

Minutes of the Regular Hearing
of the Board of Trustees of the
Village of Larchmont, N.Y.
held on Monday, August 16, 2021

PRESENT: Mayor Lorraine Walsh
Trustees Carol Casazza Herman
Peter Fanelli
Brigid Brennan

ABSENT: Trustee Sarah Bauer, Attorney Staudt,
Treasurer Gutwein

Also present: Dep. Clerk Rilley, Administrator Datino,
Dep. Treasurer Cazzorla

Mayor Walsh welcomed all in attendance and called the meeting to order at 7:40PM.

The Mayor said the rate of transmission of the Corona Virus has increased In Westchester County during July and August. All visitors entering Village Hall must wear a mask. Village employees who have shown proof of vaccination do not have to wear masks. Local business owners can ask customers to wear masks or not. Please respect the business owner's decision.

Mayor's
Announcements

Mayor Walsh said that there is a public hearing scheduled tonight to amend Chapter 381, Zoning, regarding permitted uses in the RB and RC Zoning Districts. Public and referral notices were sent to the Town, New Rochelle, CZMC and Westchester County. A notice was also published in the Journal News. The current version of the law has dog grooming and sales linked, and coffee shops and luncheonettes are currently illegal. Which we believe goes back to prohibition days, and we intend to separate them as district uses.

On motion of Trustee Herman, seconded by Trustee Brennan, and unanimously carried, it was:
RESOLVED, to open the Public Hearing on a Proposed Local Law to amend Chapter 381, Zoning, regarding Permitted Uses in the RB and RC Zoning Districts.

RESOLUTION
Open Public Hearing
Ch. 381 Zoning

The Mayor asked if the Board had any comments on the proposed local law? There were none.
Next Mayor Walsh asked if public had any comments on the proposed local law? There were none.

On motion of Trustee Brennan, seconded by Trustee Fanelli, and unanimously carried, it was:
RESOLVED, to close the Public Hearing.

RESOLUTION
Close Public Hearing

RESOLUTION

SEQRA

Neg. Dec. proposed

Local Law

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

**RESOLUTION DETERMINING SIGNIFICANCE
OF LOCAL LAW 9 of 2021**

WHEREAS, the Board of Trustees (the Board) of the Village of Larchmont (the Village) is considering taking an action to adopt a proposed local law, referred to as 9 of 2021, titled "A Local Law to Amend Chapter 381, Zoning, Regarding Permitted Uses in the RB and RC Zoning Districts"; and

WHEREAS, the Board, the only involved agency, reviewed and accepted the Environmental Assessment Form (EAF), Parts 1 and 2, prepared by the Village's consultants; and

WHEREAS, the Board has reviewed the criteria of significance set forth in the SEQRA regulations, and has reviewed and accepted Part 3 of the EAF prepared by the Village's consultants, attached hereto.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby determines that adoption of the Proposed Local Law is an Unlisted action under the New York State Environmental Quality Review Act and implementing regulations (collectively, SEQRA);

AND BE IT FURTHER RESOLVED for the reasons set forth in the Negative Declaration forms attached hereto, the Board of Trustees finds that adoption of the Proposed Local Law will not have a significant adverse impact on the environment and thus no Environmental Impact Statement is required.

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

RESOLUTION

Adopt L.L. No. 9-2021

Ch. 381 Zoning

**BOARD OF TRUSTEES
OF THE
VILLAGE OF LARCHMONT**

**RESOLUTION TO ADOPT
LOCAL LAW 9 of 2021**

WHEREAS, the Board of Trustees (the Board) of the Village of Larchmont (the Village) is considering taking an action to adopt a proposed local law, referred to as Local Law 9 of 2021, titled "A Local Law to Amend Chapter 381, Zoning, Regarding Permitted Uses in the RB and RC Zoning Districts"; and

WHEREAS, a public hearing on the Proposed Local Law was scheduled for August 16, 2021, 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 August 2, 2021, the Village received a response from the Westchester County Planning Board affirming that these are matters for local determination; and

WHEREAS, the Board referred the Proposed Local Law to the Village's Planning Board and received a response on August 13, 2021 indicating that they had no comments or objections to the Local Law; and

WHEREAS, the Board referred the Proposed Local Law to the Town of Mamaroneck / Village of Larchmont Coastal Zone Management Commission (the CZMC) on or about July 20, 2021 and the CZMC did not consider the Local Law at its July meeting, and does not meet in August; therefore, the CZMC will not be able to render an opinion regarding consistency with the Local Waterfront Revitalization Program (the LWRP) within 30 days of the referral, as provided in Village Code § 375-4.C(1); and

WHEREAS, a public hearing on the Proposed Local Law was duly held on August 16, 2021, at which time all those wishing to be heard were given the opportunity to be heard; and

WHEREAS, the Proposed Local Law is required in the public interest and in furtherance of the purposes set forth in Article 7 of the New York State Village Law (Village Law) because it permits additional commercial uses in the Village's two commercial districts and in doing so, will create new business opportunities.

NOW, THEREFORE, BE IT RESOLVED: that the Board of Trustees finds that adoption of the Proposed Local Law is consistent with the LWRP, finds that the Proposed Local Law is required in the public interest and is in furtherance of the purposes set forth in Article 7 of the Village Law;

AND BE IT FURTHER RESOLVED: that the Board of Trustees hereby adopts the Proposed Local Law, and that upon adoption, the Proposed Local Law will become a Local Law designated as follows: Local Law 9 of 2021; and

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

VILLAGE OF LARCHMONT
BOARD OF TRUSTEES
LOCAL LAW NO. 9-2021

A LOCAL LAW TO AMEND CHAPTER 381, ZONING,
REGARDING PERMITTED USES IN THE RB AND RC ZONING
DISTRICTS

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

Section 1: The Schedule of Use Regulations, Attachment 1 to Chapter 381 of the Code of the Village of Larchmont, is hereby revised to remove “Luncheonette, coffee shop, stationery shop as a principal use” from the list of Prohibited Uses.

Section 2: The Schedule of Use Regulations, Attachment 1 to Chapter 381 of the Code of the Village of Larchmont, is hereby amended with regard to the principal uses of Pet sales establishments and Pet grooming establishments, Coffee shops, and Stationery shops, to read as follows. With regard to all other uses the Schedule (including any notes) shall remain as-is:

| Principal Uses | 30 | 20 | 15 | 12.5 | 10 | 7.5 | 5 | F | B | C |
|----------------------------|----|----|----|------|----|-----|---|---|---|---|
| Pet sales establishment | | | | | | | | | P | |
| Pet grooming establishment | | | | | | | | | | |
| Coffee shop | | | | | | | | | | |
| Stationery shop | | | | | | | | | | |

Section 3: Section 381-25.A of Chapter 381 of the Code of the Village of Larchmont, which specifies the permitted principal uses in the Retail Business Commercial (RB) zoning district, is hereby revised in its entirety to read as follows:

A. Permitted principal uses.

- (1) Public or municipal uses of the Village of Larchmont, including administrative offices and public libraries;
- (2) Public, parochial and private schools;
- (3) Houses of worship;
- (4) Play schools or nursery schools;
- (5) Boardinghouses and rooming houses;
- (6) Clubhouses;
- (7) Multifamily dwellings, subject to the supplementary standards in § 381-39C;
- (8) Retail establishments providing retail goods and/or retail services;
- (9) Business or professional offices;
- (10) Banks;
- (11) Sit-down restaurants;
- (12) Theaters;
- (13) Retail food establishments;
- (14) Pet grooming establishments with no overnight stays for animals, subject to the supplementary standards in § 381-39.A; and
- (15) Coffee shops and stationery shops.

Section 4: Section 381-26.A of Chapter 381 of the Code of the Village of Larchmont, which specifies the permitted principal uses in the Retail Center Commercial (RC) zoning district, is hereby revised in its entirety to read as follows:

A. Permitted principal uses.

- (1) Public or municipal uses of the Village of Larchmont, including administrative offices and public libraries;
- (2) Public, parochial and private schools;
- (3) Houses of worship;
- (4) Play schools or nursery schools;
- (5) Boardinghouses and rooming houses;
- (6) Clubhouses;
- (7) Multifamily dwellings, subject to the supplementary standards in § 381-39D;
- (8) Retail establishments providing retail goods and/or retail services;
- (9) Business or professional offices;
- (10) Banks;
- (11) Sit-down restaurants;
- (12) Theaters;
- (13) Pet grooming establishments with no overnight stays for animals, subject to the supplementary standards in § 381-39.A; and
- (14) Coffee shops and stationery shops.

Section 5: Section 381-25.C of Chapter 381 of the Code of the Village of Larchmont, which specifies the principal uses permitted by special permit in the RB zoning district, is hereby revised in its entirety to read as follows:

- C. Principal uses permitted by special permit.
 - (1) Showrooms, including, without limitation, those for automobiles or other motor vehicles, subject to the standards in § 381-51G;
 - (2) Retail laundry and dry cleaning establishments, subject to the standards in § 381-51H;
 - (3) Takeout food establishments, subject to the standards in § 381-51I;
 - (4) Automobile and boat sales, subject to the standards in § 381-51J;
 - (5) Gasoline service stations, subject to the standards in § 381-51K;
 - (6) Pet sales establishments, subject to the standards in § 381-51L; and
 - (7) Freestanding fast-food restaurants, subject to the standards in § 381-51M.

Section 6: Section 381-39 of the Code of the Village of Larchmont, titled “Supplementary standards for principal uses”, subsection A, is hereby revised in its entirety to read as follows:

A. Establishments involving service or care of animals, such as pet grooming and pet sales, must be adequately soundproofed and managed so that noise from the animals cannot be heard beyond the interior of the establishment(s). Animals may not be kept outside.

Section 7: Section 381-51.L of the Code of the Village of Larchmont, which currently outlines specific special permit requirements for “pet sale or grooming establishments”, is hereby revised in its entirety to read as follows:

L. Pet sales establishments in the RB district. Establishments for the sale of birds, fish, reptiles and domestic animals shall be within a fully-enclosed structure.

Section 8: 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 9: This Local Law shall take effect immediately upon filing with the Secretary of State.

Lt. Knudsen gave the following report for the absent Chief Poleway.

Police report
Knudsen, R.

1. Westchester County DA's office has dismissed 184 marijuana cases.
2. The Chief Poleway and the Chief's from the Town and Village of Mamaroneck met with Superintendent Chaps about the upcoming school year.
3. Police Department has hired 3 new officers.
4. Leaf blower law is still in effect.
5. See something, Say something. This year vigilance is needed with the 20th anniversary of 9/11.

Trustee Herman asked Lt. Knudsen on the status of paid on-street parking enforcement.

Lt. Knudsen said at first warnings were issued. More cars are moving to residential areas. Thursday Administrator Datino has scheduled a meeting to review procedures with the current and new PEO's.

Chief Caparelli made the following report.

Fire Chief's Report

1. New volunteer fighter, Michael Nathanson, resident of the village of Larchmont has been vetted and his application is before the Board for final approval. Michael is currently enrolled in the BEFO (Basic Exterior Firefighter Operations) class to start August 24, 2021. I ask that his application be approved.

On motion of Trustee Fanelli, seconded by Trustee Brennan, and unanimously carried, it was:

RESOLUTION
Nathanson, M.
Fire Dept.

RESOLVED, to approve the application of Michael Nathanson as a volunteer member of the Larchmont Fire Department.

2. Lt. Richard Valentine and Lt. Charles Boettcher of the career staff are in their 3rd week of a 4-week FLSTP (First Line Supervisor Training Program) at For Totten Queens, NY along with the FDNY. Upon graduation, Charlie and Rich will be trained in all aspects of leadership from in the firehouse to on the fire ground. They are consummate professionals always improving on their credentials.

Mutual Aid Responses:

E-35 Responded to the City of Rye for a structure fire along with the NRRFD and TMFD.

TI-7 responded to station #3 in the City of New Rochelle for a 2nd alarm structure fire.

TL-7 responded to station #3 in the City of New Rochelle for a 3rd alarm structure fire.

Fire Chief's Report
Con't.

Marine 34 Responses:

Dispatched to Larchmont harbor for a power boat into the breakwater.

Dispatched to waters off Larchmont Shore Club for a vessel sinking with 3 persons on board.

Flagged down while on training outside New Rochelle Harbor for an injured passenger with a severe head injury.

Dispatched to Larchmont Breakwaters for a sailboat in distress with 6 persons aboard.

Dispatched during severe storm for reports of a damaged sailing vessel with persons aboard and a second vessel in distress in the waters off Dog Beach.

Marine 34 Community Events:

Marine 34 provided Rescue and EMS for Swim Across America for over 500 swimmers

Marine 34 provided Rescue and EMS for LYC Race Weeks for over 800 sailors.

Code Enforcement:

I have been enforcing:

1. Signage of businesses and in parking lots
2. Housekeeping in the rear areas of businesses and in lots
3. Property maintenance Code 263-15 Responsibility of Owner for overgrown trees and shrubs blocking traffic safety devices (stop signs, one way signs and do not enter signs). Please have your landscaper trim back your trees and/or shrubs blocking traffic safety devices.

RESOLUTION

Approve Transfers
Treasurer

Dep. Treasurer Cazzorla next addressed the Board on budget amendments.

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

RESOLVED, to approve the following transfers and forward to the Office of the Treasurer for budgetary amendments.

| Line Item | Line Item Description | Amount | Description |
|--------------|-------------------------------------|-----------|-------------|
| F1-0000-2799 | Unexpended Balance | \$-84,000 | FY 22 |
| F1-1900-1900 | Contingency to Reserve Fund Balance | \$ 84,000 | FY 22 |
| F1-0000-2799 | Unexpended Balance | \$-84,000 | FY 21 |
| F1-1900-1900 | Contingency to Reserve Fund Balance | \$ 84,000 | FY 21 |
| F1-0000-2799 | Unexpended Balance | \$-84,000 | FY 20 |
| F1-1900-1900 | Contingency to Reserve Fund Balance | \$ 84,000 | FY 20 |

Trustee Brennan gave the following report.

1. The Larchmont Environmental Committee will host a ribbon cutting ceremony for the Green Zone at Kane Park on September 22nd at 10AM. Further announcements to come.

Trustee Reports

Trustee Fanelli made the following report.

1. Concerts in Constitution Park were a big success. Thanks to Ken Dircks and all the sponsors.
2. The Chamber Orchestra of New York will perform in Constitution Park on September 17th at 7PM. This concert was from a rain out on July 8th.
3. Big Trucks Day and Larchmont Day will take place on September 18th.
4. Sunday morning in Constitution Park will be Brunch and Music.
5. The Larchmont Arts Festival will take place Saturday, October 2nd. Rain date is Sunday.
7. The Ragamuffin Parade returns on October 23rd.
8. Anyone who wants to join the LFD Event Team contact email is theresa777@mindspring.com
9. Tennis permit are still available. Go to the website to purchase.
10. Tennis & Pickleball Clinics are still available.

Mayor Walsh announced resolutions adopted at recent work sessions.

1. Calling on the U.S. Senate to Pass the For the People Act, S1 in the United States Senate.
2. Approve List of Bills-\$331,608.60

Work Session Resolutions

Patty Leslie of Manor Place addressed the Board on the concerts in Constitution Park. Ms. Leslie stated she has lived on Manor Place for 8 years and has had to deal with many issues with her home behind Constitution Park like noise and dogs in her yard and one running through her back door. This year has gotten worse with the concerts. At times the volume was so loud the house would shake. Ms. Leslie asked the Board to use other Village Parks for the concerts in the future.

Leslie, P. Constitution Park

Mayor Walsh said the Board understands your concerns but with Constitution Park close proximity to Village Hall, the park has become like the Village Green.

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

RESOLVED, to approve minutes of July 19, 2021.

RESOLUTION
Minutes 7/19/2021

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

RESOLVED, to approve the minutes of the work session of July 19, 2021.

RESOLUTION
Work Session minutes 7/19/2021

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

RESOLVED, to approve the minutes of the work session of July 26, 2021.

RESOLUTION
Work Session minutes 7/26/2021

Trustee Herman
Bills Paid in Advance

Next Trustee Herman began to discuss the backlog of approvals for the “Bills Paid in Advance.”

Board, we have three sets of approvals required for the payment of invoices and claims this evening.

First, we will address the backlog of approvals for the “Bills Paid in Advance.”

Under NYS Village Law, a member of the Board must review the “claims” against the Village (payment of “invoices” or “bills” are essentially claims for payment, the terms are used interchangeably). An “abstract” or list of those claims is reviewed by a member of the Board and presented to the entire Board for approval. This Law also provides that for the payment of certain claims, such payment is allowed prior to Board approval, provided, such claims were reviewed by a Village Officer and **“all such claims shall be presented at the next regular meeting for audit... .”** On April 15 2019, the Board passed a resolution, in conformance this Law, which allows the Village Administrator to pay “public utility services, postage, freight, and express charges...” as described in the resolution.

As discussed at a previous Board work session, I discovered that, for at least 8 months, the “bills paid in advance” were not submitted to the Board for review and ratification. Upon my inquiry and discussion with the Mayor, the Treasurers Department prepared lists covering bills paid in advance from December 2020 through July 2021. I reviewed a subset of those claims and have found them to be in order.

However, before I ask for a motion for approval and while I have the Board’s attention, I have some recommendations:

1. The intent of the NYS Village Law is to ensure that the payment of **all** claims against the Village are reviewed prospectively or reviewed and ratified retroactively. Those claims that are paid in advance are allowed **only** because they are routine, publicly verifiable claims, e.g., public utilities, reviewed by a Village Officer, and, in the case where the Board disallows the claim, the Village Officer is personally responsible. *I recommend that Trustee Brennan, who will be taking over the responsibility for the review of the bills, review the NYS Village Law and the language of our April 15, 2019 resolution to ensure conformance with the Law’s intended coverage.* It is unclear at this time whether all the bills paid in advance should have been included, e.g., petty cash claims, personal reimbursement claims, claims for standard operating services (landscaping), capital projects (playground equipment), operational equipment, etc.
2. When the Treasurer’s Department presents the usual invoices to be paid for **prior approval** by the Board, *I recommend that if there are no bills paid in advance, then the Treasurer’s Department and the Village Administrator must submit an affirmative, written declaration that there have been no bills paid in advance.*

Those conclude my recommendations.

Mayor and Board, I have been presented with **lists of checks issued for invoices and claims against the Village of Larchmont** covering the months of 12/2020 through 7/21 prepared by the Treasurers Department. I have reviewed a representative subset of those presented checks. They appear to in order. Therefore, I move that the Board resolve to ratify the payment of invoices and claims associated with said lists in the amount of **\$4,095,225.30**.

Do I have a second?

All in favor?

Second, Mayor and Board, I have reviewed the invoices associated with the **Check Register for Bill List** dated August 16, 2021. They appear to be in order. There are a number of invoices and claims that have been paid in advance of this Check Register and will be dealt with under a separate resolution to follow. I move that the Board resolve to pay all the invoices associated with this **Check Register for Bill List** dated August 16, 2021 in the amount of **\$95,095.69**.

Do I have a second?

All in favor?

Third, Mayor and Board, I have been presented with a **list of checks issued for invoices and claims against the Village of Larchmont** for the month of August 2021 prepared by the Treasurers Department. They appear to be in order. Therefore, I move that the Board resolve to ratify the payment of invoices and claims associated with said list in the amount of **\$1,820,118.72.**

Do I have a second?

All in favor?

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

RESOLVED, to a list of invoices from 12/2020-7/2021 in the amount of \$4,095,225.30.

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

RESOLVED, a list of bills date 8/16/2021, in the amount of \$95,095.65.

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

RESOLVED, list of checks issued for invoices and claims for 8/2021, in the amount of \$1,820,118.72.

On motion of Trustee Fanelli, seconded by Trustee Herman, and unanimously carried, the meeting adjourned at 8:25PM.