

Minutes of the Regular Meeting  
Of the Board of Trustees of the  
Village of Larchmont, N.Y.  
**held on Monday, March 13, 2023**

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

**ABSENT:**

**Also Present:** 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 7:30PM.

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

**RESOLVED,** to appoint the following to the newly formed Climate  
Smart Community Task Force.

Ken Weeber, Sasha Nahr, Bonnie Weinbach, Eleana Moss & Rick  
Lefever.

Mayor Bauer states that on the agenda is a Public Hearing on a  
Tax Cap for the 2023-24 Village Budget. It is unlikely that the  
Village will need to exceed the tax cap so the public hearing will  
not be held.

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

**RESOLVED,** to open the P.H. Leaf Blowers.

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

**RESOLVED,** to close P.H.

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

**RESOLVED,** to adopt Local Law No.3-2023

**RESOLUTION**

Appoint

**W**eeber, G.

**N**ahr, S.

**W**einbach, B.

**M**oss, E.

**L**efever, R.

**C**limate **T**ask **F**orce

2023 **t**ax **c**ap

**RESOLUTION**

Open **P**. H.

**L**eaf **B**lowers

**RESOLUTION**

Close **P**. H.

**RESOLUTION**

Adopt **L**.L. No. 3-2023

**A LOCAL LAW TO AMEND THE CODE OF THE VILLAGE OF LARCHMONT, SECTION 180-4, TO AMEND THE DATES ON WHICH LEAF BLOWERS MAY BE OPERATED**

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

**Section 1:** Chapter 180 of the Code of the Village of Larchmont is hereby amended by repealing Section 180-4 “Prohibition of the operation of leaf blowers during certain months.” and adding thereto a new Section 180-4 to read as follows:

§ 180-4 Prohibition of the operation of leaf blowers during certain months.

A leaf blower, whether it be an internal combustion leaf blower (prior to their absolute prohibition) or an electric leaf blower, may be operated in the Village of Larchmont only during the following periods of the year: March 15 through April 30; October 15 through December 15. The operation of leaf blowers is prohibited on all other days of the year unless specifically provided herein.

**Section 2:** 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 3:** This Local Law shall take effect immediately upon filing with the Secretary of State.

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

**RESOLVED,** to open the P.H. Site Plan Review.

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

**RESOLVED,** to close P.H.

**RESOLUTION**

Open P.H.  
Site Plan Review

**RESOLUTION**

Close P.H.

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

**RESOLUTION DETERMINING SIGNIFICANCE  
OF LOCAL LAW # 4 OF 2023  
PURSUANT TO SEQRA**

WHEREAS, the Board of Trustees (the Board) of the Village of Larchmont (the Village) has proposed the adoption of a Local Law entitled "LOCAL LAW # 4, A LOCAL LAW TO AMEND THE CODE OF THE VILLAGE OF LARCHMONT, CHAPTER 381-68, TO AMEND THE THRESHOLD FOR REQUIRING RESIDENTIAL SITE PLAN REVIEW"; and WHEREAS, the Board, the only involved agency, reviewed and issued the Environmental Assessment Form (EAF), Part 1, prepared by the Village's consultants; and NOW, THEREFORE, BE IT RESOLVED that the Board confirms adoption of the law would be an Unlisted Action under SEQRA, and issues the Parts 2 and 3 of the EAF it has before it; and BE IT FURTHER RESOLVED , given that Part 2 indicates that no negative environmental impact, or a small environment impact, will result from adoption of the law, 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.

**RESOLUTION**  
Adopt SEQRA  
L.L No. 4-2023

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

**BOARD OF TRUSTEES  
OF THE  
VILLAGE OF LARCHMONT  
RESOLUTION TO ADOPT PROPOSED  
LOCAL LAW 4 of 2023**

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 # 4 -2023, titled "A LOCAL LAW TO AMEND THE CODE OF THE VILLAGE OF LARCHMONT, CHAPTER 381-68, TO AMEND THE THRESHOLD FOR REQUIRING RESIDENTIAL SITE PLAN REVIEW"; and

**RESOLUTION**  
Adopt Resolution  
For  
L.L No. 4-2023

WHEREAS, a public hearing on the Proposed Local Law was scheduled for February 6, 2023, 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 January 3, 2023, 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 recommendation in favor of the Local Law; and

WHEREAS, a public hearing on the Proposed Local Law was duly held on February 6, 2023, at which time all those wishing to be heard were given the opportunity to be heard; and

WHEREAS, the Board of Trustees has undertaken a process of streamlining and clarifying the land use approval laws and procedures; and

WHEREAS, the Village's professional staff has recommended that the Village Code be amended so that site plan approval is not required for alterations or additions to one- or two-family dwellings, unless such alterations or additions, when aggregated with all other alterations and/or additions to such dwelling and all other improvements which are accessory to such dwelling and which were commenced or completed within the prior twenty-four-month period, or for which a building permit is/was sought or issued within the prior twenty-four-month period, encompass either new square footage in excess of 20% of the gross square footage of the existing improvements on the property in question or an increase in lot coverage by more than 20%.

WHEREAS, the Village's professional staff has further recommended that the Village Code be amended to delete the requirement for presubmission meetings with multiple Boards simultaneously and replace it with a prefiling meeting with Village staff.

WHEREAS, the Village's professional staff has further recommended that the Village Code be amended so that the Village Zoning Board of Appeals or the Board of Trustees may use their discretion in determining whether to refer any special permit application pending before them to the Planning Board for comment prior to taking final action thereon.

NOW, THEREFORE, BE IT RESOLVED: that the Board of Trustees finds that it is in the public interest and in furtherance of the purposes set forth in Article 7 of the Village Law that the Village Code be amended so that site plan approval is not required for alterations or additions to one- or two-family dwellings, unless such alterations or additions, when aggregated with all other alterations and/or additions to such dwelling and all other improvements which are accessory to such dwelling and which were commenced or completed within the prior twenty-four-month period, or for which a building permit is/was sought or issued within the prior twenty-four-month period, encompass either new square footage in excess of 20% of the gross square footage of the existing improvements on the property in question or an increase in lot coverage by more than 20%; and

BE IT FURTHER RESOLVED: the Village Code be amended so that the Village Building Inspector shall have the authority to waive the requirement for a presubmission site plan application conference where he or she determines that it is not necessary in a particular case.

BE IT FURTHER RESOLVED: that the Village Code be amended so that the Village Zoning Board of Appeals or the Board of Trustees may use their discretion in determining whether to refer any special permit application pending before them to the Planning Board for comment prior to taking final action thereon; 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 # 4-2023; and

BE IT FURTHER RESOLVED: that the Board of Trustees directs Village staff to file, publish, and circulate the Local Law # 4-2023 in accordance with applicable laws and regulations.

**RESOLUTION**

Adopt

L.L No. 4-2023

**A LOCAL LAW TO AMEND THE CODE OF THE VILLAGE OF  
LARCHMONT, CHAPTER 381-68, TO AMEND THE THRESHOLD FOR  
REQUIRING RESIDENTIAL SITE PLAN REVIEW**

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

**Section 1:** Chapter 381 of the Code of the Village of Larchmont is hereby amended by repealing Section 381-68-F “Exemptions” and adding thereto a new Section 381-68-F to read as follows:

**§381-68-F Exemptions.**

The provisions of this Article VIII A shall not apply to alterations or additions to one- or two-family dwellings, unless such alterations or additions, when aggregated with all other alterations and/or additions to such dwelling and all other improvements which are accessory to such dwelling and which were commenced or completed within the prior twenty-four-month period, or for which a building permit is/was sought or issued within the prior twenty-four-month period, encompass either new square footage in excess of 20% of the gross square footage of the existing improvements on the property in question or an increase in lot coverage by more than 20%. This section is not intended to affect the requirements of §381-68-E(F). In the event of any conflict between §381-68-E(F) and this §381-68-F, the requirement of §381-68-E(F) shall control.

**Section 2:** Chapter 381 of the Code of the Village of Larchmont is hereby amended by repealing Chapter 381-68-G(A) “Presubmission Conference” and adding thereto a new Section 381-68-G(A) to read as follows:

A, Presubmission Conference.

Prior to filing the site plan application required in Subsection B below, Applicants shall meet with the Village staff for a pre-filing review and discussion of their proposed application. The Village Building Inspector shall have the authority to waive this requirement where he or she determines that it is not necessary in a particular case.

**Section 3:** Chapter 381 of the Code of the Village of Larchmont is hereby amended by repealing Section 381-49-A(1) “Presubmission Conference” and adding thereto a new Section 381-49-A(1) to read as follows:

(1) The Zoning board of appeals or the Board of Trustees may, in their discretion, refer any special permit application pending before them to the Planning Board for comment prior to taking final action thereon.

**Section 4:** 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 5:** This Local Law shall take effect immediately upon filing with the Secretary of State.

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

**RESOLVED,** to open the P.H. ARB Referrals.

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

**RESOLVED,** to close P.H.

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

**RESOLUTION DETERMINING SIGNIFICANCE  
OF LOCAL LAW # 5 OF 2023  
PURSUANT TO SEQRA**

WHEREAS, the Board of Trustees (the Board) of the Village of Larchmont (the Village) has proposed the adoption of a Local Law entitled "LOCAL LAW # 5, A LOCAL LAW TO AMEND THE CODE OF THE VILLAGE OF LARCHMONT, CHAPTER 301-5A, TO CLARIFY WHAT MATTERS ARE SUBJECT TO BOARD OF ARCHITECTURAL REVIEW REFERRAL"

local laws; and

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

NOW, THEREFORE, BE IT RESOLVED that the Board confirms adoption of the law would be an Unlisted Action under SEQR, and issues the Parts 2 and 3 of the EAF it has before it; and

BE IT FURTHER RESOLVED , given that Part 2 indicates that no negative environmental impact, or a small environment impact, will result from adoption of the law, 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.

**RESOLUTION**

Open P. H.

ARB Referrals

**RESOLUTION**

Close P.H.

**RESOLUTION**

Adopt SEQRA

L.L No. 5-2023

**RESOLUTION**  
Adopt Resolution  
L.L No. 5-2023

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

**BOARD OF TRUSTEES  
OF THE  
VILLAGE OF LARCHMONT  
RESOLUTION TO ADOPT PROPOSED  
LOCAL LAW 5 of 2023**

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 # 5 - 2023, titled "A LOCAL LAW TO AMEND THE CODE OF THE VILLAGE OF LARCHMONT, CHAPTER 301-5A, TO CLARIFY WHAT MATTERS ARE SUBJECT TO BOARD OF ARCHITECTURAL REVIEW REFERRAL"; and

WHEREAS, a public hearing on the Proposed Local Law was scheduled for February 6, 2023, 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 28, 2022, the Village received a response from the Westchester County Planning Board affirming that this matter does not require referral to the County; and

WHEREAS, the Board referred the Proposed Local Law to the Village's Planning Board and received a recommendation in favor of the Local Law; and

WHEREAS, a public hearing on the Proposed Local Law was duly held on February 6, 2023, at which time all those wishing to be heard were given the opportunity to be heard; and

WHEREAS, the Board of Trustees has undertaken a process of streamlining and clarifying the land use approval laws and procedures; and

WHEREAS, the Village's professional staff has recommended the Village Code be amended to clarify that the Architectural Review Board's involvement is not required for non-structural, in-kind replacements for any structure in the Village.



NOW, THEREFORE, BE IT RESOLVED: that the Board of Trustees finds that it is in the public interest and in furtherance of the purposes set forth in Article 7 of the Village Law that the Architectural Review Board’s duties be clarified so as not to include review of non-structural, in-kind replacements for any structure in the Village.

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 # 5-2023; and

BE IT FURTHER RESOLVED: that the Board of Trustees directs Village staff to file, publish, and circulate the Local Law # 5-2023 in accordance with applicable laws and regulations.

**RESOLUTION**

Adopt

L.L No. 5-2023

**A LOCAL LAW TO AMEND THE CODE OF THE VILLAGE OF LARCHMONT, CHAPTER 301-5A, TO CLARIFY WHAT MATTERS ARE SUBJECT TO BOARD OF ARCHITECTURAL REVIEW REFERRAL**

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

**Section 1:** Chapter 301 of the Code of the Village of Larchmont is hereby amended by repealing Section 301-5A “Applications for building permits.” and adding thereto a new Section 301-5A to read as follows:

A. With the exception of repairs or replacements determined by the Building Inspector to be non-structural in-kind repairs or replacements, each application for a building permit for the construction, reconstruction, exterior alteration or exterior remodeling of any structure in the Village shall be referred to the Board of Architectural Review within ten days of the date of application, provided that it conforms in other respects to all other applicable laws and regulations.

**Section 2:** 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 3:** This Local Law shall take effect immediately upon filing with the Secretary of State.

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

**RESOLVED**, to open the P.H. Pitbull Terriers.

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

**RESOLVED**, to close P.H.

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

**RESOLVED**, to adopt Local Law No.6-2023

**RESOLUTION**

Open **P.H.**  
**Pitbull Terriers**

**RESOLUTION**

Close **P.H.**

**RESOLUTION**

Adopt  
**L.L No. 6-2023**

A LOCAL LAW TO AMEND THE CODE OF THE VILLAGE OF  
LARCHMONT

BY REPEALING ARTICLE IV OF CHAPTER 97 (Pitbull Terriers) IN ITS  
ENTIRETY

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

**Section 1:** Article IV of Chapter 97 (Pitbull Terriers) of the Code of the Village of Larchmont is hereby repealed in its entirety.

**Section 2:** This Local Law shall take effect immediately upon filing with the Secretary of State.

Chief McNerney made the following report.

1. Burglaries in the Village and surrounding communities
2. Patrol checking cars in driveways with lights on.
3. PO Joe Aboudi promoted to Detective 3<sup>rd</sup> Grade.
4. Thanks to DPW for their work on the women’s locker room.

**Police Chief’s Report**

Chief Caparelli gave the following report

- 1 The Fire Department has responded to 147 alarms to date of varying nature and severity including a Mutual Aid response to Pelham Manor for a fire at a big box store.
2. A new Larchmont firefighter, Steven Lopes, started his career in the fire service today. He was measured for his turnout gear, gathered some needed equipment and completed necessary paperwork this week before heading off to the Career Chiefs Fire Academy next Monday, March 20<sup>th</sup>. Steven will begin an 18 week intensive training course in topics ranging from basic firefighting to hazmat operations and other specialized tactics he will employ throughout his career. We welcome Steven and wish him a long and successful career of service to the residents of the Village of Larchmont.

**Fire Chief’s Report**

Fire Chief's Report  
Con't.

3. Fire safety inspections have already begun for 2023 due to the mild winter weather we have been having. Commercial property owners or operators should prepare for our arrival by having necessary annual testing done on appliances, fire extinguishers, alarm systems and fire suppression systems. Your cooperation is greatly appreciated.
4. March 12-18 is Flood Safety Awareness week. Many residents of Westchester County have experienced the damages that flooding can produce. It's important to remember that Spring is the time of year when flooding can occur quickly and without much warning. Spring rains and winter snow and ice thaws can cause flooding and affect homes, property, and, most importantly, personal safety. Please go to: [Emergencyservices.westchestergov.com/severeweather](https://emergencyservices.westchestergov.com/severeweather) for more information on how to prepare and deal with storms and the flooding that can occur with them. In my role as Code Enforcement Officer I have been working on, organizing set up and maintenance of Public Spaces for outdoor dining, identifying sidewalk defects and working with Public Works Supervisor Veteri on notification, scheduling repair and follow-up, identifying dry weather flows, notifying residents, working with Village Engineer Salanitro to help residents make corrections. Now with the change in weather, I will be working with the LPD to enforce Code 180, Leaf Blowers, and other quality of life issues which affect the residents. All apparatus are in service and all equipment is operational.

Treasurer Cazzorla gave the following report.

1. After my review of revenues, we are at 98% of our total budgeted revenues excluding property tax revenue. Last year at this time we were at 86%, which included \$312,000 for ARPA that was unbudgeted. This year we also received some unbudgeted revenues, most notably the funds for the garbage commission, CHIP funds, and disaster recovery from FEMA, totaling \$370,000, \$422,000, and \$293,000 respectively. We are anticipating additional funds from FEMA of approximately \$60,000. Without these unbudgeted funds we are at 74% of our budgeted revenues, which is comparable to last year total without unbudgeted revenue. Other funds making a positive impact in our revenues is sales tax, and Fines & Forfeited Bail, being up \$196,000 or 26%, and \$216,000 or 120% respective year over year. Our parking permits revenue has exceeded the budgeted amount along with several other lines and parking meter sales for lot 1 & lot 3 are at 83% of their budgets compared to only 15% in the prior year.
2. For our expenses we are at 83% of our budgeted expenditures, which is right in line with where we were this time last year. This percentage is over 75% due to some large front-loaded expenditures, these expenditures are our payment to the garbage commission, payment to state retirement, and debt payments, all of which have been paid for by the 3<sup>rd</sup> quarter and make up 30% of the budget expenditures. Without factoring in these expenses, we are at 76% of budgeted expenditures. Notable expenditures that have increased year over year are State retirement, which was paid in December and Health insurance. Retirement payments including PFRS and ERS are up a total of \$172,000 or 11%, health insurance is up \$205,000 or 12%. Some relatable expenditures for this time of year are snow removal overtime, and rock salt purchasing, with the little amount of snow received this year we have no snow overtime compared to this time last year we were at \$28,000 and we spent \$17,000 less in rock salt year over year.

Overall, the Village is good financial health and we are projected to end the fiscal year in the positive.

Trustee Brennan gave the following report.

1. On April 23<sup>rd</sup>, in Constitution Park, there will an Earth Day Celebration from 1PM to 4PM.

## Treasurer's Report

## Trustees Reports

Trustees Reports  
Con't

Trustee Fanelli made the following report.

1. The Village needs volunteers and there are many to choose from. Go to the Village website.
2. The Chamber of Commerce is sponsoring "Arts on the Avenue" from April 1<sup>st</sup> to April 30<sup>th</sup>.

Administrator  
2023 Tentative Budget

Administrator Datino began a presentation on the 2023-24 Tentative Budget. Some items discussed:

1. Tentative Budget will be filed in the Clerk's office on 3/20/23.
2. Health care costs up 12% and General Liability up 10%.
3. Tax bill breakdown, Village 2.4%, Westchester County 18.05%, TOM 2.4% and Schools 57%.
4. Levy 2.0%

**RESOLUTION**  
Set P.H. 2023  
Tentative Budget

On motion of Trustee Post, seconded by Trustee Manice, 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 Courtroom, Village Hall, 120 Larchmont Avenue on Monday, April 17, 2023, at 7:30 PM to review and take comment on the 2023-2024 Tentative Budget; and be it further

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

**RESOLUTION**  
Extend term  
Bernstein, J.  
Justice

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

WHEREAS, on or about July 13, 2020 the Village of Larchmont Board of Trustees, pursuant to applicable law, adopted a resolution changing the annual date for Village elections from the third Tuesday in March to the date of the "general election" in November of each year, beginning in November of 2021; and

WHEREAS, accordingly, pursuant to applicable law, in the year 2023 Village elections will not be held in March. Instead, the end of the Village Official Year has been extended by operation of law to December 4, 2023, and elections for Village Offices which would otherwise have been held in March, 2023 will be held on November 7, 2023; and

WHEREAS, pursuant to New York State Election Law Section 15-104.1.d., terms of Offices that would have expired following the holding of a March, 2021 election are extended until December 6, 2021, the end of the current Official Year; and

WHEREAS, the Office of Larchmont Village Justice currently held by the Honorable Jerry Bernstein would have been subject to election in March of 2023 but for the change in the annual election date to November, 2023; and

WHEREAS, to assure proper operation of the Village’s Justice Court, the Village Board wishes to have absolute certainty that the current term of office of Justice Jerry Bernstein is extended until the end of the current Official Year on December 4, 2023; and

WHEREAS, the New York State Office of Court Administration has recommended that, to be absolutely certain of the continuation of Judge Bernstein’s term through the November, 2023 election, the Village Mayor and Village Board appoint Judge Bernstein to serve as Village Justice for the period running from the time his term of office would otherwise have expired following a March, 2023 election (April 3, 2023) until the end of the Village Official year following the November, 2023 election, to wit, December 4, 2023.

NOW, THEREFORE, be it enacted and resolved as follows:

1. I, Sarah Bauer, Mayor of the Village of Larchmont hereby appoint Jerry Bernstein to the Office of Village Justice of the Village of Larchmont for the term commencing at noon, April 3, 2023 and ending at noon, December 4, 2023; and

2. The Board of Trustees of the Village of Larchmont hereby confirms, ratifies, and appoints Jerry Bernstein to the Office of Village Justice of the Village of Larchmont for the term commencing at noon, April 3, 2023 and ending at noon, December 4, 2023.

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

**RESOLVED**, to approve the 2023-2024 Fees and Charges Schedule.

On motion of Trustee Manice, seconded by Trustee Fanelli, and unanimously carried, the following resolution was adopted: RESOLUTION regarding Governor Kathy Hochul’s “New York Housing Compact” which consists of the “New Homes Targets and Fast-Track Approval Act” and the “Transit-Oriented Development Act of 2023”

**RESOLUTION**

Adopt 2023-24 Fees & Charges

**RESOLUTION**

Oppose Governor’s New Homes Targets and Fast-Track Approval Act” and the “Transit-Oriented Development Act of 2023

WHEREAS, Governor Kathy Hochul's Executive Budget for the year ending in 2024 includes a "New York Housing Compact"; which consists of the "New Homes Targets and Fast-Track Approval Act" and the "Transit-Oriented Development Act of 2023"; and

WHEREAS, the Governor claims that the "New Homes Targets and Fast-Track Approval Act" (Act) is necessary in order to forestall restrictive land use practices that inhibit and limit housing development; and

WHEREAS, the Act does not consider, let alone provide solutions for, its tremendous impact on the cost of expanded municipal services, such as (1) education, (2) police, fire, ambulance, and household garbage and trash removal and recycling services and (3) upgraded or new infrastructure to prevent flooding caused by stormwater and to treat and dispose of wastewater, all of which will be required in order to provide for the health, safety and welfare of the residents of, persons employed by business in, and visitors to the Village; and

WHEREAS, the Act would allow the Village to appeal determinations of non-compliance with the Act to a new State Housing Review Board that is unfamiliar with local issues and conditions, thereby usurping the Home Rule authority of local land use boards who understand the local community; and

WHEREAS, the "Transit-Oriented Development Act of 2023" would amend Village Law to adopt land use regulations within three years, for higher density development for areas located within one half mile of any publicly accessible areas of an MTA transit station; and

WHEREAS, a large portion of the Village is within a ½ mile of Metro-North's Larchmont train station and would fall into Tier 1 of transit-oriented development, requiring aggregate development of 50 residential dwelling units per acre within a ½ mile of that train station; and

WHEREAS, the property in the Village that is closest to Metro-North's Larchmont train station already is improved with, and zoned for multi-family housing, fifty percent of which is affordable housing; and

WHEREAS, the Housing Compact would create exemptions from environmental review under the State Environmental Quality Review Act which would prevent the Village and its land use boards from taking responsible study and evaluation of proposed development on the existing and proposed road network, on volunteer emergency services, on police and fire department staffing, on the numbers of employees and volunteers needed for the ambulance corps, on the number of employees needed to provide household garbage and trash removal and recycling services, on the ability of the school district to absorb new students, on the need for new school buildings to be constructed, on traffic and on street parking and other matters that are evaluated for their potential impact on the environment; and

WHEREAS, the Housing Compact would prohibit the Village from adopting reasonable and appropriate development regulations to ensure that development is compatible with the surrounding uses, such as lot coverage, open space, building height, setbacks, floor area ratios or parking restrictions; and

WHEREAS, the Village shares many of the same goals as the Governor but considers the adoption of one set of rules for each of the 40 cities and 1,481 towns and villages of the State of New York as completely ignoring the unique characteristics of each community; and

WHEREAS, the residents of the Village will be disenfranchised since the Act in many ways will circumscribe the power of their local elected officials and local land use boards; and

WHEREAS, the Village Board is concerned that the Housing Compact can have the unintended consequence of providing a mechanism for developers to earn huge profits without providing lower cost housing; and

WHEREAS, the Village Board finds that as a whole, the Housing Compact does not consider significant, legitimate concerns of local governments; and

WHEREAS, the Village continues to work to increase multifamily housing in our business district through a special zone that permits additional density. The Village recently approved a new mixed-use building which has both a commercial tenant and 14 residential units. The Village wants to continue to responsibly manage the increase to its housing stock and the “Transit Oriented Development Act of 2023” would usurp the Village’s ability to self-determine how density is added.



NOW THEREFORE, BE IT RESOLVED, that the Village of Larchmont is adamantly opposed to the “New Homes Targets and Fast-Track Approval Act” and the “Transit-Oriented Development Act of 2023”; and  
BE IT FURTHER RESOLVED, that the Village Clerk distribute copies of this resolution to the Governor, to the Village’s representatives in the State Assembly and the State Senate, to the State Senators and the Members of the State Assembly who sponsored these Acts.

Silvers, J.

Next Jonathan Silvers on 11 Monroe Ave. addressed the Board. Mr. Silvers thanked the Board for their work. On November 11<sup>th</sup> Mr. Silvers began to send e-mails to the Building Department about his neighbor without authorization widen his driveway. He contacted the Building Department several times trying to find out if any action had been taken with no success. After following up multiple times, he submitted a FOIL request only to receive his FOIL requests in return. He wants to know why there is no written documentation or oversight on his neighbor’s action.

Mayor Bauer said one of the issues with the Building Department is the software is antiquated. The Building Inspector has spoken to your neighbor making a determination to see if that space can be legalized.

Administrator Datino said what probably bothers Mr. Silvers most that there was no violation issued. If a violation was issued there would be documentation. The Larchmont Building Department mission is not to do enforcement for punitive purposes but a mission for compliance.

**RESOLUTION**

Approve minutes  
2/6/2023

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

**RESOLVED,** to approve the minutes of February 6, 2023.

**RESOLUTION**

Approve work session  
minutes  
2/6/2023

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

**RESOLVED,** to approve the minutes of the work session of February 6, 2023.

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

**RESOLVED**, to approve the minutes of the work session of February 27, 2023.

**RESOLUTION**

Approve work  
session minutes  
2/272023

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

**RESOLVED**, to approve the Bill List, \$306,729.78.

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

**RESOLVED**, to approve the Bills Paid Outside of the Bills List, \$313,951.34.

On motion of Trustee Fanelli, seconded by Trustee Post, and unanimously carried, the meeting adjourned at 8:43PM.