Participate Resolution (as defined below).
h. **Intent-to-Participate Resolution**: Local resolution adopted by Municipality authorizing their participation in the Program and defining the conditions of that participation (e.g. pricing compliance).
i. **Distribution Utility:** Owner or controller of the means of distribution of the natural gas or electricity that is regulated by the Public Service Commission in the Participating Municipality.
j. **Participating Municipality**: A dues-paying municipal member of Sustainable Westchester Inc, which has adopted the applicable local legislation and Intent-to-Participate Resolution for the Community Choice Aggregation Program.
k. **Preceding Twelve Month Period**: For purposes of evaluating a Compliant Bid, the most recent twelve month period for which the applicable information is available.
l. **Program Manager:** Sustainable Westchester, Inc, a non-profit corporation of which the Participating Municipality is a member, authorized by the Public Service Commission per Order for Case 14-M-0564 "to undertake a Community Choice Aggregation demonstration project."
m. **Public Service Commission**: The New York State Public Service Commission or the New York State Department of Public Service acting as staff on behalf of the Public Service Commission (PSC).

3. Purpose: The purpose of the Memorandum of Understanding is as follows:

a. To establish participation by **Village of Larchmont (hereafter, the "Participating Municipality")** in a Community Choice (Energy) Aggregation Program (hereafter, the "Program) that will be managed on its behalf by **Sustainable Westchester, Inc (hereafter, the "Program Manager"),** under the terms outlined in the attached Electric Service Agreement (Attached as Exhibit 2)*;*
b. To affirm that the Participating Municipality and Program Manager agree to adhere to the terms and conditions of the attached Electric Service Agreement in the event they execute the agreement as outlined in 3(c), below
c. To affirm that the Participating Municipality and Program Manager agree to execute the Electric Service Agreement, subject to the conditions of review and approval outlined in 4(c)(i), 4(c)(ii), 4(c)(iii), 5(a)(i), and 5(a)(ii), outlined below.

4. **Roles and responsibilities of the Program Manager**: As Program Manager, Sustainable Westchester Inc agrees to perform all duties outlined in the Electric Service Agreement and, prior to execution of that agreement, Program Manager agrees to:
    a. Provide the involved agencies and parties to the February Order, such as but not limited to the Public Service Commission or Local Distribution Utility, requested information about and documentation of the actions undertaken by the Participating Municipality in furtherance of enabling participation in the Program;
    b. Manage the energy procurement bidding process including:
        i. the identification and notification of potential firms seeking to be the Competitive Supplier,
        ii. the Request for Proposals process from preparation of the content to the publication of the Request and management of firms responding to the Request,
        iii. the preparation of the Electric Service Agreement that will be included in the Request,
        iv. the acceptance and secure opening of the responses to the Request, and
        v. the organizing and procuring of the Independent Review, all in a manner that is transparent to the Participating Municipality and firms seeking to be the Competitive Supplier;
    c. Sign the Electric Service Agreement in a timely fashion subject to the conditions that:
        i. the Competitive Supplier is deemed creditworthy for the duration of the Electric Service Agreement by the Independent Review, or
        ii. the Competitive Supplier arranges alternative credit terms that are, at a minimum, as secure as those achieved with a creditworthy Supplier as deemed by the Independent Review, and
        iii. the Competitive Supplier's response to the Energy Procurement Request for Proposals is deemed a Compliant Bid as defined in Section 2, above, by an Independent Review; and
    d. Fulfill any other responsibilities as may reasonably adhere to facilitating the implementation of the Program, subject to the Program Manager's inherent and original role as an organization driven by the deliberated priorities of its constituent member municipalities.

e.

5. **Roles and responsibilities of the Participating Municipality**: As a Participating Municipality, the **Village of Larchmont** agrees to:
   a. Sign the Electric Service Agreement in a timely fashion subject to the conditions that:
      i. the Competitive Supplier is deemed creditworthy for the duration of the Electric Service Agreement by the Independent Review, or
      ii. the Competitive Supplier arranges alternative credit terms that are, at a minimum, as secure as those achieved with a creditworthy Competitive Supplier as deemed by the Independent Review, and such Competitive Supplier's response to the Energy Procurement Request for Proposals is deemed a Compliant Bid by the Independent Review.

6. **Term:** Memorandum of Understanding shall expire on the earlier of April 30, 2017 or the date on which the Electric Service Agreement is signed by all three counterparties to the Electric Service Agreement.

RESOLUTION
Approve **m**inutes 11/16/15

On motion of Trustee Komar, seconded by Trustee Walsh, and unanimously carried, it was:

RESOLVED, to approve the minutes of the meeting held on November 16, 2015.

RESOLUTION
Approve **m**inutes 12/14/15

On motion of Trustee Kolbert, seconded by Trustee Walsh, and unanimously carried, it was:

RESOLVED, to approve the minutes of the meeting held on December 14, 2015.

RESOLUTION
Approve **m**inutes **W**ork Session 11/30/15

On motion of Trustee Komar, seconded by Trustee Walsh, and unanimously carried, it was:

RESOLVED, to approve the minutes of the work session meeting held on November 30, 2016.

Trustees Report

Trustee Kolbert made the following report.

1. The Library is still closed for renovation but residents can still get books and videos by either going to the website or in person at the Village Center.
2. On Sunday January 31st, the Annual Watanabe Concert will be held in the Social Hall at the Larchmont Temple. Refreshments will be served at 3:30 PM and the concert will start at 4:00 PM. This event is sponsored by the Friends of the Library.

On motion of Trustee Kolbert, seconded by Trustee Komar, and unanimously carried, it was:

RESOLVED, that Abstract Audit Voucher #10, dated January 11, 2016, in the amount of $622,596.49, per copies filed with the Clerk, be paid, subject to confirmation and approval of Trustee Walsh.

Mayor McAndrews thanked Attorney's Staudt, Feldman and Administrator Datino for their efforts on this meeting. Also the next meeting will be February 8, 2016 in Village Hall.

On motion of Trustee Komar, seconded by Trustee Walsh, and unanimously carried, the meeting adjourned at 9:51 PM.