

Minutes of the Regular Meeting
of the Board of Trustees of the
Village of Larchmont, N.Y.
held on Monday, September 16, 2019

PRESENT: Mayor Lorraine Walsh
Trustees Carol Casazza Herman
Malcolm Frouman
Sarah Bauer

ABSENT: Trustee Peter Fanelli

Also present: Dep. Clerk Rilley, Attorney Staudt,
Administrator Datino, Treasurer Siegrist

Mayor Walsh welcomed all in attendance and called to meeting to order at 7:35 PM and informed the large audience where the emergency exits are.

The Mayor said this past Saturday was Larchmont Day. There was music, food, games and tables manned by community groups. Thanks to the vendors, local merchants, Girl Scouts, Town Highway Department, Police, Fire and Public Works Departments and all the volunteers.

On motion of Trustee Frouman, seconded by Trustee Bauer, and unanimously carried, it was:

RESOLVED, to approve Andrew Allocco as a volunteer member of the Fire Department.

Treasurer made the following report.

First quarter financial statement for Fiscal Year 2019-20.

1. Building permit revenue for 1st quarter is up from last year by \$176,898.
2. Collection of Village taxes as of August 31, 2019 is at 97.01%.
3. Preliminary audit has been completed. Full Audit will take place on October 15, 2019.
4. Mooney's Investors has given the Village a strong credit rating of Aaa.

Trustee Herman thanked the Treasurer and the Budget and Finance Committee for their efforts on the 1st quarter financial report.

Next Mayor Walsh said that on this evening's agenda, there are 3 public hearing scheduled. The first is a proposed addition to the property maintenance law.

On motion of Trustee Bauer, seconded by Trustee Frouman, and unanimously carried, it was:

RESOLVED, to open the Public Hearing to review and take comment on a proposed addition to Chapter 215 of the Village of Larchmont Code.

The Mayor asked if anyone would like to comment on the proposed law. There were none. She asked if any member of the Board would like to comment. There were none.

On motion of Trustee Frouman, seconded by Trustee Herman, and unanimously carried, it was:

RESOLVED, to close the Public Hearing.

On motion of Trustee Bauer, seconded by Trustee Herman, and unanimously carried, it was:

RESOLVED, to adopt Local Law #1-2019 to add to Chapter 215 of the Code of the Village of Larchmont, a new section, 215-13A.

Local Law Number 1 -2019 of the Village of Larchmont

§1 There is hereby added to Chapter 215 of the code of the Village of Larchmont a new section 215-13A. to read as follows:

§ 215-13A

(1) Removal of Signage; Covering required.

When a commercial or retail establishment in the Village of Larchmont has become vacant and has remained vacant for a period in excess of 30 days, the owner, lessee or other responsible individual or entity shall remove all signage from windows, including windows in doors, and place a covering in the storefront to block the view of the interior of the premises to public view. The covering shall be of such material as provided below.

(2) Covering specifications. The covering may consist of:

A. Frosted translucent window film adhered to the interior of window, covering the entire window, including windows in doors, with the exception of a "For Lease" sign in compliance with the appropriate code.

(3) Maintenance of window display areas.

Any and all window display areas shall be kept clean, free of hazard and free of debris. Further, cracked or broken glass display windows shall be replaced with glass.

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

The second public hearing is to amend Chapter 97, the Animals Law concerning the disposal of dog waste.

On motion of Trustee Herman, seconded by Trustee Frouman, and unanimously carried, it was:

RESOLVED, to open the Public Hearing to review and take comment on a proposed amendment to Chapter 97 of the Animals Law of the Village of Larchmont Code.

The Mayor asked if anyone would like to comment on the proposed law. There were none. She asked if any member of the Board would like to comment. There were none.

A member of the audience asked what the fine was and Attorney Staudt said it could be as much as \$500.

Trustee Herman thanked the Mayor for her efforts on this matter.

On motion of Trustee Herman, seconded by Trustee Bauer, and unanimously carried, it was:

RESOLVED, to close the Public Hearing.

On motion of Trustee Herman, seconded by Trustee Bauer, and unanimously carried, it was:

RESOLVED, to adopt Local Law #2-2019, to amend the Animals Law of the Code of the Village of Larchmont Chapter 97, by revising the requirements for Dog Waste Disposal.

LOCAL LAW 2 OF 2019

A LOCAL LAW TO AMEND THE ANIMALS LAW OF THE CODE OF THE VILLAGE OF LARCHMONT, CHAPTER 97, BY REVISING THE REQUIREMENTS FOR DISPOSAL OF DOG WASTE

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

Section One: Section 97-10 of the Code of the Village of Larchmont is hereby revised in its entirety as follows:

§ 97-10. Responsibility of keeper.

- A. Any person who is the owner, keeper, harbinger, person in charge of or person walking a dog shall immediately pick up any feces expelled by such dog on any public or any private property, the owner of which has not given permission therefor, and either remove them to such person's own premises or deposit them in a public container lawfully used for the disposal of refuse.
- B. If the fecal matter is deposited in a public waste receptacle, it shall first be placed in a closed, sealed bag or container. In no event shall any feces, nor any bag or container containing feces, be deposited in:
 - (1) Sewers or drains, whether storm or sanitary; nor
 - (2) A private waste receptacle, the owner of which has not given permission therefor.
- C. This Section 97-10 shall not be applicable to a blind or visually impaired person while actually using a guide dog (as that term is defined in the Agriculture and Markets Law of the State of New York) which is duly licensed pursuant to New York law and this Chapter.

Section Two: 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 Three: Effective Date. This Local Law shall take effect immediately upon filing with the Secretary of State.

Mayor Walsh read the following:

- On April 12, 2019 our Board received a Petition from Elk Chatsworth, LP to amend our Zoning Code to include a Mixed Use Public Amenity Special Permit which could be applied to properties with frontage on Chatsworth Avenue, between Palmer Avenue and Vanderburgh. Tonight's Public Hearing is to receive comments from the public on the proposed Zoning Code Amendment.

- By way of background on the process the Village has undertaken for review of this proposal:
 - On May 14 our Board held a joint meeting with the Village Planning Board where the proposal was introduced and the Planning Board offered preliminary comments.

 - On June 20 our Board conducted a joint meeting with the Village's Board of Architectural Review where the project was discussed and the Board of Architectural Review offered comments.

 - Between May 21 and July 30 the Planning Board held 4 meetings regarding the proposal, including a public hearing session.

 - On August 23rd the Planning Board transmitted its formal Memorandum to our Board providing its comments on the Zoning Amendment proposal.

 - Following our meeting with the Architectural Review Board we also received their written comments regarding the proposed Zoning Amendment.

 - We also transmitted the proposal to the Westchester County Planning Department, and we have received comments back from Westchester County Planning.

 - Interested neighbors have also addressed our Board regarding the proposal, including at a work session meeting we conducted with the neighbors on June 17.

- Following the issuance of the Planning Board's memo, the Village's Planning Consultant issued a Memorandum to us, which has been transmitted to the applicant, requesting additional information to inform the SEQRA Review which this Board will be conducting as Lead Agency. We will be reviewing that information when it is submitted.
- The purpose of tonight's meeting is to take input from any member of the public who wishes to comment on the proposed Zoning Amendment.
- For our Board, tonight is to listen. We will not be deliberating on the application tonight, and we will not be rendering any decisions. It is possible, that after tonight's hearing, we will be asking the applicant for additional information.
- As to the process regarding the Zoning Amendment after tonight: once all of the information is in, our Board will begin our deliberation on the Zoning Amendment proposal. I cannot give you a timetable for that deliberation process right now until we know when all information is in and work on scheduling. What I can tell you is that our deliberations will be conducted at open public meetings, and the public will be informed in advance of when those meetings will be held.
- As I think most of you know, if the zoning is approved, it will facilitate the development of the applicant's property and the Village's parking lot property which most people know as the Food Horizon property and the Wendt Avenue parking lot property. While tonight's hearing is only about the Zoning Amendment, we have asked the applicant for the Zoning Amendment to briefly present the proposed Amendment to the members of the audience, and to show the development they propose for their property if the Zoning Amendment is approved. If the Zoning Amendment is approved, the applicant will be required to go through separate Special Permit and Site Plan Application processes regarding the specifics of their proposed development, each of which will have their own public hearings.

On motion of Trustee Frouman, seconded by Trustee Bauer, and unanimously carried, it was:

RESOLVED, to open the Public Hearing to review and take comment on a proposed amendment to Chapter 381: Zoning Code of the Village of Larchmont.

Next representatives of Elk Chatsworth, LP addressed the meeting. They were:

Jonathan Kraut & Leo Napier of Harfenist Kraut & Perlstein, LLP

Andrew Ostrander of Perkins-Eastman, Architectural Design

Nick Frezza of Walker Consultants, Parking Consultants

Some of the topics Mr. Kraut spoke on were: current condition of the proposed building site, increase to public parking site, rezoning, stormwater treatment and design changes since April presentation.

Mr. Ostrander presented drawings of changes made since the April presentation.

Mr. Frezza presented drawings of the parking garage underground for building residents and the 27 additional spaces to the public lot.

To listen to comments go to:

https://lmctv.org/videos_list/village-of-larchmont-board-of-trustees-meeting-9-16-19/

and Click "Item 3"

The following addressed the meeting on the proposed law and development.

1. Kate Bialo, 24 Elm Ave. Ms. Bialo read a prepared statement and submitted it with a petition for the record. SEE ATTACHED.
2. Kelly Brock, 16 Bayard St. & Preserve Larchmont. Ms. Brock read a prepared statement. She submitted a letter from Keane & Beane, the law firm representing Preserve Larchmont for the record. SEE ATTACHED.
3. Syrette Dym, 52 Wendt Ave. Ms. Dym read a prepared statement and submitted it for the record. SEE ATTACHED.
4. Todd Harrington
5. Greg Steinberg
6. Steve Keltz
7. Elliot Sclar
8. Alice Letardot
9. Philipa Wharton
10. Kristin Andersen
11. Rich Golden
12. Lynn Reichgott
13. Carol Akin, 1226 Palmer Ave.
14. Adam Reich, 227 Larchmont Ave.
15. Laura Smith
16. Jennifer Ogden, 21 Larchmont Ave.

Some topics speakers addressed the Board on: pedestrian and vehicle traffic, water runoff, school congestion, current and future infrastructure problems, size of the proposed structure, future developments, impact on the environment.

On motion of Trustee Herman, seconded by Trustee Bauer, and unanimously carried, it was:

RESOLVED, to adjourn the Public Hearing to October 21, 2019 at 7:30 PM.

Chief Poleway gave the following report.

1. As of August 24, 2019, New York educators, families and law enforcement can take legal action to potentially prevent violence when they spot so-called red flags in a person's behavior, which may indicate future violence. The suspect student or other community member may be posting threats on social media, making verbal threats or changing behaviors that appear as warning signs to others. The law, also known as the Extreme Risk Protection Order (ERPO) law, through a judicial process, prevents individuals who show signs of being a threat to themselves or others from purchasing or possessing any kind of firearm.

The law distinctly empowers school personnel to report their concerns and seek an emergency protection order based on a person's potential actions. Early intervention, such as a court-ordered ERPO, may save lives.

The NYS Red Flag law provides all necessary procedural safeguards to ensure that no firearm is removed without due process. New York is now one of 17 states with a red-flag law.

The United States Secret Service and the United States Department of Education studied targeted school violence incidents and found behavioral warning signs that caused others to be concerned in 93 percent of cases. They also found that in 81 percent of incidents, other people, most often the shooter's peers, had some type of knowledge about the shooter's plans.

If you are concerned someone you know or love, is in crisis, has access to weapons and has exhibited signs—whether in person or through social media—that he or she may hurt themselves or others, contact the district attorney's office or call your local police and tell them.

2. Westchester County Executive George Latimer has signed the "*Safe Leave*" For Domestic Violence Victims bill into law. The measure, which unanimously passed the county Board of Legislators, will give victims of domestic violence or human trafficking the ability to take "safe leave" from their jobs. This new law grants victims of these crimes the ability to take up to 40 hours of paid leave to attend or testify in court proceedings related to their situations, to move from an abuser's residence, or speak with lawyers or other advisers.

The most dangerous time for a victim is when they are leaving an abuser. Often, victims of domestic violence feel alone and unsupported and that the system meant to protect them is uncaring. This law is a major step forward for people who are victims of domestic violence so that they are able to get the support that they need in order to deal with their victimization and to know that they won't have to sacrifice their employment to do so.

3. On September 5th, Captain Rigano, Detective Pompillio, Officer Lent, and I attended a meeting at the Mamaroneck Town Center regarding school safety. Also in attendance were Chief Creazzo from the Town of Mamaroneck Police Department and Chief Leahy from the Village of Mamaroneck Police Department along with their respective youth officers. The meeting was hosted by Dr. Shaps and Sylvia Wallach, and it was intended to continue a dialogue in discussing ways in which all three municipalities can work together to improve communications as it relates to school safety and how we can coordinate our efforts to best respond to emergencies within the Mamaroneck School District. The meeting also gave us an opportunity to meet with Frank Corona who is the district's new head of security. These gatherings are invaluable in our efforts to solidify our relationships with our partners in education and law enforcement and they allow us to discuss evolving trends and best practices in terms of school safety.
4. I would like to remind all residents and motorists that school is now in session for both public and private schools. As a result, I urge all drivers to please be careful in and around school zones for children walking to and from school. The school zones are also designated speed zones and the village speed limit decreases from 30 MPH to 20 MPH in these areas. Also be mindful and watch for stopped school buses loading and unloading children. The NYSVTL requires vehicles to stop, in both directions, for school buses loading and unloading students. While police officers will be patrolling school zones for safety and driving violations we ask everyone to please slow down and be patient to ensure the well-being of all our students this school year.
5. The ban on the operation of all gas powered leaf-blowers within the Village, which has been in effect since June 1st, will end on October 1st. As you are aware, Village Code section 195-5 prohibits the use of these devices and anyone found in violation of this statute is subject to receiving a court appearance ticket and a fine. Again this year, the Larchmont Committee on the Environment sought to educate people on this issue and thereby gain voluntary compliance with the Village code. As part of this process, the police department also increased its' enforcement efforts and spoke with individual landscapers to inform them of the ban. The overall initiative was successful as we saw a decrease in the number of complaints being received as the summer progressed.

6. Our *Coffee With a Cop* community outreach program continues to expand and we will be hosting two more events this month. The first will be on Wednesday – October 2nd (National Coffee With a Cop Day) from 9:00 – 11:00 a.m. at Starbucks on Palmer Avenue. The second event will be held on Friday – October 25th, from 9:00 – 11:00 a.m. at La Pariesienne located just across the street on Boston Post Road. There was also a coffee with a cop event held recently at the Larchmont Farmers Market and a *Pizza With a Police Officer* event at Villa Maria. These gatherings allow police and community members to come together in an informal, neutral space to discuss community issues, build relationships, and drink coffee. We encourage our residents to stop by to say hello and enjoy a cup of coffee with some of our officers. Information is available on the police department's website at www.Larchmontpolice.org or the village website at www.villageoflarchmont.org
7. There have been several reports of larcenies from vehicles that have been parked in driveways and on the streets over the last several weeks. Residents are reminded to lock their vehicles and refrain from leaving valuables or electronic equipment inside when parked overnight.
8. 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 but call the 24 hour NYS Terrorism Tips Line at 866 SAFE-NYS (866-723-3697) or immediately call the Larchmont Police Department at (914)-834-1000 or simply dial 911.

Chief Poleway said that Millie Orsino a long time Village resident passed away at the age of 90. Mrs. Orsino was a crossing guard and the first matron the Police Department ever had. Condolences to her family.

Chief Caparelli made the following report.

1. The Larchmont Fire Department responded to 705 calls for assistance thus far in 2019.
Two alarms this month deserve mention.
2. On August 31, 2019 at approx... 1431 hrs. The Larchmont Fire Department was notified by retired Fire Lieutenant Bryan Doherty of a drowning victim being removed from the water by Manor Beach employees. Engine 33 with Lt. Martyn and FF Allen responded. Upon arrival they noticed lifeguards performing CPR on the patient and immediately took over patient care with the assistance of LPD. Chest compressions were continued until the arrival of an ambulance from Scarsdale where treatment continued inside the ambulance until the patient pulses were regained and the patient was attempting to breathe on his own. The patient was transported to New Rochelle Hospital where he underwent further treatment. This was an amazing effort by the lifeguards, John Keenan from Manor Beach, the firefighters, police and ambulance personnel all working together to assist this patient.

I can report that the patient suffered cardiac arrest while swimming preceding the near drowning. He did survive for a few days after this event which allowed his family to say their goodbyes but has since passed away.

3. On September 10, 2019 the fire Department was dispatched to a home under construction where a worker fell off a ladder into the basement suffering head, back and neck injuries rendering him unable to move. Lt. Martyn, FF's Bogart, Rosenberger and Jones along with Myself, LPD and LVAC personnel used the SKED stretched carried on all fire apparatus, in conjunction with the 4-1 rope system we were able to lift the patient from the basement to the first floor where he was placed on a stretcher and transported to New Rochelle Hospital. This again was a team effort where having the right equipment and trained personnel made all the difference.
4. On September 14, 2019 at approx. 0130 Engine 35 responded to the City of Rye for a fully involved structure fire. Engine 35 with Lt. John Adams, FF's Jones and Bogart responded to Rye headquarters and covered the City of Rye during this event. They returned to Larchmont at approx. 0730 hrs. Departments from all over Westchester County responded to assist Rye with this event.
5. I am pleased to report to you that our newest career firefighter, James Montemarano, hired August 12, 2019 is in his 5th week of an 18 week academy at the Westchester Fire Training Center in Valhalla. He is progressing well and will graduate on December 20, 2019.
6. The Volunteer staff had their 3rd annual clam back at Manor Beach this past weekend. The theme was to honor 50 year volunteer member Chief Donald Keck. There were family, friends and fellow fire department personnel as well as police and Village Board personnel attending to wish Chief Keck many more years of service.
7. The fire department's annual ladder testing of all our ground and aerial ladders as well as annual pump testing of all onboard apparatus fire pumps was conducted last week. This testing ensures all equipment is fully compliant with the latest standards and fully operational for immediate deployment during an emergency. I am happy to report that all pumps and ladders passed all tests.

All training is ongoing, all apparatus are in service and all equipment is operational.

Trustee Bauer made the following report.

1. Grade schooler Eli Goldfine donated the entire \$138 he made with his lemonade stand to the Library.
2. The Library programs this summer have had over 3,000 in participants.
3. The Library is working on the 2020 U.S. Census.

Trustee Herman gave the following report.

1. Parks & Trees Committee
2. The Trees for Larchmont program sponsored by the Parks & Trees Committee continues. As of today the Village has planted 39 trees and the private tree plantings are around 50.
3. The Flint Park Conservancy continues the review of the park including the playhouse, tennis hut and courts.

Trustee Frouman made the following report.

1. The Historic Preservation Task Force has been awarded a grant in the amount of \$10,000 from the Preservation League of New York for an historic survey of the Village.

Administrator Datino gave the following report.

1. The Pine Brook Park staircase was completed two weeks ago. Thanks to Rick Vetere and the DPW.
2. One of the DPW's dump trucks has been refurbished at the cost of \$20,000.
3. The Flint Park water main repair is still on hold while the Village waits on the reply from the Westchester County Dept of Health on the construction plan. The Village has also applied for a grant from the NYS Water fund.
4. The fall paving has been completed. The village is working with Con Ed on the spring paving schedule.
5. This past Thursday the bids for the Constitution Park Renovation Project were opened. Staff is reviewing the bids.

Mayor Walsh announced resolutions that were adopted at a recent work session.

1. Tuition Reimbursement- D. Rosenberg/ Fire Department

On motion of Trustee Herman, seconded by Trustee Frouman, and unanimously carried, it was:

RESOLVED, to approve the minutes of the meeting held on August 19, 2019.

On motion of Trustee Herman, seconded by Trustee Frouman, and unanimously carried, it was:

RESOLVED, to approve the minutes of the work session meeting held on August 19, 2019.

On motion of Trustee Herman, seconded by Trustee Frouman, and unanimously carried, it was:
RESOLVED, to approve the minutes of the work session meeting held on August 30, 2019.

Trustee Herman announced the payment of invoices prior to this evening's meeting in the amount of \$525,376.26.

On motion of Trustee Herman, seconded by Trustee Frouman, and unanimously carried, it was:
RESOLVED, that Abstract Audit Voucher #4, dated September 16, 2019, in the amount of \$397,031.16, per copies filed with the Clerk, be paid, subject to review of a discrepancy of \$500.

On motion of Trustee Bauer, seconded by Trustee Frouman and unanimously carried, the meeting adjourned at 10:33 PM.