

Minutes of the Regular Meeting
Of the Board of Trustees of the
Village of Larchmont, N.Y.
held on Monday, February 6, 2023

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

ABSENT:

Also Present: Dep. Clerk Rilley, Attorney Staudt,
Administrator Datino, Asst. Administrator Katzin

Mayor Bauer welcomed all in attendance and called the meeting to order at 7:37PM.

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

RESOLVED, to appoint Kristin Andersen to the Coastal Zone Management Commission for a term of three years.

RESOLUTION

Appoint Andersen, K.
CZMC

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

RESOLVED, to appoint Sarah Jones-Maturo as an alternate member of the Planning Board.

RESOLUTION

PL.L. Ch. 381 Zoning
No environmental
Effect

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

RESOLVED, that the proposed Local Law that is up for adoption at this evening’s meeting, “to amend Chapter 381, Zoning to provide for issuance of use and occupancy” will no adverse effect on the environment.

RESOLUTION

Adopt
Local Law #2-2023

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

RESOLVED, to adopt Local Law No. 2-2023.

**VILLAGE OF LARCHMONT
BOARD OF TRUSTEES**

LOCAL LAW NO. 2-2023

**A 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 OCCPANCY PERMITS**

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

Section One: Chapter 381, Article II, Section 381-7 of the Code of the Village of Larchmont is hereby amended to include the following definition:

“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.

Section Two: There is hereby added to Chapter 381, Article XI of the Code of the Village of Larchmont a new Section 381-84 to read as follows:

§ 381-84 Change of Use and Occupancy Permits.

No existing building, portion thereof, and/or land shall be converted to a different use or be used by a different occupant without the Owner first securing a change of use/occupancy permit. This section shall not apply to changes of occupancy for residences, except residences containing or to contain professional offices. Said permit shall be duly issued upon application to the Building Inspector and upon payment of the required fee. No change of use/occupancy permit shall be issued unless the proposed use is in full conformity with all provisions of this chapter and all other applicable regulations. Any such permit issued in violation of the provisions of this chapter shall be null and void and of no effect without the necessity for any proceedings for revocation or nullification thereof, and any work undertaken or use established pursuant to any such permit shall be unlawful.

A. Every application for a change of use/occupancy permit shall be accompanied by a plot or floor plan drawn to scale and signed by the person responsible for such drawing, showing the manner in which the land, building, or portion thereof is proposed to be used and any proposed fencing, screening, and landscaping. The Building Inspector may waive this requirement if he deems it to be superfluous.

- B. No change of use/occupancy permit shall be issued for any use, building, or portion thereof that is subject to site plan approval by any board, except in conformance with the requirements of the board. No permit shall be issued for a use, building, or portion thereof that is permitted subject to a special permit granted by any board, except in accordance with all conditions which may have been prescribed by the board. No change of use/occupancy permit shall be issued for any use, building, or portion thereof that is subject to a variance granted by the Zoning Board of Appeals, except in accordance with all conditions which may have been prescribed by said Board.
- C. The change of use/occupancy permit application and all supporting documentation shall be made in triplicate and shall be accompanied by the required fee. The amount of such fee shall be determined from time to time by Resolution of the Village Board.
- D. Within 30 days after the Building Inspector has certified that a complete and properly prepared application, with all required approvals, including site plan, special permit and/or variances, has been filed, he shall either issue or deny said permit. If a permit is denied, the Building Inspector shall state, in writing, to the Owner the reasons for such denial.
- E. Once the Owner has received a change of use/occupancy permit in accordance with the provisions of this section, a building permit for the construction, alteration or restoration of said use may be required in accordance with the provisions of § **381-81** of this chapter.

Section Three: Severability. If any section, subdivision, 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 and distinct portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

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

Mayor Bauer read the following statement prior to opening the scheduled public hearings:

This process began over a year ago, when we tasked our building department, planning consultant, Village administrator and Village attorney to review our land use process to determine what, if any, changes they would recommend making to improve the process for residents, our commissions and the building department. These two laws that we are considering tonight are just the first two in a series of changes that we are looking at making. They may not seem like a significant overhaul of the process, but we feel that these changes will make the process much more efficient for residents.

The first change we are considering is to clarify that replacements in kind do not need to be submitted to the ARB for review. This means, for example, that if you are simply swapping out old windows for new ones that are the same as the old ones, you will no longer have to submit an application to the ARB. Those types of applications are approved by the ARB in a summary fashion, and we felt it was burdensome for both the ARB and for residents to have to go through that process for replacements in kind.

The second change we are considering this evening relates to site plan review. We are proposing to remove the pre-submission conference requirement. This was originally intended to assist residents with larger projects and give them feedback in advance to attempt to shorten the process. Unfortunately, in practice it did not work out that way and more than was originally intended ended up going through that process. In addition, we now have our Planning Consultant, Pat Cleary, performing a similar function in a much more efficient way. The second key change under this proposed law is to increase the threshold for requiring site plan review. The current threshold is only 125 sq ft, which results in a lot of smaller projects going before the Planning Board, that don't necessarily require that level of review. We have carefully reviewed this threshold and Vinny Salintro, our Assistant Civil Engineer in the Building Department, presented 21 applications to the Board. Of those 21 applications, only 6 would have required full site plan review by the Planning Board if this proposed law was in effect. Therefore, we believe that this will significantly reduce the burden on both residents and the Planning Board.

It is important to note that with all of these proposed changes, for anything that will now be reviewed by the Building Department instead of one of our Commissions, all other Village laws must still be complied with. In other words, just because the Building Department will be reviewing and approving certain applications, those applications will still have to comply with our laws, such as drainage, impervious surface, HVAC placement, etc.

RESOLUTION

Open P. H.
PL.L. Ch. 381
Site Plan Review

RESOLUTION

Open P. H.
PL.L. Ch. 301
BAR Referral

Speakers
Edelstein, M.
Kimberly
Rosenberg, S.
Lefever, S.
Marin, M.

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

RESOLVED, to open the public hearing on the proposed local law to amend Chapter 381-68, to amend the threshold for requiring residential Site Plan Review.

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

RESOLVED, to open the public hearing on the proposed local law to amend Chapter 301-A, to clarify what matters are subject to Board of Architectural Review Referral.

The following addressed the Board on the proposed local laws.

Michael Edelstein
Kimberly
Steve Rosenswieg
Rick Lefever
Matt Marin

Mayor Bauer thanked everyone for their comments and informed that work sessions and meetings, along with agendas and relevant documents are posted on the Village calendar and that residents who are interested should come.

Trustee Post added that feedback for residents is needed.

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

RESOLVED, to adjourn the public hearing on the proposed local law to amend Chapter 381-68, to amend the threshold for requiring residential Site Plan Review to March 13, 2023.

RESOLUTION

Adj. **P.** H.
P.L. Ch. 381
Site **P**lan Review to
3/13/2023

On motion of Trustee Manice, seconded by Trustee Post, and unanimously carried, it was:

RESOLVED, to adjourn the public hearing on the proposed local law to amend Chapter 301-A, to clarify what matters are subject to Board of Architectural Review Referral to March 13, 2023.

RESOLUTION

Adj. **P.** H.
P.L. Ch. 301
BAR **R**eferral to
3/13/2023

On behalf of Chief McNerney who was absent due to the passing of his mother this past weekend, Lt. Paprota presented to the Board the Police Chief’s Annual Report. This report will be available on the Village website.

Lt. **P**aprota
PD report

Treasurer Cazzrola gave the following report.

1. Looking back at the first 6 months of this fiscal year for the General Fund there is a net increase of revenues over expenditures of approximately \$480,000 when compared to our 6-month actuals of our prior fiscal year.
2. Expenditures as we know have increased in many areas and the General Fund is reflective of that as expenses are up by \$970,000 year over year. This is most notably a result of increases to health insurance, our sanitation agreement, and salaries.
3. Revenues have increased by about \$1,450,000 when compared to last year. This is a result of the increased Tax Levy, an increase of our sales tax received from the County, an increase of fines & forfeited bail from the court, fund received from the Sanitation Commission, and interest income.
4. With 6 months in the books, we are at 93% of our adopted budgeted revenues and 54% of our adopted budgeted expenditures, with this in mind the Village is on track to be within budget at the end of this fiscal year.

Treasurer’s Report

Administrator Datino stated tonight was the first discussion on the 2023-24 Budget. There are more meetings to come and anyone interested should go to the calendar on the Village website for the dates and times.

Administrator
2023-24 **B**udget

RESOLUTION

Set P. H.
PL.L. Tax Cap
2023-24 Budget

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

RESOLVED, that a Public Hearing is hereby scheduled by the Board of Trustees of the Village of Larchmont to be held in Village Hall, 120 Larchmont Ave, Larchmont, NY, 10538, Monday, March

13, 2023, at 7:30 PM to review a local law authorizing the Board of Trustees to adopt a budget for the 2023-2024 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

Auth. AAdministrator
Agreement w/
Lynstarr
Village Hall

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

WHEREAS, Village Hall was constructed in 1922 with subsequent additions in 1950 and 1963 for an expansion of the fire department apparatus bay and the building department / police executive offices respectively; and

WHEREAS, in 1999 the Village Board authorized a capital project to renovate areas of Village Hall, expand the administrative offices and bring the building up to compliance with ADA requirements; and

WHEREAS, several major items were not included with the 1999 project, these include but are not limited to the windows, steam heating system and the HVAC components in the 1963 wing; and

WHEREAS, the entire HVAC system in Village Hall is prone to failure, inefficient, obsolete and significantly past its useful life, and in 2021 the Village Board authorized a complete HVAC Systems Evaluation and Recommendation Study, completed by Lynstaar, which is the basis for the proposed capital improvement project; and

WHEREAS, Lynstaar completed the 2021 evaluation and presented its findings and recommendations to the Village Board at their December 19, 2022 work session recommending the Village upgrade the steam heating system and replace all existing air conditioning systems with a Variable Refrigeration flow system which can allow for heating and cooling; and

WHEREAS, the Village is in receipt of a proposal from Lystaar dated January 10, 2012, attached hereto, which provides for a scope of work to design engineer and oversee the construction related to the HVAC upgrades in Village Hall at total cost of \$96,500; now therefore be it

RESOLVED, that the Village Administrator is authorized to execute a professional services agreement with Lynstaar Engineering, P.C., 12 Water Street, Suite 202 White Plains, NY 10601, in the amount of \$96,500, in substantially the form as attached hereto; and be it further

RESOLVED, that proposed the cost of the work for Phase 1, \$31,500, is expected to be completed in this fiscal year and sufficient funds exist in the General Fund budget engineering account to cover the expenses and that \$65,000 for Phase two, expected to occur in fiscal year 23/24 will be proposed by staff for inclusion in the 23/24 Capital budget.

On motion of Trustee Manice, seconded by Trustee Post, with Trustee Fanelli voting no, the following resolution was adopted:

WHEREAS, subsequent to the Village’s withdrawal from the Board of Control, which occurred so that the Village may better negotiate its cable franchise agreements, it became apparent that in order to continue the relationship with Larchmont Mamaroneck Community Television Inc. (hereinafter referred to as “LMC”), a formal professional services agreement is necessary and appropriate; and

WHEREAS, LMC has been shown to be an outstanding provider of local government television services, and a leading option to continue the Village’s cable needs; and

WHEREAS, the Village Board is desirous of engaging the services of LMC to continue filming, editing, and broadcasting services in an arrangement that ultimately does not disrupt the access of Larchmont residents to publicly filmed meetings; and

WHEREAS, the Village and LMC have jointly drafted a Professional Services Agreement dated February 06, 2023, attached hereto, at an estimated annual fee of \$83,405 paid by the Village in four installments, and provides for filming of approximately 11 monthly Village Board meetings per year, 15 Village Events per year, and approximately 190 tri-municipal events and programs, as well as overhead costs, for the period of November 9, 2022, through December 31, 2023; now, therefore, be it

RESOLVED, that the Village Administrator is authorized to execute the Professional Services Agreement with Larchmont Mamaroneck Community Television Inc., 740 West Boston Post Road, 3rd Floor, Mamaroneck, NY 10543, in substantially the same form as attached hereto.

RESOLUTION

Auth. AAdministrator
Agreement w/
LMC-TV

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

RESOLVED, to approve the minutes of the meeting of January 9, 2023.

RESOLUTION

Approve minutes
1/9/2023

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

RESOLVED, to approve the minutes of the work session held on January 9, 2023.

RESOLUTION

Approve
Work Session
Minutes
1/9/2023

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

RESOLVED, to approve the minutes of the work session held on January 23, 2023.

RESOLUTION

Approve
Work Session
Minutes
1/23/2023

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

RESOLVED, to approve the Bill List, dated 2/6/2023, in the amount of \$512,349.31.

On motion of Trustee Manice, seconded by Trustee Post, and unanimously carried, it was:

RESOLVED, to approve the Bill List, dated, Nov-Dec 2022, in the amount of \$244,363.11.

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

RESOLVED, to approve the Bill List, dated, January 2023, in the amount of \$1,230,020.30.

On motion of Trustee Fanelli, seconded by Trustee Post, and unanimously carried, the meeting adjourned at 8:20PM.