

Minutes of the Regular Meeting
Of the Board of Trustees of the
Village of Larchmont, N.Y.
held on Monday, July 24, 2023

PRESENT: Mayor Sarah Bauer
Trustees Dana Post
Peter Fanelli

ABSENT: Trustee Brigid Brennan, Trustee Charles Manice

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

Mayor Bauer welcomed all in attendance and called the meeting to order at 7:35PM.

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

RESOLVED, to open the public hearing adjourned on June 19, 2023, on a proposed local law to amend the Village Code to provide for a dining and entertainment establishment use in the RC Zone.

Mayor Bauer asked if there were any comments on the proposed law. There were none.

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

RESOLVED, the public hearing was closed.

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

**DETERMINATION OF SIGNIFICANCE
PURSUANT TO THE STATE ENVIRONMENTAL
QUALITY REVIEW ACT LOCAL LAW AMENDING
CHAPTER 381
ESTABLISHING DINING & ENTERTAINMENT USE IN
THE RC DISTRICT**

WHEREAS, the proposed action involves amending Chapter 381 of the Village Code to allow for the establishment of a new use to be known as Dining and Entertainment Use, that would be permitted as a Special Permit use in the RC - Retail Center zoning district; and

WHEREAS, the purpose of this amendment to allow for the proper regulation of a food service establishment that also provides musical entertainment; and

WHEREAS, the amendment includes the creation of a new use defined as a "Dining and Entertainment Establishment," the establishment of that use as a permissible Special Permit use in the RC - Retail Center zoning district, and the creation of twelve new Special Permit standards applicable to a Dining and Entertainment Establishment in §381-51 O; and

RESOLUTION

Open P.H. adjourned on June 19, 2023
Proposed L. L. Dining & Entertainment in RC Zone

RESOLUTION

Close P.H.

RESOLUTION

Adopt SEQRA for
Proposed L. L. Dining & Entertainment in RC Zone

WHEREAS, the Proposed Action is subject to the provisions of the New York (NY) State Environmental Quality Review Act (“SEQRA”) as set forth in Article 8 of the Environmental Conservation Law and the implementing regulations promulgated thereunder at 6 NYCRR Part 617, as amended.

NOW THEREFORE BE IT RESOLVED, that pursuant to 6 NYCRR Part 617, State Environmental Quality Review, the Trustees of the Village of Larchmont hereby designates itself Lead Agency for the SEQR Review of this Unlisted Action.

BE IT FURTHER RESOLVED, that pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law, the Lead Agency has determined that the proposed Unlisted Action will not have a significant adverse effect on the environment for the reasons enumerated in the attached Negative Declaration Form.

BE IT FURTHER RESOLVED that this resolution shall have an effective date of July 24, 2023.

RESOLUTION

Adopt

L. L. 8-2023

Dining &

Entertainment in

RC Zone

On motion of Trustee Fanelli, seconded by Trustee Post, and unanimously carried, it was resolved to adopt Local Law No. 8, 2023.

LOCAL LAW NO. 8- 2023

A LOCAL LAW TO AMEND THE CODE OF THE VILLAGE OF LARCHMONT TO PROVIDE FOR A DINING AND ENTERTAINMENT ESTABLISHMENT USE IN THE RC ZONE BY SPECIAL PERMIT

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 adding thereto the following definitions to Section 381-7 “Definitions.” to read as follows:

Dining and Entertainment Establishment – A food service establishment that provides food and drink ordered over a counter from a menu, without waiter service, for consumption on-site or off-site, and that also provides space for private events not open to the general public and provides musical entertainment.

Section 2: Chapter 381 of the Code of the Village of Larchmont is hereby amended by repealing Section 381-47 and adding thereto a new Section 381-47 to read as follows:

§ 381-47 Special permits required and approval agency.

No building or structure may be erected, altered or used and no lot or land may be used for one of the special permit uses set forth in the Schedule of Use Regulations (included as an attachment to this chapter) unless such use is in complete conformance with the provisions established herein. The Board of Trustees shall have jurisdiction over special permits for public amenity supplemented mixed-use developments, townhouses in the R-7.5 District, one-family dwellings on properties known on the Larchmont Tax Assessment Map as "Yacht Club," "Shore Club" and "Manor Park," and **Dining and Entertainment Establishments (as per § 381-51O)**. The Planning Board shall have jurisdiction over special permits for noncommercial swimming pools except those in conjunction with townhouse developments. All other special permits shall be reviewed by the Zoning Board of Appeals.

Section 3: Chapter 381 of the Code of the Village of Larchmont is hereby amended by repealing Section 381-48A and adding thereto a new Section 381-48A to read as follows:

A. The Board of Trustees, in the case of applications for special permits for public amenity supplemented mixed-use developments (as per § [381-51N](#)), townhouse developments (as per § [381-51B](#)), for one-family dwellings on properties known on the Larchmont Tax Assessment Map as "Yacht Club," "Shore Club" and "Manor Park" (as per § [381-51E](#)), Dining and Entertainment Establishments (as per § 381-51O), and for tennis courts or noncommercial swimming pools in conjunction with townhouse developments (as per § [381-55G](#)), the Planning Board, in the cases of applications for Special Permits for all other noncommercial swimming pools (as per 381-55C), or the Zoning Board of Appeals, in all other special permit applications, shall hold a public hearing on every special permit application made to it, notice of which hearing and of the substance of the special permit application shall be given by publication in the official newspaper of the Village at least 10 days before the date of such hearing as provided for in § [381-48C](#), and by such other notice as the Zoning Board of Appeals, Planning Board, or Board of Trustees, as applicable, shall require.

Section 4: Chapter 381 of the Code of the Village of Larchmont is hereby amended by repealing Section 381-26C and adding thereto a new Section 381-26C to read as follows:

- C. Principal uses permitted by special permit.
- (1) Retail laundry and dry cleaning establishments, subject to the standards in § 381-51H;
 - (2) Takeout food establishments and retail food establishments, subject to the standards in § 381-51I; and
 - (3) Dining and entertainment establishments, subject to the standards in § 381-51O.

Section 5: Chapter 381 of the Code of the Village of Larchmont is hereby amended by adding thereto a new Section 381-51O to read as follows:

O. Dining and Entertainment Establishment.

- (1) Hours. Patrons shall be permitted on the Premises between 8:00 a.m. and midnight or at such other time as the Board of Trustees may specify.
- (2) Noise.
 - (a) The maximum permissible intensity of any noise from any Dining and Entertainment Establishment shall be permitted as regulated under Section 195-3 of the Village Code, or as otherwise determined by the Board of Trustees, whichever is more restrictive.
 - (b) Applicants will take all reasonable efforts to ensure that noise generated inside the premises associated with private events will be mitigated to the extent practicable by ensuring that all doors and windows remain closed except as needed for ingress and egress.
 - (c) Permissible sound associated with private events includes music-producing electronic devices; or a single person or a band playing music, including an individual or individuals utilizing amplified backing tracks.
 - (d) No amplified noise or live music associated with an event is allowed outside unless permitted under the Village's Entertainment and Food Truck Permit.
- (3) Events. Events that shall be permitted shall be limited to private events to which all guests are invited to attend before such event. No admission to unticketed or uninvited general public guests shall be permitted. Tickets to events will not be sold at the door.
- (4) Location. A Dining and Entertainment Establishment may be permitted anywhere within the RC Zoning District subject to the standards set forth herein.
- (5) Exterior Lighting. Any exterior lighting shall be of such a type and shall be so located, shaded, and directed that the light source is not directed at any neighboring property.
- (6) Occupancy Limits.
 - (a) Private events will have a patron maximum occupancy of not more than 1 person per 20 gross square feet of the gross square footage of the space.

- (7) Utilities and Odors. Applicants shall ensure that utility supplies and wastewater treatment infrastructure shall not be overburdened.
 - (a) Grease. Applicants shall provide sufficient infrastructure to capture and take all necessary measures to dispose of grease.
 - (b) Odors. No noxious odors shall be produced by the use.
 - (c) Refuse and Recycling Disposal. Properly maintained refuse and recycling disposal facilities that minimize adverse impacts on nearby properties shall be provided. All refuse and recycling will be stored in appropriate bins, and the access path to same will be kept clear and accessible at all times. The specific details of refuse and recycling facilities, and the means and accessibility of their collection, will be determined by the Board of Trustees as a part of a consideration of a Special Permit.
- (8) Application of Pertinent Codes. All design and operations shall conform with the New York State Uniform Fire Prevention and Building Code, Westchester County Health Code, and any other applicable regulations.
 - (a) Without limiting the generality of the foregoing, sufficient emergency ingress and egress corridors/pathways shall be provided for all patrons and staff, and said corridors/pathways will be kept accessible at all times and shall not be blocked.
- (9) Outdoor Activities.
 - (a) On premises outdoor seating for patrons may be allowed by the Board of Trustees as part of the special permit review process.
 - (b) Outdoor eating may be allowed by the Board of Trustees as part of the special permit review process.
 - (c) Except for sound that may escape temporarily while doors are open for ingress or egress, with the understanding that the doors are self-closing (unless otherwise determined by the Village Board in the Special Permit process), no amplified noise or live music associated with a private event is allowed outside unless permitted under an Entertainment and Food Truck Permit.
 - (d) The use of food trucks in front of the Premises may be permitted under an Entertainment and Food Truck Permit.
 - (e) All applicable requirements under the New York State Uniform Fire Prevention and Building Code shall apply to the design of outdoor activity areas.
- (10) Indoor Entertainment.
 - (a) No Occupation License under Section 185-1(A)(5) shall be required for indoor entertainment.
 - (b) Musical entertainment, singing, or other similar amusement or entertainment is permitted indoors in connection with the sale to the public of food or drink, and in connection with private events being held on the Premises, subject to the noise regulations established under Section (2) above.

- (11) Board of Trustees Special Permit Review.
 - (a) When reviewing the Special Permit application, the Board of Trustees shall consider the proximity of Dining and Entertainment Establishments to each other and to nearby residential properties and consider traffic, noise, cooking odors, and other conditions that could adversely affect adjacent land and buildings, including the ground floor (see "ground story") use of apartment buildings.
 - (b) When reviewing the Special Permit application, the Board of Trustees shall consider the general Special Permit criteria found under Section 381-50 of this Chapter.
- (12) Renewal. The duration of any Dining and Event Establishment Special Permit granted under this subsection shall be two years and may be renewed by written request to the Board of Trustees. The Board of Trustees may opt to waive a Public Hearing in connection with the request for said renewal.

Section 6: 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 7: This Local Law shall take effect immediately upon filing with the Secretary of State.

RESOLUTION
 Open P.H.
 Proposed L.L.
Accessory
Structures- Zoning

On motion of Trustee Post, seconded by Trustee Fanelli, and unanimously carried, it was:
RESOLVED, to open the public hearing on the proposed local law for a change to clarify the intent of the Zoning Code as it pertains to accessory structures.

Mayor Bauer asked if there were any comments on the proposed law. There were none.

RESOLUTION
 Open P.H.

On motion of Trustee Post, seconded by Trustee Fanelli, and unanimously carried, it was:
RESOLVED, the public hearing was closed.

RESOLUTION
 Adopt L.L No 9-2023
Accessory
Structures- Zoning

On motion of Trustee Post, seconded by Trustee Fanelli, and unanimously carried, it was resolved to adopt Local Law No. 9, 2023.

LOCAL LAW NO. 9- 2023

A LOCAL LAW TO AMEND THE CODE OF THE VILLAGE OF LARCHMONT, SECTION 381-40, TO CLARIFY THE PROHIBITION AGAINST ACCESSORY STRUCTURES IN CERTAIN LOCATIONS

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

Section 1: Chapter 381-40 of the Code of the Village of Larchmont, “Supplementary standards for all accessory structures including detached garages”, is hereby amended by repealing Section 381-40A and adding thereto a new Section 381-40A to read as follows:

A. Except in the case of private detached garages per § 381-55A, accessory structures shall not be permitted in a required front yard, side yard (except in the rear portion thereof), or side-front yard.

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.

Chief McNerney introduced Kiesel Pedro to the meeting. Ms. Pedro has been hired as a new member of the Police Department. She is currently in the academy and will graduate in December. Mayor Bauer administered the Oath of Office to Officer Pedro.

Pedro, K.
Oath of Office
PD

Chief McNerney gave the following report.

1. In June there were 6 Larcenies in the Village.
2. There were 2 incidents of dogs being locked in cars with the windows up. Both resulted in summonses being issued.
3. June saw 19 leaf blower complaints and only 7 in July.
4. The recent Coffee with a Cop at Bluestone was well attended.

Police Chief’s
report

Upcoming events

1. 7/27 Bike Rodeo at Flint Park Day Camp.
2. 8/1 with the Town and Village of Mamaroneck National Night Out.
3. 8/5 Coffee with a Cop at the Farmers Market 8:30AM to 10:30AM.

Fire Chief's Report

Chief Valentine made the following report.

1. Good evening everyone, we had another eventful month for the fire department. After our June board meeting we had several members of our staff attend the yearly Hazardous Materials refresher training and large-scale drill up at the Westchester Fire Training Center. Larchmont Fire is part of the HazMat squad system of Westchester county that responds to emergencies involving a release of hazardous materials and other unstable conditions. As with all skills, they are perishable, and this training is imperative to keep our residents and members safe. Both the training sessions and large-scale drill were federally reimbursed to help offset the costs associated with having a response team.
2. An additional training opportunity we were able to secure earlier this month was Boat Operations and Rescue taught by Capital Technical Rescue and Safety. As you know part of our fleet involves two marine vessels that we've had for many years. One of which is Marine 34, our Boston Whaler that we moor at the Larchmont Yacht Club. This vessel responds to emergencies on the Long Island Sound, particularly in our harbor areas and also provides standby support for larger events. The hands-on training was delivered to our NYS certified instructors of the Larchmont Fire and Police Departments. Our instructors are now able to provide the training in house for many years to come. Some of the topics covered were surface victim rescues, crew over board procedures, and maneuvering evolutions. Our public safety vessels provide ongoing support for the 4th of July fireworks, Race Weeks at the Larchmont Yacht Club, the upcoming Swim Across America event, and others throughout the year.
3. Next, I am delighted to report that our newest career firefighter, Steven Lopes, will be graduating from the Westchester Career Chiefs Fire Academy this Friday. He will have completed 18 weeks of intensive basic training and will start working in the firehouse 1 week from today. Steven will be sworn in by Mayor Bauer at our September board meeting.
4. There has been an influx of medical emergencies that involved individuals who have fallen from a likely cause of dehydration or heat exhaustion. Just as a reminder to our residents, with the increase of heat and humidity that we have been experiencing, and will be experiencing this week, to please continue to stay hydrated with water and electrolytes. And as always, if you are experiencing an emergency to never delay calling 911.

5. Just a quick note from the code enforcement bureau. We would like to remind all residents that organic waste collection is on Thursdays and Fridays dependent on your address in the Village of Larchmont. The waste bags can be placed out the evening prior to the collection day. If they are out on a different day, that does constitute a village code violation. If you are unsure about your collection dates for these items please visit the Larchmont Mamaroneck Sanitation Commission website and type in your address. It will outlay a monthly schedule for your reference.
6. Lastly, I wanted to bring your attention to the freshly painted fire hydrants located around the village. 2 brothers, Tristen and Cameron Lee were summer help for the Village and they made it to about half of the hydrants before they had to leave. I for one think they look terrific and I wanted to thank them for their care and attention to detail and for providing a high-quality product.

Fire Chief's Report
Con't.

Administrator Datino gave a report on the 2022-2023 Village Budget.

Village Treasurer James Cazzorla could not attend tonight's meeting, but he asked me to deliver an update with regard to the 22/23 fiscal year. As you know our fiscal year runs from June 1 – May 31. And we are now in the 23/24 fiscal year.

The auditors were initially scheduled for the week of 7/3, however their corporate office decided to grant that Monday off to extend the holiday weekend. We are now on the schedule for September and will have all adjusting entries completed at that time.

At a high level for 22/23 total general fund revenues exceeded expenditures which will result in an increase to the Village's fund balance. Nearly all of the Village's major non-property tax revenue categories reached or exceeded the projections.

Sales tax remains strong and actual receipts exceeded budget by \$570,000. That said the NYS Comptroller reports that collections are down 4.5% for the first quarter of 2023.

Interest earnings have also drastically increased. In August of 2022 the Village Board authorized the use of NYCLASS, that along with rising interest rates has significantly improved interest earnings as a revenue source. The last time I checked the daily yield with NYCLASS is 4.97%. The budget was \$2,000, \$275,000 was earned.

Fines and Forfeited bail appears tracking toward with pre-pandemic amounts. \$483,000 was collected, well over the budgeted amount of \$230,000. For reference \$443,000 was collected in FY 19/20 and \$656,000 in FY 18/19.

Mortgage tax and building department fees were also above the budgeted amounts by \$63,000 and \$208,000 respectively. A sign of the strong housing market in the Village.

Police department special duty overtime charges came in at \$349,500 which offset some of the department's actual overtime expenses. For the 23/24 fiscal year special duty overtime will be charged to its own GL account, which will help track special duty overtime separately from general overtime expenses.

AAdministrator's
Report
2022-2023 Budget

AAdministrator's
Report
2022-2023 Budget
Con't.

On to the expenses:

Fire Department overtime was over budget. Several retirements and injuries in the department directly contributed to the increase in overtime as compared to more stable years in the department.

Expenses in the Village Hall cost center exceeded budgetary appropriations in several categories. Repairs and remodeling with the use of in-house labor and contractors contributed to the increases.

Justice Court related expenses that pertain to the collection of fines are up (payments to NYS and Passport), which is a direct result of the increase revenue realized by the Court.

Police overtime was \$530,000 for the fiscal year, however as noted earlier, Special Duty revenue has off set about 2/3 of the expense. NYS Retirement expenses for the police department can in approximately \$100,000 below budget expectations.

Fire Department overtime also came in at approximately \$530,000, however there is very little revenue to offset that expense. The Village and LPFFA are in contract discussions now, and possibly have a change that should reduce the use of overtime to maintain operations. The fire department vehicle repair line also exceeded budget mainly due to repairs to the tower ladder. FEMA reimbursements from storm damage due to Hurricane Ida offset most of these repairs. On a positive note, NYS Retirement budgeted for fire came in \$50,000 below budget.

Most employee benefit categories came in below budget, they include NYS Retirement, Workers Compensation Insurance as well as Health Insurance.

Overall, when taking into consideration expenses that have an offsetting revenue source, total expenses for 22/23 appear to be within 1% of the budget.

Trustees Report

Trustee Fanelli gave the following report.

1. The Summer Concerts in Constitution Park have been well attended. There are 2 more this Thursday July 27th and August 3rd. Thanks to Ken Dircks, Jon Feldman and all the generous sponsors.

Mayor Bauer Said that Larchmont Day will take place on September 23rd and the Larchmont Arts Festival will take place the following Saturday on September 30th.

Trustee Post there will a Committee Day in Constitution Park on September 10.

RESOLUTION
Auth. AAdministrator
Execute MOA w/
LPFPA

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

RESOLVED, to authorize the Administrator to execute the Memorandum of Agreement with the Larchmont Professional Fire Fighters Association.

On motion of Trustee Post, seconded by Trustee Fanelli, and unanimously carried, it was:
RESOLVED, to approve the license agreement with the Mamaroneck School District for the planting on Addison Street.

RESOLUTION
License Agreement
w/ Mam'k Schools
District Addison

On motion of Trustee Post, seconded by Trustee Fanelli, and unanimously carried, it was:
RESOLVED, that VA Contract #23-02: Village Hall Heat System Replacement be awarded to Dual Fuel Corp, 32 Cortlandt Street, Mount Vernon, NY 10550, for a total bid award amount of \$151,000; and be it further
RESOLVED, that the Village Administrator is hereby authorized to execute VA Contract #23-02 with Dual Fuel Corp, and to undertake administrative acts as may be required under said agreement; and be it further
RESOLVED, that the Board of Trustees directs the Village Treasurer to allocate \$151,000 from General Fund fund balance to the corresponding FY 2023/2024 Capital Account as determined by the Village Treasurer; and be it further

RESOLUTION
Award Village Hall
HVAC contract
Dual Fuel Corp.

On motion of Trustee Fanelli, seconded by Trustee Post, and unanimously carried, it was:
RESOLVED, to appoint Keisel Pedro as officer to the Police Department pending completion of police academy.

RESOLUTION
Pedro, K.
PD

Administrator Datino announced resolutions adopted at recent work sessions.
1. Agreement w/ West. Cty. Community Development Program- 6/19/23
2. Agreement w/ Axon-body cameras for PD-7/5/23
3. Set Public Hearing for 7/24/23-Section 381-40-7/5/23
4. Approval of Bill List dated 7/5/2023

Work Session
Resolutions

On motion of Trustee Post, seconded by Trustee Fanelli, and unanimously carried, it was:
RESOLVED, to approve the minutes of the meeting held on June 19, 2023.

RESOLUTION
Minutes 6/19/23

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 June 19, 2023.

RESOLUTION
Work Session
Minutes 6/19/23

On motion of Trustee Post, seconded by Trustee Fanelli, and unanimously carried, it was:
RESOLVED, to approve the minutes of the work session held on July 3, 2023.

RESOLUTION
Work Session
Minutes 7/3/23

On motion of Trustee Post, seconded by Trustee Fanelli, and unanimously carried, it was:
RESOLVED, to approve the Bill List dated July 24, 2023.

On motion of Trustee Fanelli, seconded by Trustee Post, and unanimously carried, the meeting adjourned at 8:10PM.