

Minutes of the Regular Meeting
Of the Board of Trustees of the
Village of Larchmont, N.Y.
held on Monday, January 9, 2023

PRESENT: Mayor Sarah Bauer
Trustees Dana Post
Peter Fanelli
Brigid Brennan

ABSENT: Trustee Charles Manice

Also Present: Dep. Clerk Rilley, Administrator Datino, Asst. Administrator Katzin, and Kevin Staudt representing the Village Attorney's office

Mayor Bauer welcomed all in attendance and called the meeting to order at 7:30 PM and wished everyone a Happy New Year.

Next Mayor Bauer administered the oath of office to recently hired police officer Eduardo Lopez.

Trustee Post said that Zoning Board member Catherine Kassenoff has decided to step down and will be replaced by Justin O'Leary.

On motion of Trustee Brennan, seconded by Trustee Fanelli, and unanimously carried, it was: **RESOLVED**, to appoint Justin O'Leary as a member of the Zoning Board of Appeals.

RESOLUTION
O'Leary, J.
Zoning

On motion of Trustee Fanelli, seconded by Trustee Brennan, and unanimously carried, it was: **RESOLVED**, to appoint Jill Brennick as a member of the Library Board of Trustees.

RESOLUTION
Brennick, J.
Library Board

On motion of Trustee Brennan, seconded by Trustee Fanelli, and unanimously carried, it was: **RESOLVED**, to open the public hearing on a proposed local law to amend the property maintenance law of the code of the Village of Larchmont, Chapter 215, by creating new articles to establish registration and maintenance requirements for commercial buildings, and to renumber the existing Article V thereof.

RESOLUTION
Open **P. H.**
Amend Ch. 215
Property Maint.

On motion of Trustee Fanelli, seconded by Trustee Brennan, and unanimously carried, it was: **RESOLVED**, to open the public hearing on a proposed local law to amend the Zoning laws of the code of the Village of Larchmont, Chapter 381, to add the definition of "Owner" and to provide for the issuance of change of use and "Occupancy" permits.

RESOLUTION
Open **P. H.**
Amend Ch. 381
Zoning

The Mayor asked if there was any comments of the proposed local laws.

Comments
Francetta, A.

Trustee Fanelli said the law was long overdue.

Trustee Brennan stated Covid brought this about.

Palmer Avenue property owner Andrew Francetta said he supports the law and looks forward to Charles Cohen getting the movie theater back on track.

Mayor Bauer thanked everyone for their comments.

RESOLUTION

Close P. H.
Amend Ch. 215
Property Maint.

RESOLUTION

Close P. H.
Amend Ch. 381
Zoning

RESOLUTION

Adopt
L. L. No. 1-2023
Ch. 215
Property Maint.

On motion of Trustee Brennan, seconded by Trustee Post, and unanimously carried, it was: **RESOLVED**, to close the Public Hearing on Village Code Chapter 215.

On motion of Trustee Fanelli, seconded by Trustee Post, and unanimously carried, it was: **RESOLVED**, to close the Public Hearing on Village Code Chapter 381.

On motion of Trustee Post, seconded by Trustee Brennan, and unanimously carried, it was: **RESOLVED**, to adopt Local Law No. 1-2023.

**VILLAGE OF LARCHMONT
BOARD OF TRUSTEES**

LOCAL LAW NO. 1- 2023

**A LOCAL LAW TO AMEND THE PROPERTY
MAINTENANCE LAW OF THE CODE OF THE
VILLAGE OF LARCHMONT, CHAPTER 215, BY
CREATING NEW ARTICLES TO ESTABLISH
REGISTRATION AND MAINTENANCE
REQUIREMENTS FOR COMERCIAL BUILDINGS,
AND TO RENUMBER THE EXISTING ARTICLE V
THEREOF**

BE IT ENACTED by the Board of Trustees of the Village of Larchmont, Westchester County, New York, as follows:

Section One. The existing Article V of Chapter 215 of the Code of the Village of Larchmont, “Administration and Enforcement”, is hereby renumbered Article VIII.

Section Two: There is hereby added to Chapter 215 of the Code of Village of Larchmont a new article, Article V, “Commercial Property Registry”, to read as follows:

**Article V
Commercial Property Registry**

§ 215-25. Findings and Purposes

The Village of Larchmont has determined that it is in the best interests of Village residents to establish standards for the registration of commercial spaces to maintain and verify contact information to ensure that the Village can contact property owners and occupants in the event of emergency situations.

§ 215-26. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

"Building Department" – The Village of Larchmont Building Department.

"Building Official" – The Building Engineer or Inspector of the Village of Larchmont or his or her designee.

“Commercial Building” – All buildings in the Village, except for one- and two-family residences.

“Occupant” – A person or entity who, alone or severally with others, is:

- A. An Owner using space in a building; or
- B. A tenant with a legal right to use and possess space in a building.

“Owner” – A person or entity who, alone or severally with others:

- A. Has legal or equitable title to any building or has care, charge, or control of any building in any capacity including but not limited to agent, executor, executrix, administrator, administratrix, trustee, or guardian of the estate of the holder of legal title; or
- B. Is a mortgagee in possession of any building; or
- C. Is an agent, trustee, receiver or other person appointed by the courts and vested with possession or control of a building.

§ 215-27. Registration of Commercial Spaces.

- A. No later than one hundred eighty (180) days after the effective date of this local law, and in each year thereafter according to a schedule that shall be established by the Building Department, every Owner of a Commercial Building must register with the Building Department on forms provided by such Department. Such registration form shall include the following information:
 - i. The street address and tax designation of the property.
 - ii. The Owner’s name and contact information.
 - iii. A brief description of the current use of the property, including the number of stories and the type of use(s).
 - iv. Contact information for an individual who may be contacted 24/7 in the event of an emergency. This individual shall be an Owner or a person designated by the Owner to act on their behalf.
 - v. A description of all non-residential Occupants who utilize the property, including:
 - a) The location of each Occupant’s space
 - b) A brief description of the Occupant’s current use of the space
 - c) The name and contact information of the Occupant
 - d) Contact information for a representative of the Occupant who may be contacted 24/7 in the event of an emergency. This individual shall be an Occupant or a person designated by the Occupant to act on their behalf.
 - vi. Such other information as the Board of Trustees may require by Resolution from time to time.

B. The registration requirements set forth in **215-27(A)** shall not apply to one- and two-family dwellings.

C. Should any of the required information set forth in § **215-27(A)** change, the Owner shall, within thirty (30) days of such change, file a supplemental registration statement with the Building Department updating previously filed statements with current information.

§215-28. Violations and Penalties; Enforcement

A. In addition to any of the remedies provided herein, violations of any portions of this Article shall be punishable by a fine of up to \$100 per day that the Owner is not in compliance with this Article. Violations of this law shall not be deemed a misdemeanor nor a felony.

B. The Building Official, the Code Enforcement Officer, or their designee shall have the authority to enforce all provisions of this Article. The Village of Larchmont may also bring a civil action in a court of competent jurisdiction seeking equitable relief to enforce this Article.

Section Three. There is hereby added to Chapter 215 of the Code of Village of Larchmont a new article, Article VI, “Registration and Maintenance of Vacant Commercial Buildings

**Article VI
Registration and Maintenance of Vacant Commercial
Buildings**

§ 215-29. Findings and Purposes

The purposes of this Article are to protect the welfare and economic vitality of the residents of the Village of Larchmont by protecting property values, maintaining neighborhood integrity and accessibility, safeguarding against economic property blight, protecting Village resources, and ensuring the safe and sanitary maintenance of commercial vacant properties. Among other things, vacant street level commercial space can degrade the vitality of Larchmont’s business districts, frustrate local planning efforts, create increased specific risks of fire damage, vandalism, and unlawful entry or uses, and give rise to other public health and safety hazards. This Article is intended to promote and Village’s public welfare and economic health by requiring property owners to register and properly maintain vacant street level commercial properties.

§ 215-30. Definitions

As used in this Article, the following terms shall have the meanings indicated:

"Building Department" – The Village of Larchmont Building Department.

"Building Officer" – The Building Officer of the Village of Larchmont or his or her designee.

“Commercial Building” – All buildings in the Village, except for one- and two-family residences.

“Occupant” – A person or entity who, alone or severally with others, is:

- A. An Owner using space in a building; or
- B. A tenant with a legal right to use and possess space in a building.

“Owner”– A person or entity who, alone or severally with others:

- A. Has legal or equitable title to any building or has care, charge, or control of any building in any capacity including but not limited to agent, executor, executrix, administrator, administratrix, trustee, or guardian of the estate of the holder of legal title; or
- B. Is a mortgagee in possession of any building; or
- C. Is an agent, trustee, receiver or other person appointed by the courts and vested with possession or control of a building.

“Vacant Space” – Any unoccupied street level building space in the Village of Larchmont’s RC or RB Zoning Districts which is not legally occupied, is abandoned, or is not open for business with an ongoing business concern operating in the space during customary business hours for a period of at least one hundred eighty (180) consecutive days or longer by occupants having legal custody or legal right of entry to such property.

§ 215-31. Registration

- A. Prior to, or not more than seven (7) days after a unit or any portion of a property becomes Vacant Space, as defined herein, the Owner(s) must register the vacancy with the Building Department on forms provided by such Department. All vacancy registrations must state the Owner's name, phone number, and mailing address as well as such information for an emergency contact, if not the same. None of the required addresses shall be a post office box. The registration shall also state the Owner's efforts to reactivate the use of the space. Once the space is no longer vacant or is sold, the Owner must provide proof of sale or written notice and proof of lawful occupancy to the Building Department pursuant to the process outlined by such Department. The Building Officer will notify the Police and Fire Departments and DPW of the submitted registration of the Vacant Space.
- B. The Village Administrator, with the input of the Building Officer, may exempt a property Owner from the provisions of this Article upon the presentation of evidence, in such form as may be convincing to him, that the failure to use or occupy a commercial space for a period in excess of one hundred eighty (180) days does not violate the purpose or intent of this Article.
- C. When the space is to be reoccupied, a Change of Use/Occupancy Permit shall be obtained pursuant to § **384-84**.

§215-32. Annual Registration Fee, Failure to Pay

A. There shall be an annual registration fee for Vacant Space to offset the Village's costs of monitoring such space. The first annual registration fee is due at the time the Vacant Space is initially registered with the Village. Thereafter, the Owner of the Vacant Space shall receive a billing statement on an annual basis until the Village is informed of a change of status. The amount of the annual registration fee shall be specified in the fee schedule set by the Board of Trustees from time to time.

B. After the first registration fee, the Village shall send the Owner of any Vacant Space an annual billing statement, and the Owner shall pay to the Village the fee which has been billed. Failure to pay the first or any subsequent registration fee within thirty (30) days of receipt of the billing statement shall be a violation of this Article, and the full fee shall be deemed an assessment resulting from a violation of this Article. Such fee, and any fines issued for violations of this Article, shall constitute a lien on the property, to be collected in accordance with the process described in § 251-11.

§215-33. Inspections

A. The Village Administrator, Building Officer, Police Chief, and Fire Chief, or their designees, shall have the authority to periodically inspect the exterior and interior of Vacant Space subject to this Article for compliance with applicable laws, rules, and regulations. The Building Officer shall have the discretionary authority, but not the obligation, to cause utilities to be disconnected immediately if a potential hazard that may be dangerous to life and limb is present. If the Building Officer causes utilities to be disconnected, the Owner shall reimburse the Village for its costs in having the utilities disconnected. Failure to pay these costs within thirty (30) days of being notified that they are due shall be a violation of this Article, and the full amount of the costs shall be deemed an assessment resulting from a violation of this Article. Such costs, and any fines issued for violations of this Article, shall constitute a lien on the property, to be collected in accordance with the process described in § 251-11.

§ 215-34 Compliance with § 215-13.1

Nothing in this Article shall abrogate an Owner's duty to maintain the Vacant Space as required by § 215-13.1.

§215-35. Violations and Penalties; Enforcement

C. In addition to any of the remedies provided herein, violations of any portions of this Article shall be punishable by a fine of up to \$100 per day that the Owner is not in compliance with this Article. Violations of this law shall not be deemed a misdemeanor nor a felony.

D. The Building Officer, the Code Enforcement Officer, or their designee shall have the authority to enforce all provisions of this Article. The Village of Larchmont may also bring a civil action in a court of competent jurisdiction seeking equitable relief to enforce this Article.

§ 215-36. Unsafe Buildings

Nothing in this Article shall abrogate the powers and/or duties of municipal officials to act to remedy unsafe conditions pursuant to any general statutory authority including, without limitation, the New York State Uniform Fire Prevention and Building Code and the New York State Village Law and General Municipal Law.

Section Four. There is hereby added to Chapter 215 of the Code of Village of Larchmont a new article, Article VII, “Change of Use and Occupancy of Commercial Buildings”, to read as follows:

**Article VII
Changes of Use or Occupancy in Commercial Spaces**

§ 215-37. Changes of Use or Occupancy

Before the use or occupancy of any commercial property in the Village of Larchmont is subject to change, the Owner shall first obtain a Change of Use/Occupancy permit as required by § 381-85.

Section Five. 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 Six. Effective Date. This local law shall take effect immediately upon filing with the Secretary of State.

On motion of Trustee Fanelli, seconded by Trustee Post, and unanimously carried, it was: **RESOLVED**, that the public hearing is closed; matter adjourned pending Planning Board report.

Chief McNerney made the following report.

1. Good news to report, there were no auto thefts to recently.
2. On 12/26 there was an arrest of a 19 year Bronx resident who was charged with burglarizing 5 Palmer Avenue restaurants.
3. The CVS lot parking time limit is a half an hour.
4. Residents who are going on vacation should contact the police to watch their home while they are gone. Go to the PD website to find the Dark House form.
5. Alarm permits are being renewed. Contact the Police Clerk, Cecilia.

RESOLUTION

Close P.H. & matter
adjournd for
Planning Bd. Report

Police Chief’s report

Fire Chief's Report

Chief Caparelli gave the following report.

1. The Larchmont Fire Department has had an eventful year for 2022. We responded to 1072 alarms for the year of varying natures and severities. Alarms to note are a major structure fire at 40 Ocean Ave., 23 mutual aid responses, 12 to the TMFD, 5 to NRRFD, 2 to PFD and 2 to the PMFD, and 2 to RYE FD. On the career staff we had the retirement of Lt. Martyn, the promotion of FF. Ettere to Lt., and the addition of FF. Kris Walters to fill the vacancy. On the volunteer staff we had an addition of 1 new member, Geoff Burman.
2. 2022 saw two unfortunate losses for the department, the passing of Lt. John Veteri of the career staff and Ex Chief Bryan Payne of the volunteer staff.
3. We recovered from Hurricane IDA of late 2021 which caused damages to equipment and infrastructure not seen since Super Storm Sandy.
4. The Fire Department's water craft, Marine 34, responded to over 12 calls for assistance on the water during events such as LYC Race Week, Swim Across America and others. We assisted other marine units to search for lost or stranded boaters and disabled crafts.
5. The Fire Department sent for the first time, an instructor to three Career Chief's Academies with Lt. John Adams being the lead instructor, teaching new recruits skills in RTB. He assisted other instructors with teaching Thermal Imaging Cameras, Engine Company Operations, FF1, and others.

In my role as Code Enforcement Officer I have worked on, organizing set up and maintenance of Public Spaces for outdoor dining, identifying sidewalk defects and working with Public Works Supervisor Vetere on notification, scheduling repair and follow-up, identifying dry weather flows, notifying residents, working with Village Engineer Salanitro to help residents make corrections, working with the LPD to enforce Code 180, Leaf Blowers, and other quality of life issues which affect the residents. It has been my honor and a great pleasure to have worked alongside these staff members to serve the residents for another year.

Trustee Reports

Trustee Fanelli gave the following report.

1. January 16th is Martin Luther King Day. It is a good day to reflect to where we've been.
2. The Village committees needs volunteers. Anyone interested can contact me at 403-2327.

Work Session Resolutions

Mayor Bauer announced resolutions adopted at recent work sessions.

1. Purchase Recycling Bin OCRA Pilot Program Constitution Park- 12/19/22
2. Set P. H. 2/6/2023 Proposed L. L. BAR Referrals- 12/19/2022
3. Set P. H. 2/6/2023 Proposed L. L. Site Plan Review- 12/19/2022
4. Set fees for Electric Vehicle Charging Stations- 12/19/2022

On motion of Trustee Post, seconded by Trustee Brennan, and unanimously carried, it was: **RESOLVED**, to approve the minutes of December 5, 2022.

RESOLUTION
Minutes 12/5/2022

On motion of Trustee Fanelli, seconded by Trustee Post, and unanimously carried, it was: **RESOLVED**, to approve the minutes of the work session December 5, 2022.

RESOLUTION
Work Session
Minutes 12/5/2022

On motion of Trustee Post, seconded by Trustee Brennan, and unanimously carried, it was: **RESOLVED**, to approve the minutes of the work session December 19, 2022.

RESOLUTION
Work Session
Minutes 12/19/2022

On motion of Trustee Brennan, seconded by Trustee Post, and unanimously carried, it was: **RESOLVED**, to approve the List of Bills, dated January 9, 2023, in the amount of \$231, 166.50.

On motion of Trustee Fanelli, seconded by Trustee Post, and unanimously carried, the meeting adjourned at 7:58PM.