

# Village of Scarsdale



*Jonathan I. Mark, Mayor*

*Stephen M. Pappalardo*

*Matthew J. Callaghan*

*Office of the Village Manager*

*Carl L. Finger*

*Scarsdale, New York 10583*

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*914-722-1110*

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*William Stern*

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*Jane Veron*

*Village Manager*

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## Village Board Agenda

October 25, 2016

Agenda Committee Meeting – 7:30 PM – Trustees Room

Village Board Meeting - 8:00 PM - Rutherford Hall

### Action

Roll Call

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Pledge of Allegiance

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Minutes

➤ Village Board Meeting of October 13, 2016

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Bills

➤ Trustee Finger

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Mayor's Comments

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Manager's Comments

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Public Comments

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Committee Items

Finance Committee – Trustee Samwick

- Statements of Expense & Revenue for June 2016 – September 2016
- 

Fire Commissioner – Trustee Callaghan

- Resolution re: Uniformed Firefighters Association Fundraiser for the Muscular Dystrophy Association
- 

Land Use Committee – Trustee Samwick

- Resolution re: Extension of Building Permit #143351 for a Residence at 44 Murray Hill Road
- 

Police Commissioner – Trustee Stern

- Resolution re: Acceptance of a Gift from the Bowman Family Foundation for the Scarsdale Police Department
- 

Other Committee Reports

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Liaison Reports

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Written Communications (6)

- Conservation Advisory Council – Scarsdale Solar Policy Permitting Guidance
- Barbara Wabeck – Revaluation
- Mayra Kirkendall-Rodriguez – Revaluation
- Michele Braun & Norman Berstein - Reval
- Statement by the Bramlee Heights Neighborhood Association – Hyatt Park
- Ron Schulhof & Michelle Sterling – Food Scrap Drop-off Site

Town Board Agenda

Special Town Board Meeting  
October 25, 2016  
Trustees Room, Village Hall

Roll Call

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Resolutions

- Resolution re: Request of the New York State Legislature to Authorize the Scarsdale Town Board to Phase-In Certain 2016 Residential Real Property Assessment Increases
-

## Future Meeting Schedule

Tuesday, October 25, 2016

➤ 6:00PM – Municipal Services Committee Meeting

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1. Village Center/West Quaker Ridge Traffic Study –  
Presentation by Village Consultant, Provident Design  
Engineering, PLLC.

Saturday, October 29, 2016

➤ 12:00PM - Village Board Tour of Mamaroneck, N.Y. and  
Darien, CT Libraries

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Wednesday, November 9, 2016 \*

➤ 6:30PM – Village Board to sit as an Appeals Board to hear an  
appeal regarding the Committee on Historic Preservation’s  
Default Denial Decision on the Issuance of a Certificate of  
Appropriateness to permit the Substantial Demolition of a  
Residential Structure Located at 41 Olmsted Rd

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➤ 7:30PM – Agenda Committee Meeting

➤ 8:00PM – Village Board Meeting

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\*Village Hall is closed for Election Day on November 8<sup>th</sup>.

Tuesday, November 22, 2016

➤ 6:55PM – Personnel Committee

1. Boards, Councils and Committee Positions/Vacancies  
(It is anticipated that a motion will be offered to move into  
Executive Session to discuss personnel matters)
- 

➤ 7:30PM – Agenda Committee Meeting

➤ 8:00PM – Village Board Meeting

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Tuesday, November 29, 2016

➤ 6:55PM – Committee of the Whole

1. Scarsdale Public Library Renovation & Addition Project  
Status Report & Referendum Discussion
- 

## Village Hall Schedule

Tuesday, November 8, 2016

Election Day – Village Hall Services Closed (Village Hall Open for Voting)

Friday, November 11, 2016

Veteran's Day – Village Hall Closed

## **THREE THOUSAND TWO HUNDRED SIXTY-FOURTH**

### **REGULAR MEETING**

Rutherford Hall  
Village Hall  
October 13, 2016

A Regular Meeting of the Board of Trustees of the Village of Scarsdale was held in Rutherford Hall in Village Hall on Tuesday, October 13, 2016, at 8:00 P.M.

Present were Mayor Mark, Trustees Callaghan, Finger, Pekarek, Samwick, Stern, and Veron. Also present were Village Manager Pappalardo, Deputy Village Manager Cole, Assistant Village Manager Richards, Village Attorney Esannason, Deputy Village Attorney Garrison, Village Treasurer McClure, Village Clerk Conkling, and Assistant to the Village Manager Ringel.

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The minutes of the Board of Trustees Regular Meeting of Tuesday, September 27, 2016 were approved on a motion entered by Trustee Pekarek, seconded by Trustee Stern, and carried unanimously.

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#### **Bills & Payroll**

Trustee Callaghan reported that he had audited the Abstract of Claims dated October 13, 2016 in the amount of \$681,778.95 which includes \$23,383.42 in Library Claims previously audited by a Trustee of the Library Board which were found to be in order and he moved that such payment be ratified.

Upon motion duly made by Trustee Callaghan and seconded by Trustee Samwick, the following resolution was adopted unanimously:

**RESOLVED**, that the Abstract of Claims dated October 13, 2016 in the amount of \$681,778.95 is hereby approved.

Trustee Callaghan further reported that he had examined the payment of bills made in advance of a Board of Trustees audit totaling \$68,733.27 which were found to be in order and he moved that such payments be ratified.

Upon motion duly made by Trustee Callaghan and seconded by Trustee Samwick, the following resolution was adopted unanimously:

**RESOLVED**, that payment of claims made in advance of a Board of Trustees audit totaling \$68,733.27 is hereby ratified.

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### Mayor's Comments

Mayor Mark stated "I provided an update on 2016 revaluation related matters as part of my State of the Village address at the Scarsdale Forum meeting last Thursday. What follows is an updated version of those comments.

- The possibility of seeking legislation to permit a three-year phase-in of increases in assessments experienced by certain residents on whom the impact of the revaluation was sufficiently harsh as to put them in jeopardy of leaving the Village was considered at a Committee of the Whole meeting held this evening just prior to this meeting. The pros and cons of pursuing that course of action were discussed, we listened to public comment on the proposal and the Board has taken the matter under advisement. To repeat comments made at prior meetings, any New York State legislation that would authorize the Village to adopt a phase-in Village Code provision would have to be approved by both houses of the State legislature and be signed into law by the Governor. If those events occurred, the matter would be back in the hands of the Village Board. At that stage, the Board would have to consider, at a public hearing, whether to adopt a Village Code provision that would put the phase-in into effect. Since the State legislature is not scheduled to re-convene until January 2017, it will be some months and several procedural steps before a phase-in Village Code provision is adopted, if it is adopted at all.
- The Village staff continues to collect and organize information that might support a claim against J.F. Ryan & Associates. In the meantime, the Village continues to withhold from J.F. Ryan approximately \$49,000 in fees he claims are due his firm.
- This week the Village received notice from the NYS Office of Real Property Tax Services (ORPTS) that a tentative state equalization rate for the Town of Scarsdale of 89.14 had been established. This rate is minimally higher than the preliminary equalization rate of 89.06 issued by ORPTS on September 7, 2016. Soon after receiving the preliminary rate, the Village staff explored the possibility of contesting the preliminary state equalization rate issued by ORPTS and retained a consultant to assist with that effort. The consultant completed his analysis and submitted to it to ORPTS for review. After consulting with ORPTS regarding his work, the parties agreed that the consultant failed to undertake certain statistical procedures used by ORPTS in its analysis to make an adjustment in the sales ratio analysis data. The consultant then reviewed his work further and concluded that based on the

parameters of ORPTS' approach, his calculation would be approximately the same as theirs. The Village Manager convinced the consultant to waive any payment for his work in light of this outcome.

Based on the review of the preliminary equalization rate through the Assessor and the consultant, and subsequent discussions with ORPTS, it is highly unlikely that any new information will be available to persuade ORPTS at an administrative hearing to increase the equalization rate substantially. It is therefore unlikely that further proceedings with regard to the equalization rate will be pursued. However, this may help to support our claim against J.F. Ryan relative to the quality of his work. The Village Attorney has incorporated this information into the bill of particulars he has drafted for this purpose and sent to J.F. Ryan's counsel.

- Regarding the question of whether the Village Board will take steps to void the 2016 revaluation, as has been stated at past meetings, the Village Board does not have statutory authority to take such an action on its own. We understand that should the Village wish to pursue this route, the earliest draft legislation could be submitted for initial consideration in Albany would be January 2017. Based on that timing, it is not likely we would learn whether or not the legislation passed for several months thereafter, close to the time the spring tax bills had to go out. Further, based on the report of the 2011 experience of the Town of Hamilton, New York when it sought legislation to simply extend the filing date of its assessment roll, it is possible that Westchester County might oppose any such legislative proposal as did Madison County in the case of Hamilton. That opposition proved persuasive in Hamilton's case and the Governor vetoed the legislation despite it having passed in both houses of the New York legislature. It is reasonably apparent that a request to entirely void an assessment roll – as contrasted with a request to simply extend a filing date which was Hamilton's request -- would be a more difficult issue for Albany to approve.
- We recognize residents' issues with the 2016 revaluation and the strong desire of some to reinstate the 2015 final assessment roll. However, it is less than clear that reinstating the 2015 final assessment roll, and it is not clear that that could be done, would be a prudent course to take since that roll too had its critics. One procedural issue that re-instatement might trigger is that those who may be grieved by the reinstatement of the 2015 roll would not have an opportunity file grievances. That inability must be seriously considered. It is my view that rather than reinstating a prior roll that also had its flaws and so could precipitate a host of additional issues, the Village as a whole would be better served by looking ahead and planning in a thoughtful way for the next Village-wide revaluation. If the Village were to adopt the phase-in approach just mentioned, those who felt the greatest burden of the 2016 revaluation and were in the least favorable position to bear that burden, would get some measure of relief (admittedly allocated to all other residents). In the case of the Towns of Greenburgh and Ossining, both of which adopted the phase-in approach, that approach was sufficiently bearable by all residents as to make it worthwhile.

However, as has been stated previously, no decision has been made whether to implement a phase-in as described.

- With respect to the Assessor and the Assessor's Office, the Board is studying what should be done within applicable legal parameters about the staffing and functioning of that office.

#### *Timing of SCARS Filings*

The Staff has informed me that because the statutory filing deadline for the SCAR appeals of October 15, 2016 falls on a weekend, the filing deadline is extended to the next business day, which in this case, is Monday, October 17, 2016. This will allow homeowners the weekend and another business day to finalize their SCAR appeals.

#### *Hyatt Field Parking Issues*

The Parks and Recreation Department had been discussing with certain residents who live directly adjacent to Hyatt Field means for reducing the in-street traffic issues that are being exacerbated by the popularity of the new playground at Hyatt Field. The Village staff had been receiving complaints that residents could not get out of their driveways at times, due to the amount of additional traffic parked on their streets. In order to address that issue, Parks & Rec revived a plan that had been discussed in prior years to pave a driveway ingress at the border of the field and create a parking lot that would allow some number of park users to get off the local streets. When this plan became known to other residents, both in the neighborhood, and in other areas of Scarsdale, there was an outpouring of concern that open space was about to be paved over without due consideration of resident desire to preserve open space.

In light of the broader based concern expressed, a public meeting of the Parks and Recreation Council has been scheduled for October 19, 2016 at 7:30 pm in Rutherford Hall. At the meeting an overview of the proposal will be presented and resident comment will be solicited. In the meantime, no work on the part of the plan which would involve the paving of a driveway and a parking lot will be done. Note however, that as part of the re-paving of Potter Road, an additional three feet of width will be added to that street. This will allow cars parked along Potter Road to pull a bit further off the main part of the street and permit better traffic flow on that street.

#### *Ad Hoc Committee on Communications*

The Village Board perceives a need to improve its communications to residents. To that end and as the result of the efforts of Trustee Jane Veron, the agenda for tonight includes an item for the formation of an Ad Hoc Communications Committee. If the Board adopts the relevant resolution, the Committee will consist of 10 residents who responded to a general request for applications from residents interested in serving on such a Committee.

Deputy Village Manager Rob Cole will also be a Committee member and the Committee will be chaired by Trustee Veron. Trustee Pekarek will also serve as a liaison to the Committee.

The Committee will serve for a period of one year. Its mandate will be to support the successful launch of the Village's new website, a communications platform intended to support 24/7 resident access and engagement. The Committee will also be asked to present written recommendations for strengthening Village communication strategies and cultivating engagement opportunities with the diversity of audiences served by the web site. We are excited by the creation of this Committee to provide focused resident feedback on this important and necessary function."

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#### Manager's Comments

Village Manager Pappalardo reported on gas main work projects that Con Edison is involved with in the Village. There has been ongoing work at the Heathcote Five Corners intersection since this past summer. As it relates to that work, there were two specific projects – one that was just completed and one that is coming to completion. The first one was located on Heathcote Road east of the Five Corners; the south side of the street between homes #5 through #15. This involved a repair of a gas main leak, by lining the existing main and providing new service connections to the residential homes. The work started over the summer and was not completed until October 7<sup>th</sup>. The steel plates have been removed, the trenches have been filled, and the temporary blacktop has been installed. Con Edison still needs to return and do final restoration work which may be done this fall.

The second project was much more involved and again involved a gas main leak at the intersection of Wilmot and Weaver Streets. Upon responding to an odor complaint, Con Edison discovered that the leak was in an old cast iron main. Based on their inspection, they made a determination to locate and replace all sections of the cast iron pipe in the vicinity as well as the associated valves with the pipes, which required separate trenching and excavations – ere go, the number of street openings and plating that occurred. They were required to hire Scarsdale Police to direct traffic at the intersections as the limits of the excavation work reduced the travel lanes for traffic flow. Con Edison reported today to the Village's Engineering staff, who has been monitoring this work, that the repair work at this point is effectively complete and that their restoration crews will be making the temporary road repairs shortly. Staff will consider whether to request that the completion of the final road repairs be done this fall, or wait until after the winter months so that the new roadway will not be disturbed by the effects of winter season. In accordance with the new amendment to the street section of the Village Code which the Board adopted, Con Edison will be required to have the affected areas paved curb to curb, not just where the trenches were made.

Village Manager Pappalardo also reported that Con Edison has just recently notified the Village of another project that they will be undertaking at Church Lane south at Popham Road. They are scheduled to begin work on installing a new natural gas regulator in the right-of-way in front of 22 Church Lane South at the Popham Road intersection. The installation is necessary to meet the high demand for natural gas in that area which is not currently provided to the residents. In order to provide the additional gas to feed the regulator, Con Edison must tie into an existing high demand regulator on the north side of Popham Road. The duration of this project is six to eight weeks. Con Edison will be working from 10:00 A.M. to 6:00 P.M. on Popham Road and from 8:00 A.M. to 6:00 P.M. on Church Lane. Police will be involved with traffic control. The homeowners on Church Lane South between Popham and Hathaway Roads will be detoured to Popham Road via School Lane. Safety fencing around the right-of-way and the trenched areas is required and a tree protection plan is in place. Because of the sensitivity of this project and the proximity to the work directly in front of the homes on Church Lane South, the Village DPW and Engineering staff have been functioning as liaisons between the affected homeowners and Con Edison. The residents are all very well informed and prepared for the work.

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#### Public Comment

**Robert Harrison**, 65 Fox Meadow Road, stated that there was a very good turnout for the Committee of the Whole meeting held this evening at 6:00 P.M. to discuss the possibility of legislation to allow for the phase-in of certain 2016 residential real property assessment increases. He stated that personally, he was undecided as to what the right thing to do is. He complimented Deputy Village Manager Cole for his presentation at that meeting. Conversation between Mr. Harrison and Deputy Village Manager Cole briefly ensued regarding the number of residents that would benefit from this proposal.

Mr. Harrison asked if the legislation could include a slower reduction in those properties that had their assessed values reduced.

Mayor Mark responded that this is not in the precedent that the Board will be following. In response to another question, the Mayor stated that as to the percentage increase, the State legislation left that to the municipality to set. It just so happens that both Greenburgh and Ossining individually set the in excess of 25% threshold.

Mr. Harrison stated that there are many residents who will suffer from the increase in their assessment, especially the older residents on fixed incomes.

Mr. Harrison stated that residents can still file their SCAR petitions which can be done online at the Westchester County Clerk's office. He offered free service to anyone listening this evening to file their SCAR petition – he can be reached at 725-0962 or [proscars@aol.com](mailto:proscars@aol.com).

Mr. Harrison noted for the record that one of the written communications for this agenda came from Mayra Kirkendall-Rodriguez with a petition to void the 2016 tentative assessed value. He read some of the comments in the other communications received regarding the reval.

Trustee Stern informed Mr. Harrison that the Board did receive the petition. Trustee Stern then noted that Ms. Kirkendall-Rodriguez said that people were afraid to sign the petition. He asked how many people were afraid to do so.

Mr. Harrison replied that he did not know; however, the Assessor is a difficult person. He stated that a lot of people of the Assessor and the Assessor's office. He stated that he personally experienced an abusive Assessor.

Trustee Stern then asked Mr. Harrison what percentage of the homeowners in Scarsdale the petition represents.

Mr. Harrison stated that 1,103 filed grievances which was more than were filed in 2014. He stated that he would be happy to speak to the residents in Scarsdale about this topic and noted that Trustee Stern had a 9% decrease in his assessed valuation. There is a lot of stress in this community. He stated that he and other residents have volunteered hundreds of hours to try and straighten out this issue with the revaluation.

**Lena Crandall**, 227 Fox Meadow Road, stated that she sat in on the Agenda Meeting before this evening's Board meeting, and asked the Board to clarify for the public where the Library Project stands. She noted that Terry Simon appeared at the Agenda Meeting and a meeting was set of the Committee of the Whole for November 29<sup>th</sup> at 6:55 P.M. in Rutherford Hall. Ms. Simon had stated that she was hoping for a resolution at the December 13<sup>th</sup> Board meeting. She asked the Mayor to further explain.

Mayor Mark stated that the Library Board has asked the Board of Trustees to do is to convene a meeting, which will be the November 29<sup>th</sup> meeting referenced by Ms. Crandall, at which the Library Board could publicly present the current iteration of its proposal. The Library Board has worked very hard along with the Village Project Manager to value engineer/reduce the cost and have cut out approximately \$3 million. They have a very detailed presentation on how this was done; their materials are posted on the Library website and copies of their presentation are available in the Library for public review. The Library would like to explain what they have done and what their present thoughts are on the scope of the project, what they are presently estimating it will cost and they most likely reiterate their commitment that they made to try to privately raise at least \$7.5 million and then hope that the Village would bond the balance of the project, which now approximates \$17.4 million. The Village Board and the public would hear that presentation on November 29<sup>th</sup> and there will be an opportunity to ask questions. What the Library Board would then like to do is, if the Board authorizes it, is see a public referendum vote of some sort. The key

issue would be a public referendum vote on whether the Village should issue a bond in the amount discussed to fund a portion of the project. The Library would like to see that vote occur sometime in February. The Village Board would have to schedule this; at a Board meeting in December the Board would give consideration to scheduling a referendum vote. The Village Board has an open mind about this; they will listen to the pros and cons set forth.

There being no further comments, Mayor Mark closed the public comments portion of the meeting.

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### Mayor Mark

Upon motion entered by Mayor Mark and seconded by Trustee Samwick, the following resolution as amended regarding the Establishment of an Ad-Hoc Committee on Communications was approved by the vote indicated below:

- WHEREAS,** The Village Board is desirous of establishing an Ad-Hoc Committee on Communications (Committee); and
- WHEREAS,** the Committee will support the successful launch of the Village's new website, a communications platform intended to support 24/7 resident access and engagement, and present written recommendations for strengthening Village communication strategies and cultivating engagement opportunities with the diversity of audiences it serves, conducting specific tasks outlined in this resolution; therefore, be it
- RESOLVED,** that Mayor Mark and the Village Board of Trustees hereby establish the Ad-Hoc Committee on Communications to serve in an advisory capacity to the Board of Trustees, with Trustee Jane Veron as Chair of the Committee and the following members herein appointed;

Justin Arest, Lakin Road  
 Lee Fischman, Wildwood Road  
 Dara Gruenberg, Hampton Road  
 Laura Halligan, Heathcote Road  
 Justin Hamill, Colby Lane  
 Mary Louise (ML) Perlman, Carstensen Road  
 Barry Meiselman, Post Road  
 Scott Rompala, Horseguard Lane  
 Andrew Sereysky, Walworth Avenue  
 Carol Silverman, Spier Road

Robert Cole, Deputy Village Manager – Staff Member  
and; be it further

**RESOLVED**, that Trustee Deborah Pekarek shall serve as liaison to the Committee; and be it further

**RESOLVED**, the Committee shall be appointed for a fixed one-year term expiring October 13, 2017, and after such date, the recommendations made by the Committee will be used to help inform Village communication strategies and activities, guide policy development, and influence budget discussions and resource appropriations; and be it further

**RESOLVED**, that the Committee’s charge is as follows:

1. Review new website content, functionality, and user-friendliness, making suggestions for enhancements;
2. Develop a plan to gain community usage, seeking widespread adoption. As ambassadors for the new communications platform, engage with community groups to both increase awareness and usage of the website, and to introduce website functionality; and
3. Drawing on expertise and best practices, provide strategies to improve Village communications. Prepare written recommendations to the Village Board identifying important community segments or audiences, linking appropriate communication methods and channels to identified segments, and suggesting prioritization of associated programmatic and investment needs within the context of existing fiscal constraints.

| <u>AYES</u>       | <u>NAYS</u> | <u>ABSENT</u> |
|-------------------|-------------|---------------|
| Trustee Callaghan | None        | None          |
| Trustee Finger    |             |               |
| Trustee Pekarek   |             |               |
| Trustee Samwick   |             |               |
| Trustee Stern     |             |               |
| Trustee Veron     |             |               |
| Mayor Mark        |             |               |

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After the vote, Trustee Veron stated that the Board is incredibly fortunate that those who applied to the Ad Hoc Committee on Communications represent a wide range of experience in Scarsdale. There are both newcomers to Scarsdale and longtime residents. These

people will bring great expertise to the Committee; they have a lot of professional background and experience. She stated that the Board thanks this group of people for volunteering for this important service to the community.

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### Fire Commissioner

Before reading the following resolution, Trustee Callaghan reported that there is great significance to the award to the Village of a Federal Department of Homeland Security Assistance to the Firefighters Grant. This allowed the Fire Department to purchase thirty (30) Self Contained Breathing Apparatus (SCBA). The Fire Department currently has 47 paid firefighters and 70 volunteers. In stock there may be 40-50 somewhat usable ones – this allows the Fire Chief to remove that equipment that is no longer serviceable and cut down significantly on repairs. What is even more significant is that the National Fire Prevention Association (NFPA) is the technical body that sets forth the standard that this apparatus must be utilized. With this grant, the Fire Department has purchased the latest and best equipment available. This is for the benefit of the firefighter and making a more efficient paid and volunteer department. He noted that the Fire Department had hired a grant writer, Grantmasters, who were successful in getting this grant awarded to the Village.

Upon motion entered by Trustee Callaghan , and seconded by Trustee Veron, the following resolution regarding Acceptance of a Federal Department of Homeland Security 2015 Assistance to Firefighters Grant was approved by the vote indicated below:

**WHEREAS,** the Village of Scarsdale Fire Department submitted an application to the federal Department of Homeland Security (DHS) in January 2016 for a 2015 Assistance to Firefighters Grant; and

**WHEREAS,** the primary goal of the Assistance to Firefighters Grant (AFG) is to meet the firefighting and emergency response needs of fire departments and nonaffiliated emergency medical service organizations; and

**WHEREAS,** the grant request was to support the purchase of new Self-Contained Breathing Apparatus (\$182,240) and contractual grant-writing support (\$2,600), totaling \$184,840; and

**WHEREAS,** on September 9, 2016, the Department of Homeland Security awarded 2015 Assistance to Firefighters Grant #EMW-2015-FO-05775 to the Village of Scarsdale in the amount of \$174,991, requiring an additional 5% (\$8,749) local match, plus \$1,100 capital budget funding, for a total value of \$184,840; and

**WHEREAS,** the 2016/17 capital budget anticipated up to \$10,000 in matching grant contribution, which is adequate to cover the \$9,849 in Village expense required to accept AFG # EMW-2015-FO-05775; and

**WHEREAS,** the Village staff has reviewed the rules and guidelines of the grant program and believes it is in the best interest of the Village to participate; now, therefore, be it

**RESOLVED,** that the Village of Scarsdale herein agrees with the terms and conditions of the Department of Homeland Security Assistance to Fire Fighters Grant attached hereto; and be it further

**RESOLVED,** that the Village Manager is herein authorized to undertake the administrative acts required to accept Assistance to Firefighters Grant Award #EMW-2015-FO-05775; and be it further

**RESOLVED,** that the required local match of \$8,749 plus the additional \$1,100 Village contribution for consultant costs be charged to Fire Department Capital Budget Account H-3497-962-2017-047; and be it further

**RESOLVED,** that grant funds expended under this program will be charged to Capital Budget Account and H-3497-962-2017-047G, with grant reimbursements to be credited back to the same account.

| <u>AYES</u>       | <u>NAYS</u> | <u>ABSENT</u> |
|-------------------|-------------|---------------|
| Trustee Callaghan | None        | None          |
| Trustee Finger    |             |               |
| Trustee Pekarek   |             |               |
| Trustee Samwick   |             |               |
| Trustee Stern     |             |               |
| Trustee Veron     |             |               |
| Mayor Mark        |             |               |

Village Manager Pappalardo stated that Trustee Callaghan mentioned that the Village hired a grant writer to help obtain this grant. The Village spent \$2,600 on the grant writer and despite that being money well spent, based on the fact that the Village got back \$174,000 in this grant, the grant consultant was an eligible cost under the grant application. The Village submitted for that cost and received 95% of that returned in the grant. The Village will most likely continue to utilize a grant writer for this purpose; these are annual grants.

Trustee Finger complimented Chief Seymour, the prior Fire Chief and the staff for working on this grant. This grant and all of the grants that the staff obtains is greatly appreciated by the Board. He stated that month after month, the Board sees the Village staff

coming to them with grant awards to approve and it is really great to approve them. The staff should get credit for the amount of grant money they bring in that the Village does not have to spend for important items such as this. He again expressed his appreciation to everyone who worked on this grant.

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### Municipal Services Committee

Trustee Pekarek asked Village Manager Pappalardo to give some informational background on the following resolution for Rejection of Bids for the Popham Road Firehouse Renovation.

Village Manager Pappalardo stated that the Village opened these bids on September 13<sup>th</sup> and the lowest bids, when in the aggregate exceeded the construction budget which is roughly \$3 million, by 22%. If a 10% contingency is added to this, it would be a construction budget of approximately \$4 million. Based on that alone, it was felt that a recommendation had to be made to the Village Board to reject these bids and try again. What they have decided to do after meeting with the engineer, is that instead of spending time revising the construction documents which are very voluminous, what they have done is broken out the base bid work. A number of those base bid items have been pulled out and the bidding will be an add/deduct, like a menu approach. Depending on the bids that come in, they can pick and choose what they want to add in to the contract and what they want to deduct.

Village Manager Pappalardo stated that the areas of the add/deduct are the Village Hall electrical upgrade which was part of this project, Popham Road Firehouse and Village Hall are right next to each other and they were hoping to upgrade the electrical in Village Hall so that we could piggyback off the new generator that they were hoping to install at the Firehouse – then both buildings would have up to date permanent generator back up power supply. It would benefit us greatly to have Village Hall with power when there are power outages. The generator itself will be an add/deduct item. The building footings design was based on an original design with an extremely conservative soil boring capacity, so the structural engineer believed that the Village could have an add/deduct for that level that has been identified in the contract. There is some finishing work in the building – the basement area, the kitchen, the second floor dorm areas – the Village is fortunate enough to have a Facility Maintenance Department that has very skilled workers. They are perfectly capable of doing the finishing work on the shell of these new facilities. The Village will save hundreds of thousands of dollars through that effort.

Village Manager Pappalardo gave much credit to Paul Zaicek, Project Manager who worked very hard with the engineer and Benny Salanitro, Superintendent of Public Works who steps in on these projects and has very good practical experience with construction; he is also a Civil Engineer.

Village Manager Pappalardo stated that the bids the Village has been receiving lately have not been favorable; what they are hearing and finding out is that a lot of the contractors are busy but hopefully as we approach the winter months we may see some better numbers – this is inside work. Many of them have full time staff that work for them that they have problems finding work for over the winter. He is hoping to get better bids and come back to the Village Board at the second meeting in November with the contract award. They are planning to open the new bids on November 8<sup>th</sup>.

Trustee Pekarek thanked Village Manager Pappalardo for the information and moved forward with the resolution.

Upon motion entered by Trustee Pekarek , and seconded by Trustee Veron, the following resolution regarding Rejection of Bids for Popham Road Firehouse Renovation, VM CONTRACT #1203 – GENERAL CONST; VM CONTRACT #1204 – ELECTRICAL; VM CONTRACT #1205 – PLUMBING; VM CONTRACT #1206 – MECHANICAL was approved by the vote indicated below:

- WHEREAS,** the Popham Road Firehouse (Station 1), constructed in 1923, is in need of a major renovation due to structural and functional obsolescence, including its inability to accommodate larger generations of fire apparatus; and
- WHEREAS,** at their January 12, 2010 meeting, the Village Board authorized Phase I Design Services Agreement with Grigg & Davis Engineers, 21 Crossway, Scarsdale, N.Y. (G&D) to perform Station 1 preliminary design work; and
- WHEREAS,** at their November 12, 2013 meeting, the Village Board authorized a \$356,748 Phase II Design and Construction Administration Services Agreement with G&D to prepare construction bid documents, perform bidding assistance, and perform construction administration services, also having approved at the same meeting a \$3,500,000 bond authorization resolution for Station 1 improvements; and
- WHEREAS,** G&D's February 03, 2015, construction estimate arising from the Phase II Design Services work, inclusive of design feedback from the Municipal Services Committee and others, was \$5,115,000, which was well above the available project funds of \$3,083,500, necessitating concept and scope modifications to bring the project within budget; and
- WHEREAS,** during January and February 2016, G&D relied on feedback from the Municipal Services Committee and staff to modify the Station 1 scope, including the replacement of an Americans with Disabilities

Act (ADA)-compliant elevator and stair tower with the installation of a chair lift and exterior egress stairway on the west side of Station 1, such that project costs could be reduced to an estimated \$3,191,770, while still achieving ADA compliance; and

**WHEREAS,** at its March 8, 2016 meeting, the Village Board authorized an amendment of \$92,500 to the Phase II Design and Construction administration Services Agreement with G&D to incorporate the revised scope of work, to be paid from Station 1 bond proceeds, thereby reducing the available project funds to \$2,991,000; and

**WHEREAS,** in August 2016, G&D completed the construction bid documents and the Village Manager reported that he publicly advertised for the receipt of bids on August 12, 2016, under VM Contract #1203 – Popham Road Firehouse Renovation - General Construction, VM Contract # 1204 – Popham Road Firehouse - Electrical, VM Contract # 1205 – Popham Road Firehouse Renovation – Plumbing, and VM Contract #1206 – Popham Road Firehouse Renovation - Mechanical; and

**WHEREAS,** on the bid opening date of September 13, 2016, the lowest responsible aggregate bids received for the base bid work for all four contracts totaled \$3,834,165 (copies attached), which is significantly higher than the cost estimate provided by G&D (\$2,950,000) and the \$2,991,000 in bond funding currently available for the project, necessitating a recommendation from G&D and staff that the Village Board reject the bids, further value engineer the project, and rebid; and

**WHEREAS,** after reviewing the bids and discussing the submissions with the bidders, Louise Grigg of G&D concluded that the bids exceed the budget and project cost estimate due to an under-estimation of the emergency generator and Village Hall electrical upgrade work, along with the complexity of the Mechanical, Electrical and Plumbing (MEP) design; and

**WHEREAS,** G&D and Village staff concurred that to bring the project within budget, the MEP systems shall be redesigned and several additional deduct alternates should be included in the bid proposals, with portions of the deducts to be performed in-house, to give the Village more flexibility to reduce the cost and scope of the project after the re-bids are opened; and

**WHEREAS,** G&D estimates that through the redesign of the MEP systems and site work in conjunction with the deduct alternatives, a savings of

approximately \$1,150,000 can be realized, yielding an estimated construction cost of \$2,700,000, plus an estimated \$200,000 for work that may be completed by Village Facilities Maintenance staff, for a total of \$3,170,000 with a 10% contingency added; and

**WHEREAS,** an assignment of Fund Balance as of May 31, 2016, in conjunction with the FY 15/16 Closeout, if available, subject to further Village Board appropriations, to cover the anticipated project cost increase above the bond proceeds currently available; now, therefore, be it

**RESOLVED,** that the Village Board, pursuant to Section 103 of the New York State Municipal Law and Section 57-7 of the Village Code, hereby rejects all bids for VM Contract #1203 – Popham Road Firehouse Renovation - General Construction, VM Contract # 1204 – Popham Road Firehouse Renovation - Electrical, VM Contract # 1205 – Popham Road Firehouse Renovation – Plumbing, and VM Contract #1206 – Popham Road Firehouse Renovation - Mechanical; and be it further

**RESOLVED,** that the Village Manager is herein authorized to re-advertise and re-bid for this work in accordance with New York State General Municipal Law.

| <u>AYES</u>       | <u>NAYS</u> | <u>ABSENT</u> |
|-------------------|-------------|---------------|
| Trustee Callaghan | None        | None          |
| Trustee Finger    |             |               |
| Trustee Pekarek   |             |               |
| Trustee Samwick   |             |               |
| Trustee Stern     |             |               |
| Trustee Veron     |             |               |
| Mayor Mark        |             |               |

\* \* \* \* \*

Recreation Committee

Trustee Callaghan mentioned that Sam Blakely, who supplied the lights discussed in the below resolution, has done so several times before, which should be duly noted in the minutes.

Upon motion entered by Trustee Callaghan , and seconded by Trustee Veron, the following resolution regarding Acceptance of a Gift – Portable Lights at Supply Field for Youth Tackle Football Program was approved by the vote indicated below:

**WHEREAS,** the Parks, Recreation and Conservation Department conducts a Youth Football Program for children in grades 3 through 8, which

includes both tackle and flag football, with approximately 93 children enrolled in the tackle program; and

- WHEREAS,** limited daylight during the months of October and November make it challenging for volunteer parents and coaches to conduct tackle football practices and games; and
- WHEREAS,** the Village Board of Trustees previously authorized the temporary use of two portable lights at Supply Field from mid-October through mid-November, three days a week until 7:30 p.m., said use occurring without incident or complaint from abutting neighbors (see attached resolution of September 4, 2015); and
- WHEREAS,** these portable lights have been donated to the Village by Scarsdale resident Sam Blakely who has again offered to donate the units for the 2016 program, with said units to be used under the same terms and conditions as the previous years; and
- WHEREAS,** the portable lights have a value in excess of \$500.00; and
- WHEREAS,** pursuant to Policy #106 of the Village of Scarsdale Administrative Policies & Procedures Manual, "*Gifts to the Village of Scarsdale*," acceptance of all gifts valued at \$500.00 or greater must be approved by the Village Board of Trustees; now, therefore, be it
- RESOLVED,** pursuant to the Village of Scarsdale Policy #106, the Village Board of Trustees hereby accepts as a gift, the donation of two portable lights for temporary use at Supply Field in conjunction with the Scarsdale Youth Recreation Football Program for the 2016 season, to be used three days weekly until 7:30 p.m. from October 17, 2016 through November 18, 2016; and be it further
- RESOLVED,** that the Village Board extends its thanks and appreciation to Mr. Sam Blakely, as donor of the lights, as well as to the parents and volunteers that facilitate and participate in the Scarsdale Youth Recreation Football Program.

AYES

Trustee Callaghan  
Trustee Finger  
Trustee Pekarek  
Trustee Samwick  
Trustee Stern  
Trustee Veron

NAYS

None

ABSENT

None

Mayor Mark

\* \* \* \* \*

Other Committee Reports

None.

\* \* \* \* \*

Liaison Reports

Trustee Callaghan reported on the recent meeting in September of the Advisory Council on Parks and Recreation, stating that the Mayor had already discussed the issue of parking at Hyatt Field, but they also discussed the uptick in Youth Soccer which is going very well. He also mentioned that the September 10<sup>th</sup> Jamboree that was held at Crossway was quite a success with approximately 500 participants.

Trustee Callaghan also reported as Fire Commissioner, stating that he would like it noted in the minutes that in regard to the death of Deputy Chief Michael Fahey of the New York City Fire Department, who happened to live in Tuckahoe, and 15 of Scarsdale's paid firefighters including the Fire Chief, himself and 12 others attended the funeral. There were over 10,000 firefighters in attendance, from as far away as California. He stated that he was honored to be included in the reception group of Department Chiefs from New York City. They extended five blocks long and six deep. Every Fire Chief from New York City was there as well as the Mayor, Deputy Mayor, Cardinal Dolan, among others. The procession extended over 1 ½ miles. It was the most significant fire related funeral in the history of Westchester County and we were very well represented. He stated that he wanted the Board to know that it didn't go unnoticed.

In regard to outreach, Trustee Callaghan stated that he is a merit badge counselor for the Boy Scouts in the Southern Westchester District. This year a young man contacted him who is seeking Eagle Scout status, so he contacted Fire Chief Seymour and the new Training Officer, Stephen Mulcahy. Stephen Mulcahy and Firefighter Brian Hughes spent two hours with this young man and brought him up to speed. This young man was from a Pelham Boy Scout Troop who had nice things to say about the Scarsdale Fire Department.

Trustee Callaghan also noted that the Fire Chief runs a semiannual meeting for volunteer fireman which is also attended by the Training Officer Chief Mulcahy. He is ramping up the duties of the volunteers to assist in making the Fire Department more efficient, as well as increasing and intensifying their training.

Trustee Pekarek reported on the community effort to change an open space to the beginning of a lovely meadow on Secor and Palmer Roads. Last weekend and the weekend

prior, many members of a variety of groups, the CAC, the Friends of the Scarsdale Parks, and community volunteers – young and old, there were children there planting. Last Saturday well over 800 little plugs of a variety of plants that will transform the buffer area of the meadow into a beautiful new open space were planted. Everyone worked really hard. Trustee Pekarek stated that she wanted to thank the CAC, the Friends of the Scarsdale Parks, the DPW who prepared the ground so planting could occur. She also thanked the Village Staff – prior to doing this, approval was needed from the Village Manager; Deputy Village Manager Cole also helped to move this forward.

Trustee Pekarek also mentioned that on October 25<sup>th</sup> at 6:00 P.M., there is a Municipal Services meeting where a traffic study that was commissioned by the Village will be reviewed. The Police also put together some data about how they enforce a variety of traffic activities within the Village. The Scarsdale Forum has also weighed in on the traffic study. The Board hopes that residents will attend. The Board would also appreciate any written comments.

\* \* \* \* \*

#### Written Communications

Village Clerk Conkling stated that all communications received that are written to the Mayor and Board of Trustees can be viewed on the Village's website, [www.scarsdale.com](http://www.scarsdale.com) under the Board of Trustees or Village Clerk section.

She reported that twelve (12) communications have been received since the last regular Board of Trustees meeting held on September 27, 2016.

Six (6) communications regarding the 2016 Reval were received from the following:

- Mayra Kirkendall-Rodriguez, Fox Meadow Road attaching a Petition to Invalidate the Ryan Revaluation
- Mayra Kirkendall-Rodriguez, Fox Meadow Road regarding a proposed Reval Phase-In
- Michelle Braun & Norman Bernstein, 14 Wakefield Road
- Betty Blume, 246 Mamaroneck Road
- Susan Levine, Ardmore Road
- Kai Tang, 22 Ridgecrest East

The remaining six (6) communications were received from the following:

- Betty Blume, 246 Mamaroneck Road regarding recycling and waste
- Barbara Langford, 146 Boulevard, and a response from Mayor Mark attached regarding a proposed parking lot at Hyatt Field

- Susan Levine, Ardmore Road, regarding side yard setbacks
- Leonardo Kestelman, 40 Hampton Road, concerning roadway conditions between Olmsted and Hampton Roads
- Jessica Kourakos, Board of Architectural Review Chair, regarding various issues raised by residents over residential construction projects.
- Phil Gonzalez of Braking Aids Ride, thanking Scarsdale for its support on this year's charity event.

Trustee Stern stated that Ms. Susan Levine had sent a letter to him personally, and he asked her to send it to the Village. She is very upset that her whole neighborhood block has been transformed by McMansions and her enjoyment of her living space has been severely restricted, which is explained in her letter. He stated that it is a common complaint now, and he felt that perhaps in future meetings, the Board should try to find some resolution to this issue.

\* \* \* \* \*

There being no further business to come before the Board, on a motion entered by Trustee Finger, and seconded by Trustee Samwick, the meeting was adjourned at 9:18 P.M.

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Donna M. Conkling  
Village Clerk

**RESOLUTION RE:      UNIFORMED FIREFIGHTERS ASSOCIATION  
                                 FUNDRAISER FOR THE MUSCULAR  
                                 DYSTROPHY ASSOCIATION**

**WHEREAS,**                      Through a combination of volunteerism and philanthropy, both directly and through the organizations to which they belong, Village employees demonstrate support for Scarsdale community values, including participating in a variety of local and non-local activities and fundraisers benefitting worthwhile causes near and far; and

**WHEREAS,**                      the Scarsdale Uniformed Firefighters Association (UFFA) has requested that the Village Board authorize a “Fill the Boot” fundraising effort in support of the Muscular Dystrophy Association, to be held on public property in the vicinity of Fenimore Road and Greenacres Avenue, to seek donations from pedestrians, many of who commute from the nearby Hartsdale Train Station; now, therefore, be it

**RESOLVED,**                      that the Village Board herein approves and supports the UFFA’s efforts for a “Fill the Boot” fundraiser on public property, in the vicinity of Fenimore Road and Greenacres Avenue, on October 28, 2016, from 6:00 am – 9:00 am, for the benefit of the Muscular Dystrophy Association.

Submitted by: Village Manager  
Date:                      October 21, 2016  
For:                        October 28, 2016



Scarsdale Fire  
Department – Office  
of the Fire Chief

# Memo

VH # 16-10-02

To: Stephen M. Pappalardo, Village Manager

From: James E. Seymour IV, Fire Chief

Date: October 21, 2016

Re: UFFA MDA "Fill the Boot" Fundraiser at Fenimore Rd. and Greenacres Ave.

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A request was received from the Uniformed Firefighters Association (UFFA) to conduct a fundraising effort for the Muscular Dystrophy Association in the vicinity of Fenimore Road and Greenacres Avenue on Friday morning, October 28, 2016.

The UFFA has conducted similar fundraising efforts many times in the past, and their request letter is attached. Although fundraising activities like this fall under the Village's general events policy and only require Village Manager approval, participating UFFA members are Village of Scarsdale representatives and it would be helpful for the Board of Trustees to acknowledge and support the initiative.

Accordingly, I have prepared the attached resolution and ask that it receive Board of Trustees consideration at their October 25, 2016 meeting, which is the last meeting prior to the fundraising event. It should be noted that the "Fill the Boot" fundraiser will not cause any Fire Department overtime.



**INTERNATIONAL ASSOCIATION  
OF FIRE FIGHTERS LOCAL 1394**

P.O. BOX 61  
SCARSDALE, N.Y. 10583



October 16, 2016

Chief Seymour,

I would like to thank you for your assistance in facilitating the "Fill the Boot" fundraiser for the Muscular Dystrophy Association (MDA). On September 9<sup>th</sup>, we were able to raise over \$4,000, all of which goes to the MDA.

The UFFA Charity Committee is requesting permission to hold a second "Fill the Boot" on October 28<sup>th</sup>. However, this time we would set up in the area of Fenimore Rd and Greenacres Ave, with the intent of requesting donations from pedestrian commuters in route to the Hartsdale Train Station. The MDA will provide signs advertising the event, which will be posted in the area on the day prior to the event. We would be on the sidewalks of Fenimore Rd and Greenacres Ave for the morning rush hour, from approximately 6am to 9am.

I would also like to request permission to use a department utility vehicle to transport off duty personnel, and have one on duty SFD engine and personnel to help represent us. The engine would remain available for response.

Please contact me if you require any further information.

Thank you for your consideration,

Michael Decker

**RESOLUTION RE:     EXTENSION OF BUILDING PERMIT #143351 FOR A  
                              RESIDENCE AT 44 MURRAY HILL ROAD**

**WHEREAS,**           Building Permit #143351 was originally issued on October 8, 2014 with an estimated cost construction cost of \$500,000 for partial interior and exterior demolition and construction of an addition, renovations, and alterations at 44 Murray Hill Road, identified on the Village Tax Map as Section 17 Block 01 Lot 6L, expired on October 7, 2016; and

**WHEREAS,**           subsequent to the issuance of the building permit and start of construction, the applicant submitted an amendment to the Building Inspector to increase the size of the second floor exterior addition and to construct a swimming pool house. Due to the exterior design changes, the amendment was referred by the Inspector to the Board of Architectural Review who reviewed and approved the scope change on December 1, 2014, said amendment further resulting in an increase in the estimated cost of construction to \$750,000; and

**WHEREAS,**           the owner of the property has since been unable to complete the construction within the allowable time due to cost overruns during the partial demolition work, the discovery of unknown conditions revealed during said demolition, the subsequent structural redesign as a result of the unknown conditions, and the owner opting to generally redesign several interior alterations after demolition was complete; and

**WHEREAS,**           the architect requested a building permit extension for an additional twenty-four month period, expiring October 7, 2018; and

**WHEREAS,**           the Building Inspector has reviewed the extension request, visited the site, and has determined that the renewal request is warranted and that the remainder of the work will take twenty-four months to complete; and

**WHEREAS,**           the Village will incur additional costs to inspect the home and process this request for a building permit extension; and

**WHEREAS,**           there have been no complaints or violations in conjunction with this permit; and

**WHEREAS,**           §132-25.C of the Village Code stipulates that the Village Board may extend building permits by resolution; now, therefore, be it

**RESOLVED,**           that Building Permit #143351 for the construction of an addition, renovation and alteration at 44 Murray Hill Road be extended to October 7, 2018; and be it further

**RESOLVED,**           that the owner pay to the Village of Scarsdale, as compensation for the increased administrative costs associated with additional review and inspection services, an additional fee of \$10,855.92 in accordance with the pro rata fee listed in the 2016-17 Fees & Charges Schedule, calculated at a rate of 1/24<sup>th</sup> of the original building permit fee multiplied by the number of additional months estimated to complete construction.

Submitted by: Village Manager  
Date:            October 21, 2016  
For:             October 25, 2016



October 7, 2016

Robert Viola, Plan Examiner/Zoning Inspector  
Frank Diodati, Village Building Inspector  
Village of Scarsdale Building Department  
1001 Post Road  
Scarsdale, NY 10583

**RE: BUILDING PERMIT EXPIRATION – 44 MURRAY HILL ROAD (17-01-6L)**  
**Amendment to original request letter dated September 12, 2016**

Mr. Viola and Mr. Diodati:

In regards to the referenced project above, 44 Murray Hill Road, I am formally requesting an extension for the current Building Permit that is set to expire October 7, 2016. I am requesting an extension of 2 years.

This project has had significant delays due to cost overruns during demolition and construction. During the selective demolition of the house several hidden conditions were discovered having to do with the existing structure. These conditions required a structural redesign by the engineer. Also, once the demolition was complete the client reassessed the original design and opted to go back to the drawing board and redesign several areas of the house.

The contractor is now projecting a completion date of September 2018. The construction work on the house has recommenced. Interior framing is complete. The electrical and plumbing are currently in progress. The exterior finishes are scheduled to start being applied within the next few weeks. All interior design work, ie. finishes, cabinetry, fireplaces, etc. are in the final stages of being approved. The work will commence on the interior within the next few weeks once the plumbing, electrical, and mechanical have been completed and the interior sheetrocked.

Thank you for your time. Please call or e-mail me with any questions regarding this project. My number is 203.625.9460 and my e-mail address is gm@granoffarchitects.com

Sincerely,

Gwen L. Mulcahey



## KOS BUILDING GROUP, LLC.

SCARSDALE BUILDING DEPT  
APPROVED

OCT 11 2016

875 MAMARONECK AVE.  
SUITE 400  
MAMARONECK, NY 10543  
TEL: 914-777-0007  
FAX: 914-777-6655  
[www.KosBuildingGroup.com](http://www.KosBuildingGroup.com)  
E-mail: [info@kosbuildinggroup.com](mailto:info@kosbuildinggroup.com)

### **44 Murray Hill Rd. Construction Schedule Permit 17-01-6L**

#### **2016**

December: Complete stucco & siding.

#### **2017**

January: Finish mechanical's (electric, HVAC, plumbing, alarm, central VAC)

February: Finish framing add ons including Main stairs, expanding doors and drop ceilings.

April: Finish sheetrock

May: Start tile and finish install of hardwood floors.

June: Finish carpentry (doors & trim)

July: Start kitchen.

August: Finish tile.

September: Complete all exterior masonry work.

September: Finish kitchen & bath cabinetry.

November: Finish interior painting.

November: Complete landscaping.

December: Finish custom cabinetry, mahogany paneling, & theater.

#### **2018**

January: Complete plumbing, HVAC, electric trim & finishes.

February: Finish all touch ups and call for inspection.

Note: According to this schedule the home should be move in ready in 16 months. Since this house is custom and the owner is having a hard time finding materials and design that works for him we are asking for an additional 8 months in the event that we experience delays or changes.

# Village of Scarsdale, N.Y.

## BUILDING DEPARTMENT BUILDING PERMIT

### THIS PERMIT MUST BE DISPLAYED AT THE JOB SITE

Permit Number: 143351

Date of Issue: 10/8/2014

Expiration Date: 10/7/2016

Property Number: 17.01.6L

Location of Property: 44 MURRAY HILL RD

Valuation: \$750000.00

**Owner:**

KESSNER STEVEN  
KESSNER CHERYL  
SCARSDALE NY 10583

**Contractor:**

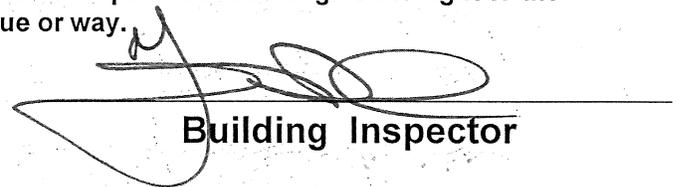
KOS Building Group LLC  
875 Mamaroneck Ave. Ste. 400  
Mamaroneck NY 10543

**Permission is hereby given to the above owner / contractor:**

LARGE FILE ON TOP SHELF - ADDITIONS, RENOVATIONS & ALTERATIONS,  
AMENDMENT TO INCLUDE COVERED PAVILION AND POOL HOUSE

**Subject to the following:**

Compliance with all laws, ordinances, rules, and regulations relating to such work, and to the requirements and direction of the building inspector with reference thereto. This permit is non-transferable and may be revoked for any default with respect to its conditions. This permit must be present at the site of work whenever the same is in progress and must be exhibited to any person on demand. It is unlawful to occupy or use any new or altered building until a CERTIFICATE of OCCUPANCY has been issued by the building inspector. This permit does not give the right to the holder to excavate in any public or private street, avenue or way.



Building Inspector

Permit Number: 143351

Date of Issue: 10/8/2014

Expiration Date: 10/7/2016

Property Number: 17.01.6L

Location of Property: 44 MURRAY HILL RD

Valuation: \$750000.00

**Owner:**

KESSNER STEVEN  
KESSNER CHERYL 44 MURRAY HIL  
SCARSDALE NY 10583

**Contractor:** KOS Building Group LLC  
875 Mamaroneck Ave. Ste.

Mamaroneck NY 10543

**Permission is hereby given to the above owner / contractor:**

LARGE FILE ON TOP SHELF - ADDITIONS, RENOVATIONS & ALTERATIONS,

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**VILLAGE OF SCARSDALE**  
**BUILDING DEPARTMENT**  
**MEMORANDUM**

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**TO:** STEPHEN M. PAPPALARDO, VILLAGE MANAGER  
**FROM:** FRANK DIODATI, VILLAGE BUILDING INSPECTOR  
**SUBJECT:** 44 MURRAY HILL RD.  
S.B.L. 17.01.6L  
PERMIT # 143351– ISSUED – 10/8/2014  
EXPIRED – 10/7/2016  
**DATE:** OCTOBER 11, 2016  
**CC:** DANIEL DIAZ, JOE SARACINO, ROB VIOLA

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Pursuant to the recent request of Gwen Mulcahey, of Grannoff Architects, 30 West Putnam Ave. Greenwich, CT. 06830, to extend a recently expired building permit the Building Department inspected the residence at 44 Murray Hill Road for certain additions, renovations and alterations to the home. The work included selective demolition of interior areas and some exterior portions of the dwelling. The total exterior demolition work was less than 50% of the total home and did not trigger CHP review.

As referenced above, the original two-year building permit for this project was issued on October 8, 2014, and will expire on October 7, 2016.

Based on a review of the permit folder and field inspection, it is my opinion that a twenty-four month (24) extension is reasonable to ensure completion of the work. This project has experienced significant delays due to cost overruns during interior demolition and construction. During the selective demolition of the dwelling, several hidden conditions were discovered having to do with the existing structure. These conditions required interior structural redesign of the project by the structural engineer. In addition, upon completion of the demolition, the owner opted to redesign several interior areas, and thus was not required to re-appear before the BAR. Upon extension of the building permit the interior framing will be completed and the electricians, plumbers and HVAC contractors will proceed with the work. Upon completion the interior will be covered with gypsum board. The exterior finish work is scheduled to be completed before the winter begins.

There have been no complaints/violations in conjunction with this work; and the site is generally neat and in good order.

The permit fee for this permit for the new house was \$10,855.00, based on the owner's estimated cost of construction in the amount of \$750,000.00. Based on the interior design changes, the total estimated project cost has not been modified by the architect. However, as is the Building Department's practice, a final affidavit of cost will be provided by the applicant and reviewed for accuracy by the Department, and the permit fee modified appropriately if applicable, prior to issuance of a Certificate of Occupancy.

In accordance with the FY 16/17 Fees and Charges Schedule, a pro rata fee is calculated at a rate of 1/24<sup>th</sup> per month (0.04167) for the estimated 24 months to complete the construction (extension of permit begins from expiration date). Therefore, the permit extension fee would be  $\$10,855.0000 \times 0.04167 = \$452.33$  x 24 = \$10,855.92 and the permit extension expiration date would be October 7, 2018.

If you have any questions or require any additional information, please let me know.

**RESOLUTION RE: ACCEPTANCE OF A GIFT FROM THE BOWMAN FAMILY FOUNDATION FOR THE SCARSDALE POLICE DEPARTMENT**

**WHEREAS,** The Bowman Family Foundation, on behalf of Matthias B. Bowman, wishes to make a restricted gift in the form of a \$2,000 grant to the Village of Scarsdale for the sole purpose of providing funding for police department needs identified by the Police Chief and approved by the Village Manager, as stipulated in the attached gift letter and associated Grant Terms and Conditions dated October 11, 2016; and

**WHEREAS,** Village staff has reviewed the Grant Terms and Conditions associated with accepting the gift and believes it is in the best interest of the Village to accept the gift; and

**WHEREAS,** pursuant to Policy #106: “*Gifts to the Village of Scarsdale*” of the Village of Scarsdale Administrative Policies & Procedures Manual, acceptance of all gifts valued at \$500 or greater must be approved by the Village Board of Trustees; now, therefore, be it

**RESOLVED,** that the Village Board of Trustees accepts a gift of \$2,000 from the Bowman Family Foundation, pursuant to the Grant Terms and Conditions accompanying the Bowman Family Foundation letter attached hereto, and made a part hereof, to be used exclusively toward police department needs as identified by the Police Chief and approved by the Village Manager, and additionally extends its thanks and appreciation to The Bowman Family Foundation and Matthias B. Bowman for this generous gift to the community; and be it further

**RESOLVED,** that the Village Treasurer is herein directed to deposit said gift of \$2,000 in the Scarsdale Police Department Gifts budget account, TE-93-.08 – “Employ- Grat-Gifts-Police.”

Submitted by: Village Manager  
Date: October 21, 2016  
For: October 25, 2016

THE BOWMAN FAMILY FOUNDATION

RECEIVED  
VILLAGE OF SCARSDALE  
MANAGER'S OFFICE  
2016 OCT 17 AM 11:42

October 11, 2016

Village of Scarsdale  
c/o Mr. Stephen M. Pappalardo  
1001 Post Road  
Scarsdale, NY 10583

Dear Mr. Pappalardo:

The Bowman Family Foundation is pleased to enclose a check in the amount of \$2,000 for the Police Department of the Village of Scarsdale. This is to be used to provide additional funding for the Police Department with respect to projects selected by the Chief and approved by the Village. This grant is subject to the terms set forth in the attached Grant Terms and Conditions and, by cashing the grant check, you are indicating that you agree to its terms.

Please send any receipts, grant confirmations or other correspondence regarding this contribution, to the fax number or mailing address specified below.

The Bowman Family Foundation wishes you and your organization every success in your important work. If you have any questions concerning this grant agreement, please contact Foundation Source, the administrator for The Bowman Family Foundation, at 1-800-839-1754.

Sincerely,

Foundation Source  
Administrator, The Bowman Family Foundation

[cc: Police Chief Andrew Matturo]

| Address for expressions of your organization's appreciation of this grant  | Fax number for grant receipts and confirmations |
|--|---|
| Matthias B. Bowman<br>The Bowman Family Foundation<br>c/o Brandywine Trust Company<br>7234 Lancaster Pike, Suite 300A<br>Hockessin, DE 19707 | Fax: (203) 549-0835                             |

**THE BOWMAN FAMILY FOUNDATION  
GRANT TERMS AND CONDITIONS**

**Grant Amount:** \$2,000.00

**Grant Recipient:** Village of Scarsdale (the "Grantee")

- a. **Tax-Exempt Status of the Grantee:** The Grantee is an exempt governmental unit treated as a public organization under Internal Revenue Code Section 509(a)(1).
- b. **Grant Purpose and Expenditure of Funds:** The Grantee agrees to apply the grant funds exclusively toward the Police Department, which is administered by the Grantee. The grant funds are not to be used for any other purpose without the Foundation's prior approval in writing. However, if such use would require the Grantee to distribute the grant funds without the Grantee's discretion to another entity or individual, this grant will be deemed general and unrestricted with a non-binding recommendation that the grant funds be used for the specified purpose. The Grantee further agrees to use the grant proceeds only for educational, scientific, literary, religious or other charitable purposes consistent with the Grantee's above described tax-exempt status. The Grantee will not use any of the grant funds to influence any legislation or the outcome of any election, to conduct a voter registration drive, or to pay the overhead expenses attributed to any such activities. Additionally, the Grantee will not use any of the grant funds to satisfy a charitable pledge or obligation of any person or organization other than the Foundation, or to provide any tangible economic benefit to any Foundation manager or substantial contributor or their respective family members.
- c. **Return of Grant Funds:** The Grantee agrees to return any grant funds not expended for the purposes described above to the Foundation, c/o Foundation Source at 55 Walls Drive, Suite 302, Fairfield, CT 06824-5163. The rules governing private foundations also require the Grantee to return the enclosed grant if the Grantee is no longer recognized by the Internal Revenue Service as having the above described tax-exempt status.
- d. **Foundation Connection:** If the Foundation, alone or together with its officers, directors, trustees, substantial contributors, and the family members of the foregoing individuals, "controls" the Grantee, the grant may be subject to additional terms or rescission. Here, the term "control" means the ability to require the Grantee to make or refrain from making an expenditure. If this is the case, the Grantee may not expend any of the grant funds and must notify Foundation Source immediately. Additional conditions may apply, and it may be necessary for the Grantee to return the grant funds.
- e. **Other Terms:** These Grant Terms and Conditions encompass the entire agreement between the Foundation and the Grantee, and supersede all previous understandings and agreements between the Foundation and the Grantee, whether oral or written. This grant is subject to these Grant Terms and Conditions; by cashing the grant check the Grantee indicates its agreement to these terms. The term "Foundation" means the foundation making this grant.

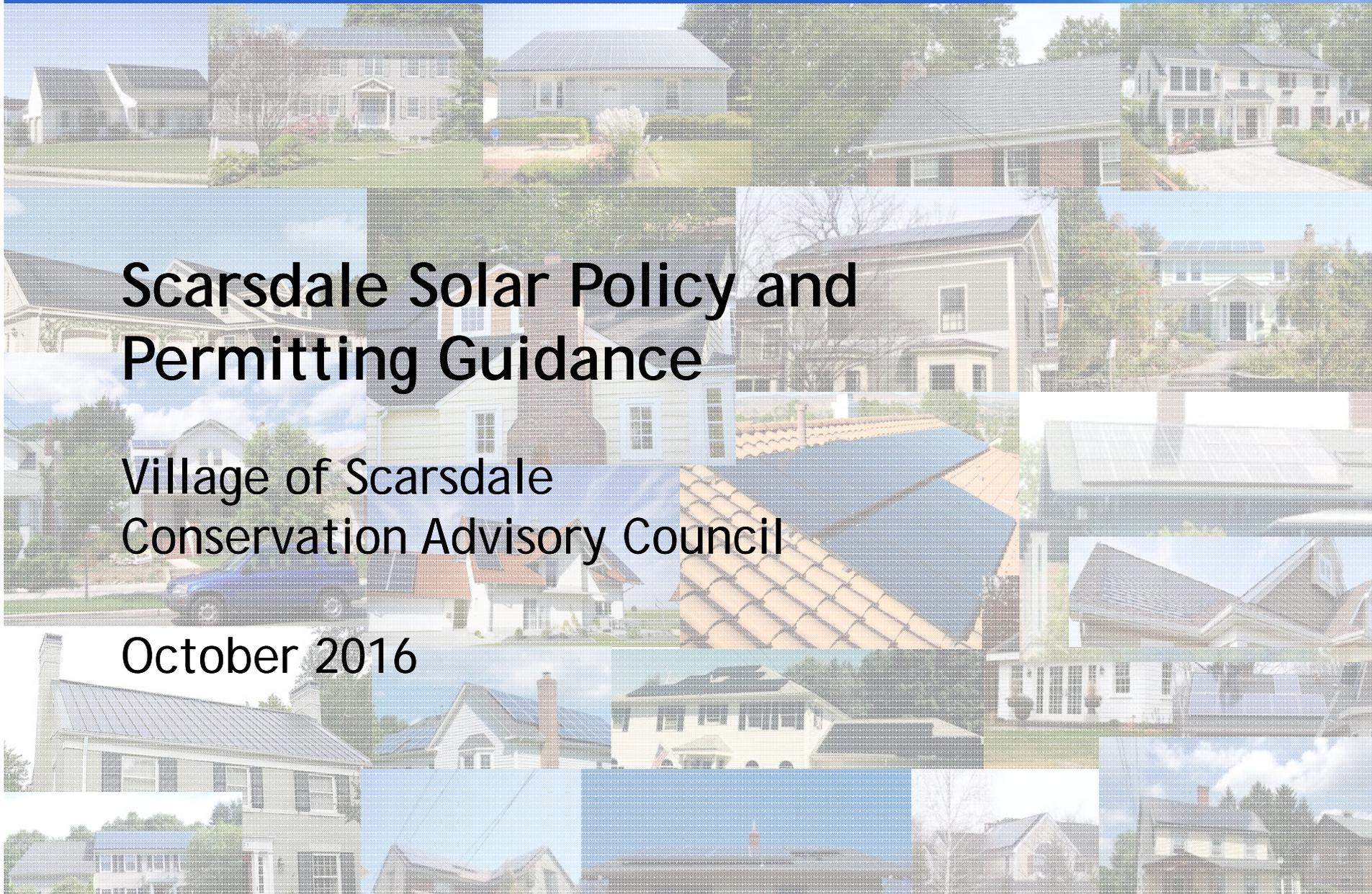


VILLAGE OF  
**Scarsdale**

# Scarsdale Solar Policy and Permitting Guidance

Village of Scarsdale  
Conservation Advisory Council

October 2016



# Introduction

...the Village Board hereby refers to the Conservation Advisory Council the following questions for their research and recommendation of municipal best practices for regulating solar energy systems in our local context:

**What are the appropriate circumstances, conditions, and design choices under which residential solar energy system installations should be authorized** in Scarsdale? Specific consideration shall be given to the following (without limitations):

- **Should solar panels be authorized for installation upon the front elevation of residential properties** and, if so, what are the appropriate rules, procedural requirements, or installation guidelines (including aesthetic guidelines), taking into consideration pending New York State 2016 building and fire prevention code amendments?
- **Should solar panels be authorized for installation on the ground** and, if so, what are the appropriate rules, procedural requirements, or guidelines?
- **Should property owners be authorized to modify their tree canopy** to accommodate necessary solar exposure and, if so, what are the appropriate rules, procedural requirements, or guidelines? and be it further

# Summary of Recommendations

- **Should solar panels be authorized for installation upon the front elevation of residential properties:**
  - Surveyed opinion is decidedly **in favor**, potentially subject to aesthetic constraints.
- **Should solar panels be authorized for installation on the ground?**
  - **Yes**, subject to BAR review that is guided by CAC-developed approval criteria.
- **Should property owners be authorized to modify their tree canopy?**
  - Not any more so than currently allowed, which the CAC believes is more than adequate.

In addition:

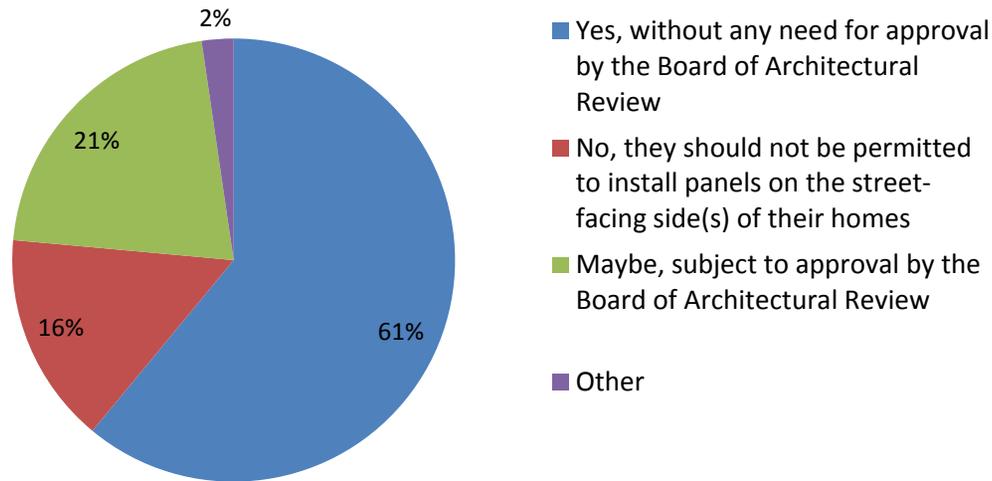
- The Village should adopt the NYS Unified Solar Permit.
- The NYS Unified Solar Permit should be amended with quick approval criteria developed by the CAC; otherwise applications should be subject to BAR approval.

# Street-Facing Installations

# “Should solar panels be authorized for installation upon the front elevation\* of residential properties”

To answer this question, the CAC surveyed resident attitudes. Notice of this survey was made in the Inquirer, Scarsdale10583, the “Scarsdale Moms” Facebook Group, Scarsdale Forum and League of Women Voters, and Neighborhood Associations . It has received 259 responses.

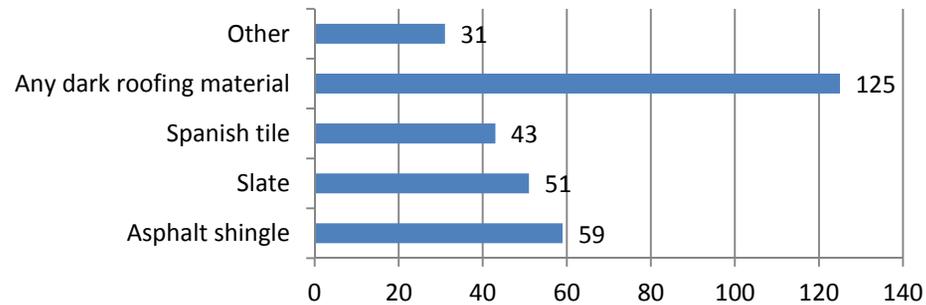
## Should residents be permitted to install solar panels on the street-facing roof of their homes?



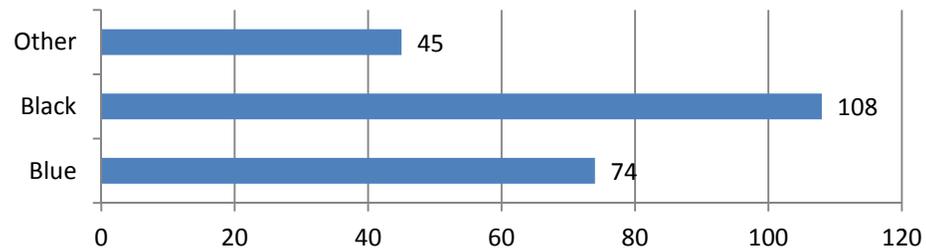
\* The CAC recommends the terminology “street facing” be used in place of “front elevation”. We believe that this term more accurately addresses the context being referred to.

# Additional Survey Questions

2. On which roofing materials should street-facing solar panels be permitted? You may wish to examine the photo montage above for guidance.

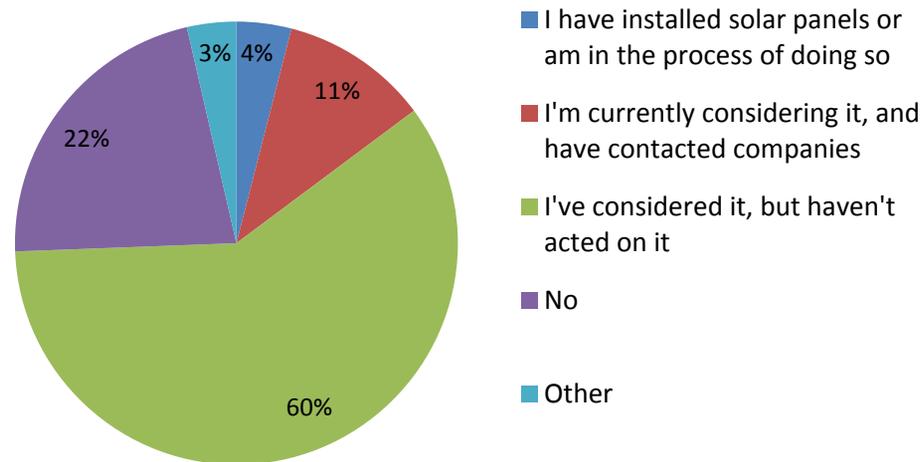


3. What colors should be permitted for street-facing solar panels?



# Survey (continued)

4. Have you considered installing solar panels? (250 responses)



How many respondents answered “No BAR approval needed” versus the responses above:

|     |  |
|-----|--|
| 12% | “No”   |
| 66% | “I’ve considered it but haven’t acted on it” |
| 16% | “I’m currently considering it...”            |
| 6%  | “I have installed solar panels...”           |

# Community Input From Survey Open Responses

These responses capture the general theme in responses:

- “I am not sure that the Board should have the right to determine who gets to use the sun and who doesn't.”
- “the B.A.R. allows so many unattractive features, at least this wd be beneficial.”
- “As much as I want to encourage use of alternate sources of energy, solar panels take away from the character of a neighborhood. If people want to add them, that is fine, but they should be obligated to keep them out of sight.”

# Survey Reliability

The survey was conducted in two phases:

- The first phase was publicized via Inquirer, Scarsdale10583 and Scarsdale Moms (on Facebook).
  - About two weeks later, the second phase was publicized via SNAP.
- 
- ✓ Similar results from both surveys.
  - ✓ Trend over time has been consistent.
  - ✓ Number of respondents: 259
  - ✓ Double responses very few (IP addresses were recorded on the 2<sup>nd</sup> survey)

**Given a population of 17,885 with 11,858 adults, assuming systemically unbiased responses, survey accuracy is better than +/- 6.1% with 95% confidence.**

# Establishing Minimum Aesthetic Requirements

# Minimum Requirements For All Residential Rooftop Systems

- **Setbacks from sides of roof:** Fire code requirements per NYS code
- **Panel placement:** As reasonably possible:
  - Should be as inconspicuous as possible and match to best degree possible with existing materials
- **Glare:**
  - Require panel to have anti-glare (aka non-reflective) coating. Panels should all have this already.
  - Accessory equipment (brackets, spacers, etc.) must use non-reflective paints or finishes
  - Onus is on homeowner to ensure glare is minimized
- **Height:**
  - Panels should be mounted no higher than twelve inches above the roof surface
  - Panels that exceed the roof peak are subject to BAR review

# Minimum Design Requirements For Simplified Review (Not Involving BAR)

- **Tilt (angle) of panels:**
  - Panels must match slope of the roof
- **Panel Placement:**
  - Parallel to roof line (while suspended no more than 12 inches above roof surface)
  - All panel edges must be aligned and continuous
  - All accessory equipment/wires not visible on roof or front of house
- **Color of panels and equipment:**
  - Panels and observable (from street) equipment within reason match color of roof

- **Additional**

- Include this language:

*Notwithstanding the requirements set forth in this code, if the building inspector in his or her judgment feels the application does not meet the intent of this code, the application may be referred to the BAR for approval.*

# Ground Mounted

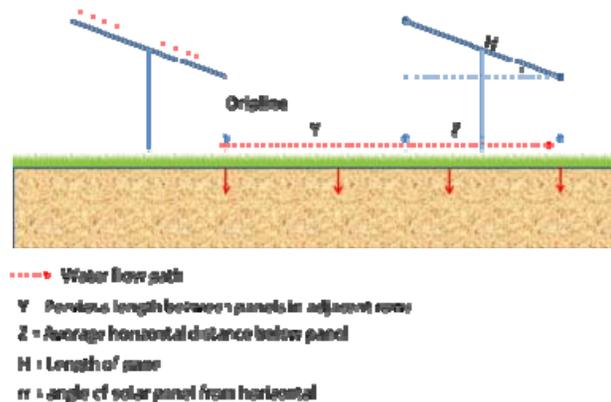
# “Should solar panels be authorized for installation on the ground?”

The CAC recommends that ground-mounted installations should be allowed subject to the following:

BAR review – The CAC has prepared guidance for expedited review by the BAR (next slide).

Applicable Lot coverage and Set back restrictions

Impervious surface limits – The Minnesota Stormwater Manual provides guidance and calculations which may be of use.



From [http://stormwater.pca.state.mn.us/index.php/Information\\_for\\_determining\\_stormwater\\_management\\_impacts\\_for\\_solar\\_projects](http://stormwater.pca.state.mn.us/index.php/Information_for_determining_stormwater_management_impacts_for_solar_projects)

# Ground-Mounted Solar Installations - Guidance For the BAR

## **Location**

- Backyard only
- Backyard on a corner lot is allowed only with sufficient screening from the street

## **Height**

- The maximum height of the entire structure (measured at highest point of structure) no more than 6' from original ground level (e.g. can't build a mound and measure from top of mound)

## **Glare**

- Panel must have anti-glare (aka anti-reflective) coating
- Accessory equipment (Brackets, spacer, etc.) must use non-reflective paints or finishes
- The onus is on the homeowner to ensure glare onto neighboring properties is minimized

## **Screening**

- Screening is required between the system and the property line, either using a fence or evergreens, so that the installation is concealed from neighbors' view to an extent that is reasonably possible.
- The homeowner must maintain screening as long as the installation exists.

# Tree Canopy and Solar

“Should property owners be authorized to modify their tree canopy to accommodate necessary solar exposure?”

The CAC recommends that:

- Homeowners should have no added right to tree removal. Current law permit two trees to be removed per year as of right, and there are no restrictions on pruning.
- Neighbors should not be compelled to accommodate, nor to maintain solar access. ‘Solar access’ laws do exist but are uncommon.

# Making the Permit Process More Efficient

# CAC Recommendations for Improving Permitting Efficiency

- Scarsdale should adopt a variant of the NYS Unified Solar Permit
- Systems meeting design requirements will allow for a “Simplified Review” and approval process without BAR review
- Systems that don’t meet design requirements are still allowed but subject to BAR review

# Use A Modified Version of NYS Unified Permit

**NY-Sun**  
Solar Powering New York

**New York State Unified Solar Permit**  
Expedited Solar Permit Process for Small-Scale Roof-Mounted Residential and Commercial Solar Electric

**Requirements for Application Submittal – Part A**

For use in all New York State counties with the exception of Nassau County and Suffolk County.

The expedited solar permitting process uses a unified permit across participating municipalities in New York State.

A combined building and electrical permit for a grid-tied solar electric system will be issued pending proper completion of forms, submission of approved plans and approval by municipality. All applicants must submit:

- Unified Solar Permit for Small-Scale Solar Electric Systems Eligibility Checklist – PART B
- Set of plans that include:
  - Site Plan showing location of major components of solar system and other equipment on roof or legal accessory structure. This plan should represent relative location of components at site, including, but not limited to, location of array, existing electrical service location, utility meter, inverter location, system orientation and tilt angle. This plan should show access and pathways that are compliant with New York State Fire Code, if applicable.
  - One-Line or 3-Line Electrical Diagram as required by:
- Specification Sheets for all manufactured components. If these sheets are available electronically, a web address will be accepted in place of an attachment, at the discretion of the municipality.
- All diagrams and plans must be prepared by a PE or RA as required by New York State law and include:
  - (a) Project address, section, block and lot number of the property; (b) Owner's name, address and phone number; (c) Name, address and phone number of the person preparing the plans; and (d) System capacity in kW.

**3. Unified Solar Permit for Small-Scale Solar Electric Systems Application – PART C**

**4. Permit Fee Amount**

**Permit Review and Inspection Timeline**

Permit determinations will be issued within 14 calendar days upon receipt of complete and accurate application. Municipality will provide feedback within 7 calendar days of receiving incomplete or inaccurate application. If a single inspection should be sufficient and will be provided within 7 calendar days of inspection.

The NY-Sun Initiative, a dynamic public-private partnership, will drive growth of the solar industry and make solar technology more affordable for all New Yorkers. Visit [ny-sun.ny.gov](http://ny-sun.ny.gov) for more information on the NY-Sun initiative.

Logos for ES NY WORKS, nysersda, and New York Power Authority are present at the bottom.

Cover page

**NY-Sun**  
Solar Powering New York

**Eligibility Checklist – Part B**

To determine if you are eligible for the expedited permitting process, answer the questions below.

Yes  No 1. Solar installation has a rated capacity of 12 kW or less.

Yes  No 2. Solar installation is not subject to review by an Architectural or Historical Review Board.

Yes  No 3. Solar installation does not need a zoning variance or special use permit/conditional use permit.

Yes  No 4. Solar installation is to be mounted on a permitted roof structure of a building, or on a structure. If on a legal accessory structure, a diagram showing existing electrical connection is attached.

Yes  No 5. Solar installation is compliant with all applicable electrical and building codes.

Yes  No 6. Solar installation is compliant with New York State Fire Code.

Yes  No 7. The Solar Installation Contractor complies with all licensing and other requirements of the State.

Yes  No 8. The proposed equipment is permitted by code and equipment meets all relevant certification requirements.

Yes  No 9. The solar electric system and all components will be installed per the manufacturer's instructions.

Yes  No 10. The project will comply with adopted National Electrical Code® requirements.

Yes  No 11. The roof has no more than a single layer of roof covering (in addition to the solar equipment).

Yes  No 12. The system is to be mounted parallel to the roof surface, or tilted with no more than an 18 inch gap between the module frame and the roof surface.

Yes  No 13. The system will have a distributed weight of less than 5 pounds per square foot and less than 40 pounds per attachment point to roof.

If you answered "No" to any of Questions 1-10, you are not eligible to participate in the expedited permit process. If you answered "No" to 11-13, in order to use this form, in addition to other New York State PE or RA requirements, you must be certified by a Professional Engineer or Registered Architect certifying that the existing structure can support weight and wind loads of the solar electric system. If you answered "Yes" to all of the above questions below to affirm that all answers are correct, and you have met all the conditions and requirements to participate in the expedited process.

Property Owner's Signature \_\_\_\_\_ Date \_\_\_\_\_

Solar Installation Contractor Signature \_\_\_\_\_ Date \_\_\_\_\_

The NY-Sun Initiative, a dynamic public-private partnership, will drive growth of the solar industry and make solar technology more affordable for all New Yorkers. Visit [ny-sun.ny.gov](http://ny-sun.ny.gov) for more information on the NY-Sun initiative.

Logos for ES NY WORKS, nysersda, and New York Power Authority are present at the bottom.

Checklist

**NY-Sun**  
Solar Powering New York

**Application – Part C**

**1. Property Owner:**  
Property Owner's Name \_\_\_\_\_ Phone \_\_\_\_\_ Email \_\_\_\_\_  
Property Address \_\_\_\_\_  
Section \_\_\_\_\_ Block \_\_\_\_\_ Lot Number \_\_\_\_\_

**2. Existing Use:**  
 Single Family  2-4 Family  Commercial  Other \_\_\_\_\_

**3. Provide the total system capacity rating (sum of all panels)**  
Solar Electric System: \_\_\_\_\_ kW/DC

**4. Solar Installation Contractor and Electrician:**  
Installer Business Name \_\_\_\_\_  
Installer Business Address \_\_\_\_\_  
Installer Contact Name \_\_\_\_\_ Installer Phone Number \_\_\_\_\_  
Installer License Number(s) \_\_\_\_\_ Installer Email \_\_\_\_\_  
Electrician Business Name \_\_\_\_\_ Electrician License Number \_\_\_\_\_

**5. What is the existing roofing material?** \_\_\_\_\_

**6. Provide method and type of weatherproofing for roof penetrations (e.g., flashing, caulking).** \_\_\_\_\_

**7. Is the mounting structure an engineered product designed to mount solar electric modules? If no, provide details of structural attachment in a letter certified by a design professional.** \_\_\_\_\_

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Application

**NY-Sun**  
Solar Powering New York  
[ny-sun.ny.gov](http://ny-sun.ny.gov)

**Application – Part C (continued)**

**8. For manufactured mounting systems, provide the following information about the mounting system:**

a. Mounting System Manufacturer \_\_\_\_\_

b. Product Name and Model Number \_\_\_\_\_

c. Total Weight of Solar Electric Modules and Rails \_\_\_\_\_ lbs.

d. Total Number of Attachment Points \_\_\_\_\_

e. Weight per Attachment Point (c ÷ d) \_\_\_\_\_ lbs.

f. Maximum Spacing Between Attachment Points on a Rail \_\_\_\_\_ inches  
(See product manual for maximum spacing allowed based on maximum design wind speed)

g. Total Surface Area of Solar Electric Modules (square feet) \_\_\_\_\_ ft<sup>2</sup>

h. Distributed Weight of Solar Electric Module on Roof (c ÷ g) \_\_\_\_\_ lbs./ft<sup>2</sup>

**9. Indicate quantity, brand, make and model of the Inverter(s):**

| Quantity | Make  | Model |
|----------|-------|-------|
| _____    | _____ | _____ |

**Modules:**

| Quantity | Make  | Model |
|----------|-------|-------|
| _____    | _____ | _____ |

Please sign below to affirm that all answers are correct and that you have met all the conditions and requirements to participate in this expedited process.

Property Owner's Signature \_\_\_\_\_ Date \_\_\_\_\_

Solar Installation Contractor Signature \_\_\_\_\_ Date \_\_\_\_\_

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Logos for ES NY WORKS, nysersda, New York Power Authority, and PSEG LONG ISLAND are present at the bottom.

# NYS Unified Permit - Eligibility Checklist



**Eligibility Checklist – Part B**

To determine if you are eligible for the expedited permitting process, answer the questions below.

- Yes  No 1. Solar installation has a rated capacity of 12 kW or less.
- Yes  No 2. Solar installation is not subject to review by an Architectural or Historical Review Board.
- Yes  No 3. Solar installation does not need a zoning variance or special use permit/conditional use permit.
- Yes  No 4. Solar installation is to be mounted on a permitted roof structure of a building, or on a legal accessory structure. If on a legal accessory structure, a diagram showing existing electrical connection to structure is attached.
- Yes  No 5. Solar installation is compliant with all applicable electrical and building codes.
- Yes  No 6. Solar installation is compliant with New York State Fire Code.
- Yes  No 7. The Solar Installation Contractor complies with all licensing and other requirements of the jurisdiction and the State.
- Yes  No 8. The proposed equipment is permitted by code and equipment meets all relevant certification standards.
- Yes  No 9. The solar electric system and all components will be installed per the manufacturer's specifications.
- Yes  No 10. The project will comply with adopted National Electrical Code® requirements.
- Yes  No 11. The roof has no more than a single layer of roof covering (in addition to the solar equipment).
- Yes  No 12. The system is to be mounted parallel to the roof surface, or tilted with no more than an 18 inch gap between the module frame and the roof surface.
- Yes  No 13. The system will have a distributed weight of less than 5 pounds per square foot and less than 45 pounds per attachment point to roof.

See “Minimum Design Requirements for **Simplified Review**”

See “Minimum Design Requirements for **all residential rooftop systems**”

# All Other Installations

- Any system not identified in this code would go through a BAR review
- At discretion of building inspector, a full site plan could be required

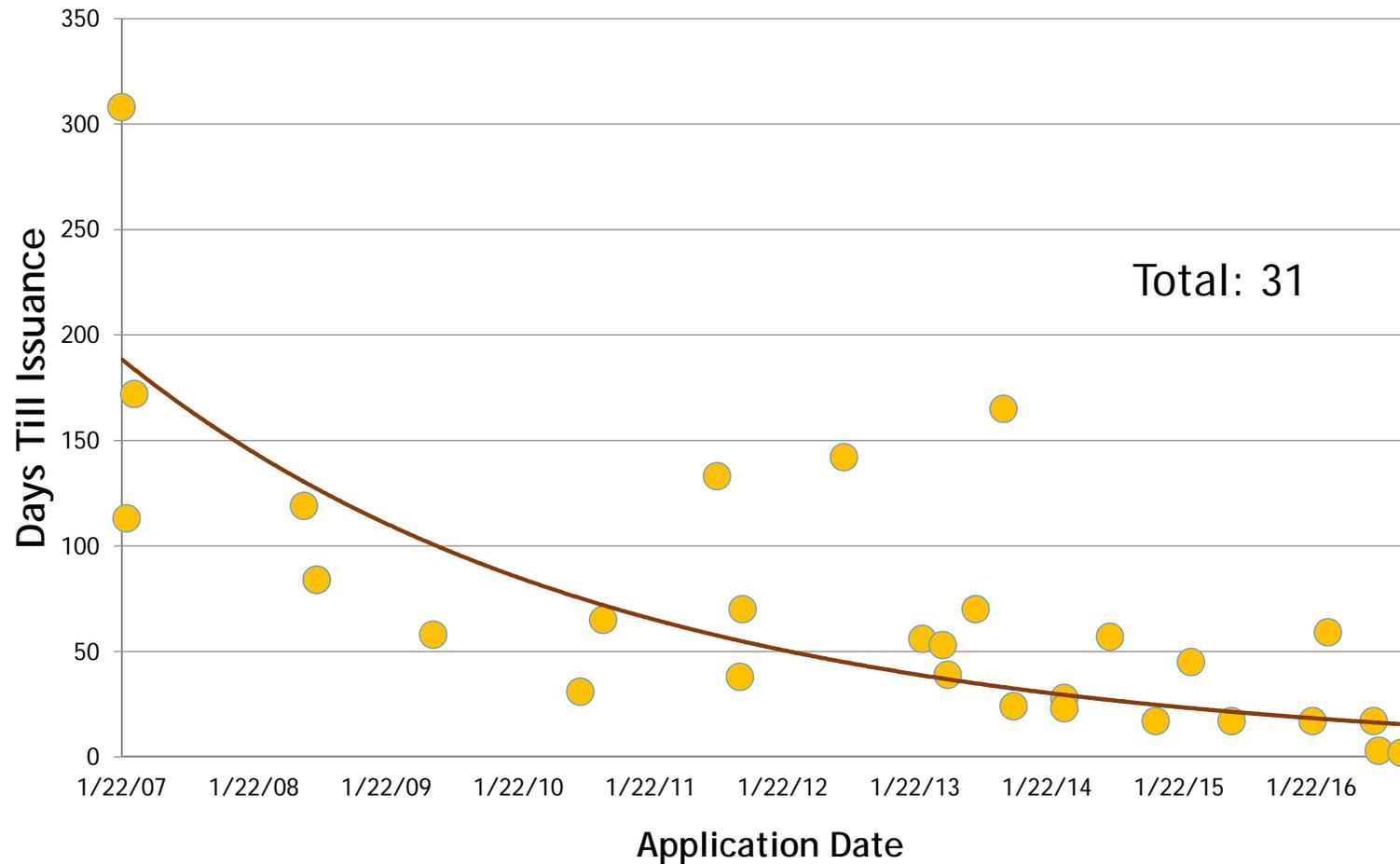
# Research

CAC engaged in the following:

- Review of published guidance
  - Connecticut Solar Survey, 2014
  - NYS Model Solar Energy Law Toolkit, Sustainable CUNY, 2016
  - NYS NYSolar Smart Survey, 2014
  - Survey of Solar Permitting Practices in Pennsylvania Municipalities
  - Planning and Zoning for Solar Energy FAQ, American Planning Assoc.
  - Solar Code Sections with NYS Supplemental, International Code Council
  - Barrier Removal for Solar Permitting Resource Guide, Solarize Westchester
  - Minnesota Stormwater Manual
  - Siting Solar Panels under the Zoning Laws of New York State, Albany Law School, 2012
- Discussion with stakeholders: Pace University Land Use Law Center, Solarize Westchester, Bedford 2020
- Comparative review: codes as implemented in Greenburgh, Mamaroneck, Bronxville and Larchmont
- Survey: published in *Inquirer*, *Scarsdale10583*, *Facebook*, and promoted through major local institutions.

# Solar Installations In Scarsdale

## Solar PV Permits 2007-2016



**From:** Mayra Rodriguez Valladares <[mrvassoc@yahoo.com](mailto:mrvassoc@yahoo.com)>

**Sent:** Friday, October 14, 2016 11:08 AM

**To:** Mayor; 'Marc Samwick'; 'Carl Finger'; 'Jane Veron'; 'Deborah Pekarek'; Bill Stern; 'Matthew Callaghan'; 'Jonathan Mark'

**Cc:** Donna Conkling

**Subject:** Correct Version: 13 October 2016 Committee of the Whole

Dear Mayor Mark,

Thank you for running the meeting last night very efficiently. I think that Robert Cole did a great job explaining and answering most of the questions about the proposed phase-in, which unfortunately will require a lot of Village resources and will not invalidate the disastrous Ryan reval. Personally, I appreciate how you tried kept the meeting on track.

Mayor Mark, I kindly encourage you to explicitly tell residents and me what precedents and statutes prohibit the BOT and you from invalidating the Ryan reval. This has never been proven to residents. Also, I would like to know if every Board of Trustee has researched legal means by which to invalidate the Ryan reval. Have any of you spoken to any counsel other than the Village Attorney? At least one BOT member and you are lawyers.

Not only have quantitative residents pointed out the numerous flaws and lack of documentation in

Ryan's use of a computerized model, even more residents have pointed out the numerous problems in the whole process. I remind you of a few significant operational risk (people, processes, systems, and external events such as outsourcing) breaches:

Albanese accepted at least one dinner, a couple of bottles of wine, and a recommendation from Ryan to be on a prestigious appraisal board

Ryan was chosen in a no-bid contract,

Albanese and Ryan were unsupervised by managers, mayors, or boards of trustees, and they did not fulfill the contract,

how an unlicensed appraiser was arrested for criminal trespassing, whilst living with a convicted felon at two addresses, spent less than 3 1/2 minutes looking at houses from a far; Albanese never vetted him before he came on board which is part of the contract,

a Village employee offered to give Ryan and Semmelroggen, external contractors, a password to access village computers

Ryan was given access to remotely access the Village system, and

Why was Tyler not given a chance to do the reval? Were trustees even aware that Tyler send a proposal to Albanese? We have yet to see evidence of the emails. One of our teammates had to do the sleuthing to uncover that Tyler wanted to compete for the reval.

Additionally, please provide residents and me evidence about why you cannot ask State Assemblywoman Paulin to introduce emergency legislation to invalidate Ryan given that even Village Pappalardo and you have cited numerous problems with the Ryan reval. When I spoke to her on the phone a couple of months ago, she said that she could introduce such legislation. Has she changed her mind? Have you contacted other government officials in either chamber who can help?

You mentioned that you spoke to ORPS. To whom? Are they citing statutes or precedents that prohibit you from asking Ms. Paulin to introduce legislation? If so, please specify what they are.

Why can you not hire independent legal counsel to advise you on how to invalidate the reval? Fear of

how you might anger other residents surely cannot be the way to lead Scarsdale.

I look forward to hearing from you soon.

Best regards,  
Mayra Kirkendall-Rodriguez

## **Donna Conkling**

---

**From:** Mayra Rodriguez Valladares <mrvassoc@yahoo.com>  
**Sent:** Friday, October 14, 2016 11:39 AM  
**To:** Mayor; 'Marc Samwick'; 'Carl Finger'; 'Jane Veron'; 'Deborah Pekarek'; Bill Stern; 'Matthew Callaghan'; 'Jonathan Mark'  
**Cc:** Donna Conkling  
**Subject:** Re: Correct Version: 13 October 2016 Committee of the Whole (2)

Thank you for your prompt reply. Residents and I look forward to the answer especially with references to cases and statutes.

Also, when will an ad hoc assessment committee be convened? How will you pick residents? Will it be up to residents to volunteer? My strong recommendation is that the committee be comprised of people with a diversity of skills sets, especially quantitative, IT, and vendor risk management. It would also be good to have residents from the different neighborhoods if possible.

Have a good weekend.

Best,  
Mayra

**Mayra Rodriguez Valladares**

Managing Principal  
MRV Associates, LLC.  
mrv@post.harvard.edu  
+1-212-491-9153

Twitter: @MRVAssociates  
<http://www.MRVAssociates.com>  
<http://www.linkedin.com/in/mrvassociates>

**MRV Associates Newsletter:** <http://bit.ly/1RakaSd>

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**From:** Mayor <mayor@scarsdale.com>

**To:** 'Marc Samwick' <marc.samwick@gmail.com>; 'Carl Finger' <carlfingerscarsdaletrustee@gmail.com>; 'Jane Veron' <jveron.villagetrustee@gmail.com>; 'Deborah Pekarek' <debpekarekbot@gmail.com>; Bill Stern <stern.bill@yahoo.com>; 'Matthew Callaghan' <MJC49C@gmail.com>; 'Jonathan Mark' <JMARK58@aol.com>; Mayra Rodriguez Valladares <MRV@Post.Harvard.Edu>

**Cc:** Donna Conkling <dconkling@scarsdale.com>

**Sent:** Friday, October 14, 2016 11:19 AM

**Subject:** Re: Correct Version: 13 October 2016 Committee of the Whole

Dear Ms Kirkendall-Rodriguez -- This acknowledges receipt of your email. We will address your questions at the next Board meeting.

Very truly yours, Jon Mark

---

**From:** Mayra Rodriguez Valladares <[mrvassoc@yahoo.com](mailto:mrvassoc@yahoo.com)>

**Sent:** Friday, October 14, 2016 11:08 AM

**To:** Mayor; 'Marc Samwick'; 'Carl Finger'; 'Jane Veron'; 'Deborah Pekarek'; Bill Stern; 'Matthew Callaghan'; 'Jonathan Mark'

**Cc:** Donna Conkling

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to be on a prestigious appraisal board

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Ryan was given access to remotely access the Village system, and

Why was Tyler not given a chance to do the reval? Were trustees even aware that Tyler sent a proposal to Albanese? We have yet to see evidence of the emails. One of our teammates had to do the sleuthing to uncover that Tyler wanted to compete for the reval.

Additionally, please provide residents and me evidence about why you cannot ask State Assemblywoman Paulin to introduce emergency legislation to invalidate Ryan given that even Village Pappalardo and you have cited numerous problems with the Ryan reval. When I spoke to her on the phone a couple of months ago, she said that she could introduce such legislation. Has she changed her mind? Have you contacted other government officials in either chamber who can help?

You mentioned that you spoke to ORPS. To whom? Are they citing statutes or precedents that prohibit you from asking Ms. Paulin to introduce legislation? If so, please specify what they are.

Why can you not hire independent legal counsel to advise you on how to invalidate the reval? Fear of how you might anger other residents surely cannot be the way to lead Scarsdale.

I look forward to hearing from you soon.

Best regards,  
Mayra Kirkendall-Rodriguez

---

From: Barbara Wabeck <[barbarawabeck@gmail.com](mailto:barbarawabeck@gmail.com)>

Sent: Wednesday, October 19, 2016 6:49 PM

To: Mayor

Subject: Ryan Reval

Dear Sir:

It has been brought to my attention that our Assemblywoman Amy Paulin could introduce legislation to invalidate the Ryan Reval.

I urge you and the Board to apply to her to do that so we may rid Scarsdale of this terrible bone of contention!

Sincerely yours,

Barbara Wabeck.

Sent from my iPad

Wakefield Road  
Scarsdale, NY 10583  
October 21, 2016

Scarsdale Village Mayor and Trustees  
Scarsdale Village Hall  
1001 Post Road  
Scarsdale, New York 10583  
[via email: mayor@scarsdale.com, clerk@scarsdale.com]

Dear Mayor Mark and Scarsdale Village Trustees:

We have now attended several Scarsdale Village Trustee meetings at which the possibility of asking the NY State Legislature for legislation authorizing “phase in” of the increased tax assessments resulting from the 2016 revaluation has been discussed. As described, the phase-in would spread the increase for those with the most substantial increased valuations—e.g., 25 percent and higher and meet other criteria—over three years.

Under this proposal, the decreased taxes due to the 2016 revaluation accruing to those with the largest houses would be put into effect immediately, not phased in. This asymmetric treatment of Scarsdale property owners would result in a reduction in total Village revenues. The reduction, in turn, would be compensated for by immediate significant tax increases to everyone else. If Village Trustees persist in pursuing this phase-in, then the only appropriate source of offsetting revenue is that the benefits of the irrational 2016 revaluation for those who received the largest tax reductions should be phased in on the same schedule.

However well intended, the proposed asymmetric treatment—phasing in of tax increases and immediately applying tax reductions—may well constitute a denial of equal protection of the law and the taking of property without due process of law to all those harmed by this proposal.

Sincerely,

Michele Braun & Norman W. Bernstein

## **Statement by the Bramlee Heights Neighborhood Association on the Parking Situation and Rest Stations at Hyatt Field Park**

On Monday, October 17, members of the Bramlee Heights Neighborhood Association heard from Parks Superintendent Brian Gray on various proposals for alleviating automobile parking congestion caused by visitors to Hyatt Field Park which, at times, has reached a volume that is neither safe nor sustainable on Potter Rd and Lee Rd. After a discussion, the participants of the meeting would like to share our feedback both on the underlying situation and proposed solution.

It is our analysis that the main driver of congestion above and beyond what our neighbors are used to is the usage of the park for tournaments, particularly softball, but potentially including baseball and basketball in the future, and that the problem is at its peak when softball tournaments at Hyatt Field have no Scarsdale teams participating in the games, requiring nearly all participants and spectators to drive. We believe reducing the total number of tournaments, and minimizing if not eliminating any tournaments in which Scarsdale teams are not participating, as was stated policy in the past, will have a major impact.

We enthusiastically agree with eliminating parking on the east side of Potter Road to ensure access to emergency vehicles and reduce inconvenience to residents, and urge that the promised signage promulgating this be installed as soon as possible.

We also enthusiastically support an arrangement between the Village and the Scarsdale Historical Society on usage of the 13-spot parking lot by park visitors, particularly during peak usage periods, and encourage discussion with Immaculate Heart of Mary Church and School on the use of their parking lot during peak times.

Once these steps have been taken, we welcome further community dialogue and good ideas to determine how many additional spots may still be needed, and other options for achieving them.

Although it was not the unanimous sense of the room to be opposed to the concept of a 27-spot parking lot in what is now left field, a strong supermajority of attendees were strongly opposed. They feel the loss of public and green space outweighs any potential benefits, and are also concerned that the lot would encourage non-Scarsdale usage of the park, potentially exacerbating the problem, would have an impact on child and pedestrian safety, particularly for those residents entering the park from the stairs on the west side, and would encourage transiency and loitering, particularly at night.

A minority of attendees were not opposed to the lot in concept, but were also open to other solutions that wouldn't involve a loss of green space, so long as the frustrating traffic and parking issues were improved.

Additionally, at our meeting we discussed whether the current system of round-the-clock key fob access to the comfort stations at Hyatt Field Park was appropriate or if some other

arrangement should be put into place (e.g., open to all for some hours during the day, but fob-only access the rest of the time.) It was the unanimous sense of the room that key fob access was appropriate to protect the investment of building the rest stations. However, we believe that the process by which visiting coaches of softball and baseball teams obtain a key fob to access the rest stations needs to be reviewed and improved as, by experience, some of those coaches are not receiving the fobs in advance from their appropriate contact with the Village or the appropriate athletic association.

Finally, the residents of the Boulevard continue to be concerned about safety in crossing the street for pedestrian families looking to use the park and would welcome further dialogue on options like crosswalks, stop signs, and speed bumps.

#

*For more information, please contact Bramlee Heights Neighborhood Association President Angela Olcese at [angpiero@aol.com](mailto:angpiero@aol.com) or neighborhood volunteer Tim Foley at [tim@commanderfoley.com](mailto:tim@commanderfoley.com)*

**From:** Ron Schulhof <[rkschulhof@gmail.com](mailto:rkschulhof@gmail.com)>  
**Sent:** Thursday, October 20, 2016 12:32 PM  
**To:** Mayor  
**Cc:** Michelle Sterling  
**Subject:** Food Scrap Drop-off Site

Hi Mayor Mark

Thanks for speaking with us yesterday. As discussed we are proposing a food scrap drop-off site at the Secor Recycling Facility. A drop-off site would provide residents with a beneficial and desired service in a way that is low cost and simple to both implement and run. Following is an overview of the proposal:

### **Set up**

10 outdoor toters (65 gallons each) would be set up at Secor Road Recycling Facility where residents could bring their food scraps from home. The Village would contract with a commercial hauler to pick up the food scraps on a weekly basis and bring them to a commercial composting facility. Since the food scraps are going to a commercial composting facility all types of food, as well as compostable products and bags, will be acceptable.

### **Program Expenses**

The start-up cost of the program will be approximately \$1,000 - \$2,000 to cover the outdoor toters, signage and any educational materials. Annual expenses would be approximately \$4,000 - \$5,000 for the weekly pickup of the food scraps.

### **Soft Costs / Labor**

A drop-off site should require only minimal staff time to operate. Education and outreach could be handled by resident volunteers.

### **Implementation**

It is necessary to formalize this service through a Board resolution. Unlike with a curbside pickup program or an on-site "Rocket Composting" system which were considered pilot programs, this needs to be viewed as a new and ongoing service to our residents similar to the textile bin and documented accordingly.

In order to get the program up and running in the first year, we would strongly urge an ad-hoc committee of residents and staff be established with three main objectives:

1. Oversee implementation

2. Monitor the program and address any issues
3. Provide education and outreach to residents about this service and the benefits of composting

In terms of whether the committee is a partnership between the Forum Sustainability Committee and Village or a newly formed ad-hoc committee, we believe the most important aspect is the formal implementation through a resolution that clearly states the objectives of the program. A resolution will ensure expectations are set at the outset and the appropriate structure is in place to manage the program for success.

Ron and Michelle

# **MEETING NOTICE**

## Village of Scarsdale

A Special Meeting of the Scarsdale Town Board will be held on Tuesday, October 25, 2016 immediately following the Village Board meeting which begins at 8:00 PM. The meeting will be held in Rutherford Hall located on the 2<sup>nd</sup> floor in Village Hall.

### **Agenda**

1. New York State Legislation allowing for the phase-in of certain 2016 residential real property assessment increases.

CS: 10-18-16

FAX: Scarsdale Inquirer

E-MAIL: Journal News (Lohud)  
Scarsdale 10583  
Scarsdale Hamlet Hub  
The Daily Scarsdale

cc: Lobby Bulletin Board

**RESOLUTION RE:     REQUEST OF THE NEW YORK STATE  
                          LEGISLATURE TO AUTHORIZE THE  
                          SCARSDALE TOWN BOARD TO PHASE-IN  
                          CERTAIN 2016 RESIDENTIAL REAL PROPERTY  
                          ASSESSMENT INCREASES**

**WHEREAS,**           the Town Board awarded a contract to J.F. Ryan and Associates on January 29, 2015, a continuation date for the January 27, 2015, Board meeting, for professional real property revaluation services in connection with a Town-wide reassessment in an effort to maintain assessments at one hundred percent (100%) market value in accordance with the 2014 reassessment project, while also providing equity and fairness for property owners in the valuation of properties for tax purposes; and

**WHEREAS,**           the tentative assessment role filed pursuant to the work completed by J.F. Ryan and Associates is expected to result in substantial property tax increases, with such escalations most significantly impacting those individual property owners least prepared to adjust to the added financial burden over a single tax year; and

**WHEREAS,**           in recognition of the financial hardship associated with the unanticipated burden of sharply increased property taxes resulting from the 2016 reassessment, the Town Board is desirous of phasing-in the reassessment's financial impact over a three-year period for qualifying residential property owners; and

**WHEREAS,**           the Town of Scarsdale, home to 17,885 persons as of the 2015 Census and 5,356 single-family residential properties, recognizes that tax relief legislation has been previously authorized by the New York State Legislature during 2016 for the Towns of Ossining and Greenburgh, which were faced with similar property tax increases pursuant to Town-wide revaluation projects; and

**WHEREAS,**           the pursuit of such New York State legislation requires a request via resolution of the local legislative body of its NYS legislative representatives followed by the adoption and filing of a Home-Rule Message subsequent to the introduction of legislative bills in both the Senate and Assembly; and

**WHEREAS,**           at its regular meeting held on September 27, 2016, the Village Board deferred consideration of this resolution to support phase-in legislation, having referred the matter for further public discussion at a subsequent Committee of the Whole meeting held on October 13, 2016, wherein

Village staff delivered a presentation on the matter and Village Board received public questions and comments; now, therefore, be it

**RESOLVED,**

that the Scarsdale Town Board hereby requests that the New York State Legislature authorize special legislation enabling the Town to phase-in, over a three-year period, significant property tax increases resulting from the 2016 Town-wide reassessment, thereby spreading the impact of such increases over a reasonable transition period for certain residential property owners meeting the eligibility requirements incorporated in New York State Real Property Tax Law Chapter 91, Section 485-s, as amended July 5, 2016 (attached); and be it further

**RESOLVED,**

that the three-year phase-in exemption shall also apply in the same manner and to the same extent to School, County, and any other applicable taxing districts in the Town of Scarsdale.

Submitted by: Village Manager  
Date: September 23, 2016  
For: September 27, 2016

Revised by: Village Manager  
Date: October 21, 2016  
For: October 25, 2016

## LAWS OF NEW YORK, 2016

## CHAPTER 91

AN ACT to amend the real property tax law, in relation to a residential reassessment exemption in a town with a population of not less than thirty-seven thousand persons and not more than thirty-eight thousand persons located in a county of not less than nine hundred thirty thousand persons and not more than one million two hundred thousand persons, based upon the latest U.S. census

Became a law July 5, 2016, with the approval of the Governor.  
Passed by a majority vote, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The real property tax law is amended by adding a new section 485-s to read as follows:

§ 485-s. Residential reassessment exemption. 1. Applicability. The governing body of a town with a population of not less than thirty-seven thousand persons and not more than thirty-eight thousand persons located in a county of not less than nine hundred thirty thousand persons and not more than one million two hundred thousand persons, based upon the latest U.S. census may, after a public hearing, adopt the provisions of this section by local law in the first year of a full value revaluation to provide a residential revaluation exemption. If the governing body passes a local law pursuant to this subdivision, such exemption shall also apply in the same manner and to the same extent to each village, county, special district or school district that levies taxes on the assessment roll prepared by such town. A village within a town that has conducted a revaluation and that chooses to adopt such town's latest final assessment roll is permitted to adopt the provisions of this section within two years of its implementation.

2. Eligibility. (a) The assessor shall, in the first year in which revaluation assessments are to be entered on the assessment roll and for the next succeeding year, apply to each eligible residential property an exemption as provided in subdivision three of this section. For the purpose of this section, to be an "eligible residential property" the following criteria must be met:

(i) The property must be a one-, two-, or three-family residential property, provided that in an approved assessing unit dwelling units held in condominium form of ownership that are classified in the home-stead class shall also be eligible;

(ii) The property must be eligible to receive the STAR exemption authorized by section four hundred twenty-five of this title or the owner or owners must be eligible to receive the personal income tax school tax relief (STAR) credit authorized by subsection (eee) of section six hundred six of the tax law, as added by section six of part A of chapter sixty of the laws of two thousand sixteen, for such property.

(iii) In any given year, the owner or owners receiving the exemption pursuant to this section must be the same as the owner or owners that

EXPLANATION--Matter in italics is new; matter in brackets [-] is old law to be omitted.

appeared on the assessment roll upon which the revaluation is implemented;

(iv) The property must have a Certificate of Occupancy or a temporary Certificate of Occupancy; and

(v) The property must not have any delinquent taxes as of the taxable status date for the roll on which an exemption is applied.

(b) In addition to the criteria provided in paragraph (a) of this subdivision, the town assessing unit may further limit the eligibility to eligible residential property whose full value increase exceeded a set value threshold as specified in their local law adopting the provisions of this section. If provided by local law, the town assessing unit may elect to grant exemptions to only those properties that do not have building code violations.

3. Exemption calculation. (a) (i) The exemption shall be computed with respect to a percentage of the "exemption base." The exemption base shall be the amount by which the assessed value of a property on the assessment roll upon which the revaluation is implemented exceeds the prior year's equalized assessed value, as determined in the initial year. The prior year's equalized assessed value shall be determined by applying the applicable change in level of assessment factor to the prior year's assessed value. Such exemption base shall not include increases due to a physical improvement or a removal or reduction of an exemption on property.

(ii) Any increase in the assessment of a property due to physical changes in the year following the implementation roll shall not be eligible for the exemption. In the event that any portion of a parcel is fully or partially removed from the roll during the year following the implementation roll by reason of fire, demolition, destruction or new exemption, the assessor shall reduce the exemption for any remaining portion in the same proportion assessment is reduced for such fire, demolition, destruction or new exemption. If a property's revaluation assessment is reduced pursuant to title one-A of article five, or title one or one-A of article seven of this chapter, the exemption shall be recomputed accordingly.

(b) (i) The exemption shall be to the extent of sixty-six per centum of the exemption base in year one and thirty-three per centum of the exemption base in year two.

(ii) The following table shall illustrate the computation of the exemption:

| <u>Year of exemption</u> | <u>Percentage of Exemption</u> |
|--------------------------|--------------------------------|
| <u>1</u>                 | <u>66% of exemption base</u>   |
| <u>2</u>                 | <u>33% of exemption base</u>   |

4. Granting of exemption. (a) Such exemption shall be granted only upon application by the owner or owners of such real property on a form prescribed by the commissioner. Such application shall be filed with the assessor on or before the appropriate taxable status date for the assessment roll upon which the revaluation is implemented.

(b) If the assessor is satisfied that the applicant is entitled to an exemption pursuant to this section, he or she shall approve the application and the taxable assessed value shall be reduced by the exemption, as in this section provided commencing with the assessment roll prepared after the taxable status date. The assessed value of any exemption granted pursuant to this section shall be entered by the assessor on the assessment roll with the amount of the exemption shown in a separate column.

(c) In the event that the residential property granted an exemption pursuant to this section transfers ownership or otherwise ceases to meet the eligibility requirements of the exemption in subdivision two of this section, the exemption granted pursuant to this section shall be discontinued. Upon determining that an exemption granted pursuant to this section should be discontinued, the assessor shall mail a notice so stating to the owner or owners thereof at the time and in the manner provided by section five hundred ten of this chapter.

§ 2. The following provisions shall apply in a town with a population of not less than 37,000 persons and not more than 38,000 persons located in a county of not less than 930,000 persons and not more than 1,200,000 persons, based upon the latest U.S. census, if such town adopts the provisions of section 485-s of the real property tax law for the assessment roll finalized in the year 2016. Notwithstanding paragraph (a) of subdivision 4 of section 485-s of the real property tax law, applications for exemption shall be filed with the assessor on or before a date specified in the local law adopting the provisions of section 485-s of the real property tax law on a form prescribed by such town may be used in its place. Notwithstanding any other section of law to the contrary, to the extent the taxable assessed value of the property originally appearing on such roll exceeds the amount to which it should be reduced pursuant to section 485-s of the real property tax law, the assessor shall amend the assessment roll accordingly. The assessor shall give written notice of such exemption to the property owner. Where the assessor denies an exemption pursuant to section 485-s of the real property tax law for the 2016 assessment roll, the property owner may file a complaint with the board of assessment review. Such board shall reconvene on a date or dates established by the assessing unit, provided at least ten days' notice is given in writing, by certified mail, returned receipt requested, to the property owner, to hear the appeal and determine the matter, and shall mail written notice of its determination to the assessor and property owner. Notwithstanding sections 283.161 and 283.171 of the Westchester County Administrative Code, for the purpose of implementing the residential revaluation exemption, the assessor shall file the 2016 assessment roll on or before the first day of December. The rights contained in this act shall not otherwise diminish any other legally available right of any property owner or party who may otherwise lawfully challenge the valuation or assessment of any real property or improvements thereon. All remaining rights hereby remain and shall be available to the party to whom such rights would otherwise be available notwithstanding this act.

§ 3. This act shall take effect immediately and shall apply to assessment rolls prepared on and after January 1, 2016.

The Legislature of the STATE OF NEW YORK ss:

Pursuant to the authority vested in us by section 70-b of the Public Officers Law, we hereby jointly certify that this slip copy of this session law was printed under our direction and, in accordance with such section, is entitled to be read into evidence.

JOHN J. FLANAGAN  
Temporary President of the Senate

CARL E. HEASTIE  
Speaker of the Assembly

# Village of Scarsdale



## Memorandum

*Village Manager's Office*

To: Stephen M. Pappalardo, Village Manager  
From: Robert A. Cole, Deputy Village Manager  
Date: September 19, 2016  
Re: Special Legislation Authorizing Three-Year Phase-In of 2016 Assessments

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This memo is prepared pursuant to your request for a brief overview and accompanying analysis of a prospective phase-in of the 2016 Revaluation assessment increases for qualifying properties, as has been undertaken this year by the Westchester County Towns of Ossining and Greenburgh in coordination with the New York State Legislature by way of special authorizing legislation. Background narrative is provided below, and graphic analysis of the impact begins on page four.

### *Towns of Ossining and Greenburgh*

As a result of significant increases in assessed values arising from their 2016 Town-wide revaluations, the Towns of Ossining and Greenburgh were confronted with the prospect of unanticipated sharp property tax increases for certain property owners. In order to address the financial hardship represented by an abrupt change in tax liability, particularly for property owners already struggling to make ends meet, Town officials worked with state elected officials to amend the New York State Real Property Tax Law to enable a gradual implementation of the assessment increases over a three-year period. A brief description of the New York State Real Property Tax Law Amendment follows.

### *New York State Real Property Tax Law Amendment: Overview and Amendment Procedure*

The New York State Real Property Tax Law Chapter 91, Section 485-s, as amended July 5, 2016, provides for the gradual implementation of 2016 assessments through a new exemption for properties meeting the following key eligibility requirements, among others:

- One-, two-, or three-family residential property, with non-homestead condominiums ineligible;
- Basic STAR-eligible;
- Certificate of Occupancy (or Temporary Certificate of Occupancy);
- No delinquent taxes;
- No increase in value resulting from a physical change to the property; and
- All taxing authorities, i.e., School, County, and Village are kept whole with respect to their approved levy.

Additionally, the municipality is authorized to set a percent increase threshold for exemption eligibility; Ossining and Greenburgh both used a 25% increase. Finally, the law provides that an eligible owner submitting the requisite application form will receive a 66% reduction against the incremental 2016 increase in year-one, followed by a 33% reduction in year-two, leading to full valuation in year-three.

Because the Town/Village of Scarsdale is unable to take advantage of the existing phase-in legislation, as it contains community population-based parameters that exclude Scarsdale's eligibility, the New York State Real Property Tax Law would need to be amended once again in order to make the phase-in exemption available for Scarsdale's use. Procedurally, the Town Board would need to pass the attached resolution requesting the New York State legislature to amend the law. Pursuant to the resolution, state elected officials would shepherd the proposed amendment through the bill drafting process and the Town Board would later submit a Home Rule Message in support of the bill. The legislation then requires approval through the New York Assembly and Senate, as well as the governor's signature to become law. Based on the NYS Legislative Session Calendar, the final bill would not be adopted into law earlier than the first quarter of 2017. Finally, and by way of the standard public process, the Town of Scarsdale would need to draft and pass a local law authorizing the exemption, including specifying the applicable percent increase threshold for exemption eligibility. A brief local implementation impact summary follows.

#### *Scarsdale Phase-In Legislation Impact Analysis (25% Threshold Scenario)*

The goal associated with adopting local phase-in legislation is to provide temporary property tax relief to the STAR-eligible portion of the community experiencing the greatest level of tax increase as a result of the 2016 Revaluation. The Town of Scarsdale will issue 2017 taxes based on the 2016 assessments on April 1 (County), June 1 (Village), and September 1 (School). Basic STAR program eligibility requires that the subject property is the homeowner's primary residence and that the combined family income is \$500,000 or less. STAR eligibility was incorporated into the State's legislation as an existing measure of potential financial need, with the underlying logic being that individuals or families earning in excess of \$500,000 per year are able to financially manage property tax increases more effectively than those earning less income.

While phase-in legislation would help eligible owners spread the financial burden of a significant assessment increase over a three-year period, redistributing the liability across other residential properties increases the tax burden for non-eligible property owners. Staff has examined implications of the phase-in legislation based upon a 25% increase eligibility threshold and offer the following observations, accompanied by graphs on pages four through eleven of this memo:

- Of the approximate 1,315 STAR-eligible properties that experienced a property tax increase, 128 of them experienced an increase of 25% or greater ([see page 10 graph](#)), though this number may be further decreased though other necessary screening criteria included in the amended New York State Real Property Tax Law, as related on page one of this memo;
- Using the example of a property assessed at \$1,515,000, representing the average residential assessed valuation at time of the 2016/17 budget adoption, the incremental increase in total

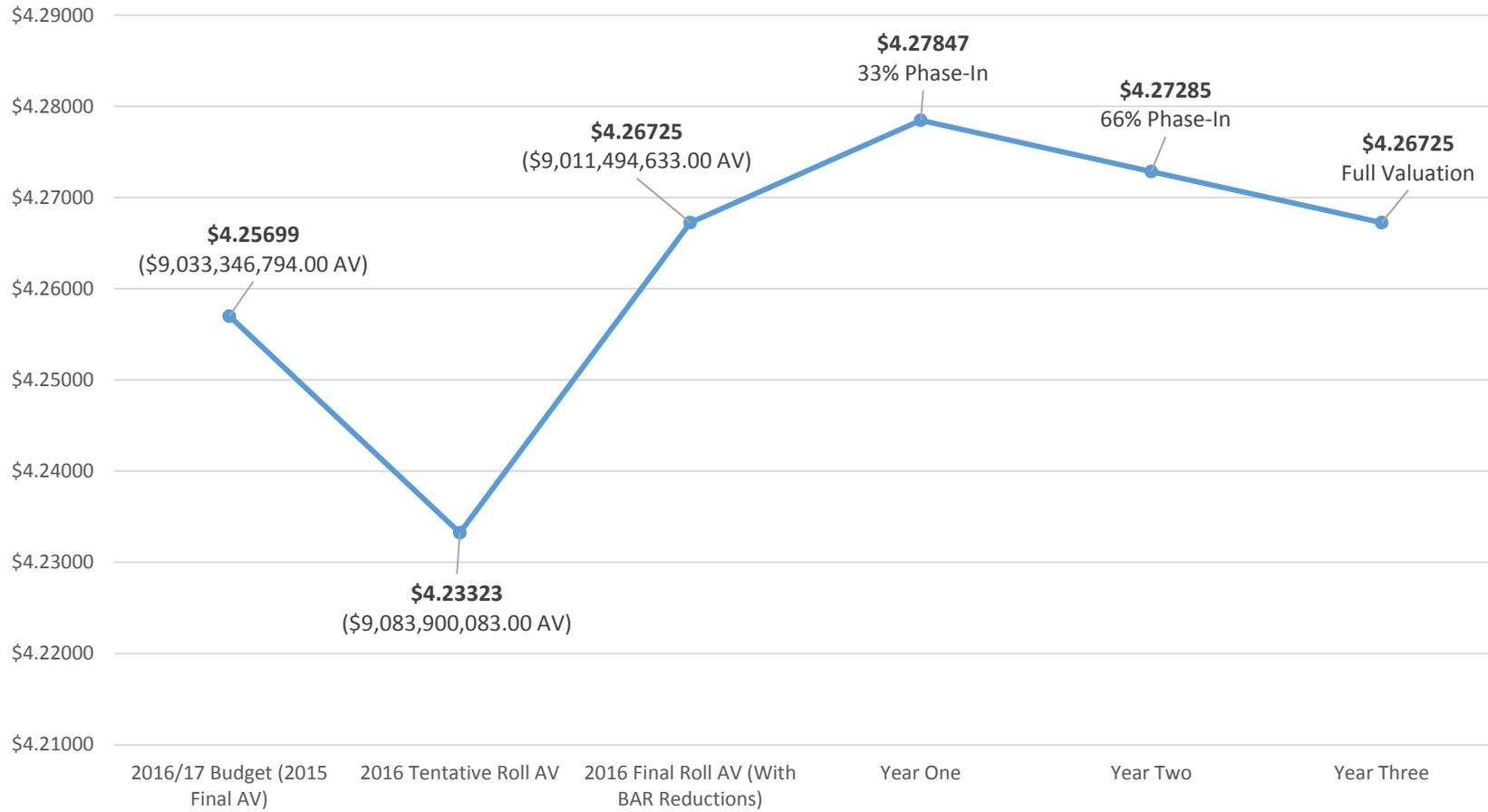
property tax liability would be an estimated \$92.92 in year-one and \$46.40 in year-two ([see page 9 graph](#));

- Using the 2016 Scarsdale Final Roll total taxable assessed valuation of \$9,011,494,633.00, which includes Board of Assessment Review reductions, and holding the FY 2016/17 levy of \$38,454,276.00 constant, the year-one Village Tax rate would increase from the base rate of \$4.26725 to an estimated \$4.27847 (\$0.01122 cents), while the year-two Village tax rate would decrease to roughly \$4.27285 (\$.00560) cents above the base, ultimately returning to the base rate (\$4.26725) in year-three ([see page 4 graph](#));
- Using the current 2016 Scarsdale Final Roll total taxable assessed valuation of \$9,011,494,633.00 and holding the FY 2016/17 levy of \$38,454,276.00 constant, the year-one Total Tax rate, inclusive of Village, School, and County property taxes, would increase from the base rate of \$23.32720 to approximately \$23.38854 (\$0.06134 cents), while the year-two Total Tax rate would drop back down to an estimated \$23.35783 (\$.00560) cents above the base, ultimately returning to the base rate (\$23.32720) in year-three ([see page 5 graph](#));
- The median assessment increase for properties meeting or exceeding the 25% increase eligibility threshold is approximately 30% ([see page 10 graph](#)); and
- The [graph on page 11](#) depicts the assessment valuation of parcels comprising the estimated 1,315 Basic STAR-eligible properties that experienced a valuation increase of \$.01 or greater.

Attached is a resolution for the Town Board's consideration, requesting Scarsdale's New York State Congressional representatives to move forward with enactment of the NYS Phase-in legislation. As we have discussed, it is recommended that the item be placed on a special Town Board meeting on September 27, 2016, and referenced for discussions at a Committee of the Whole meeting to be scheduled in October.

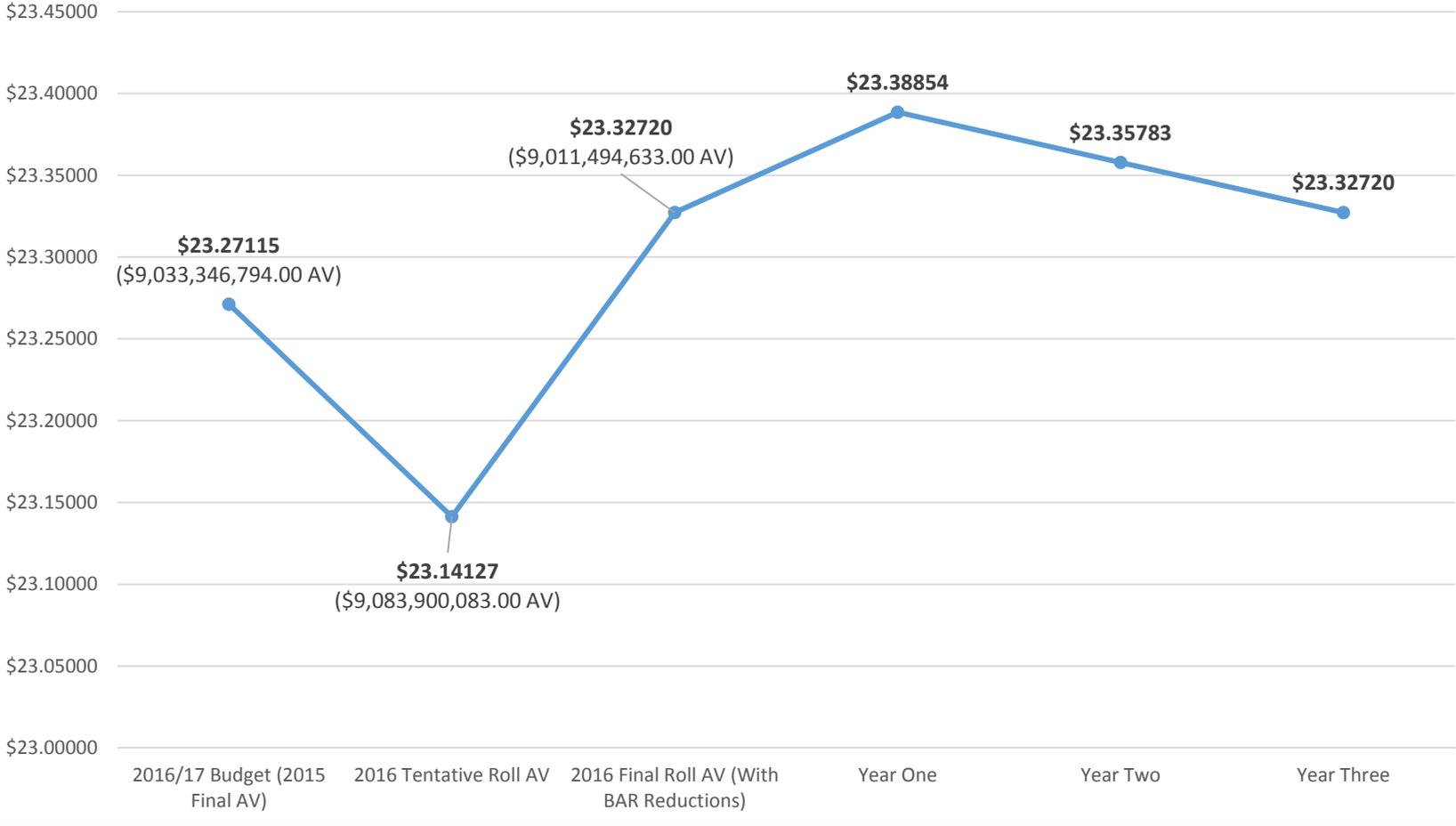
# Village Tax Rate

Levy Held Constant at 2016/17 Budget, 25% Qualifying Threshold



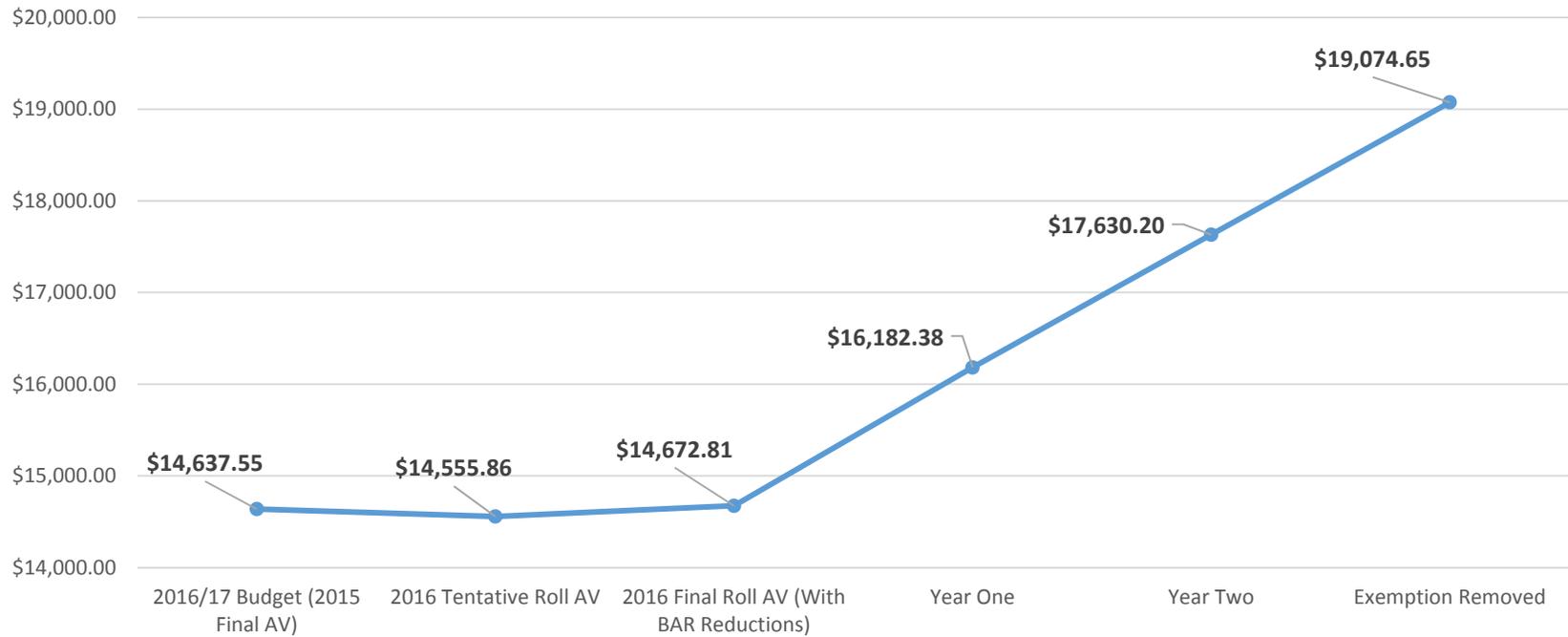
# Total Tax Rate

Village, County, and School Combined  
Levy Held Constant at 2016/17 Budget, 25% Qualifying Threshold

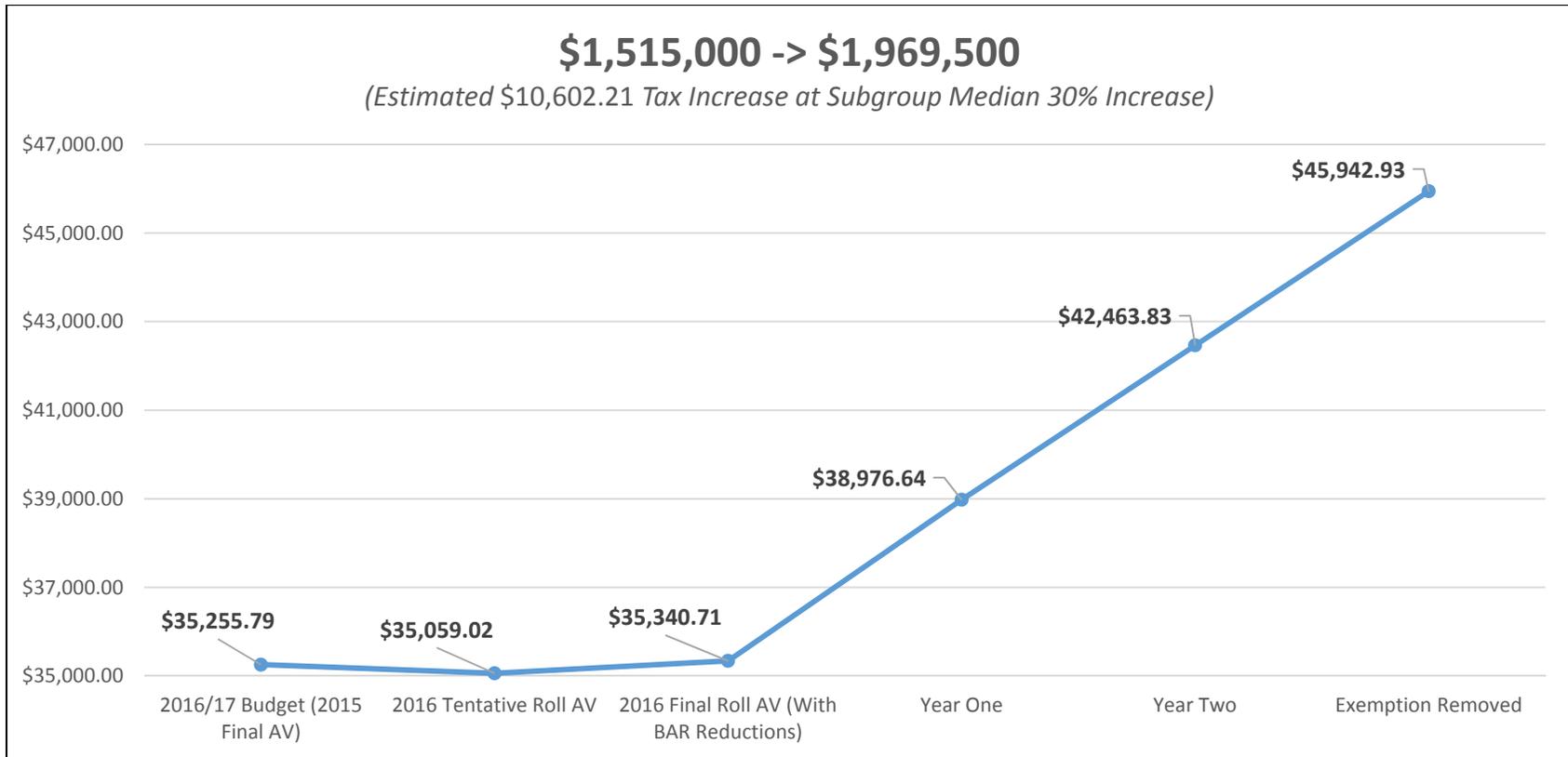


**\$629,000 -> \$817,700**

*(Estimated \$4,401.84 Tax Increase at Subgroup Median 30% Increase)*



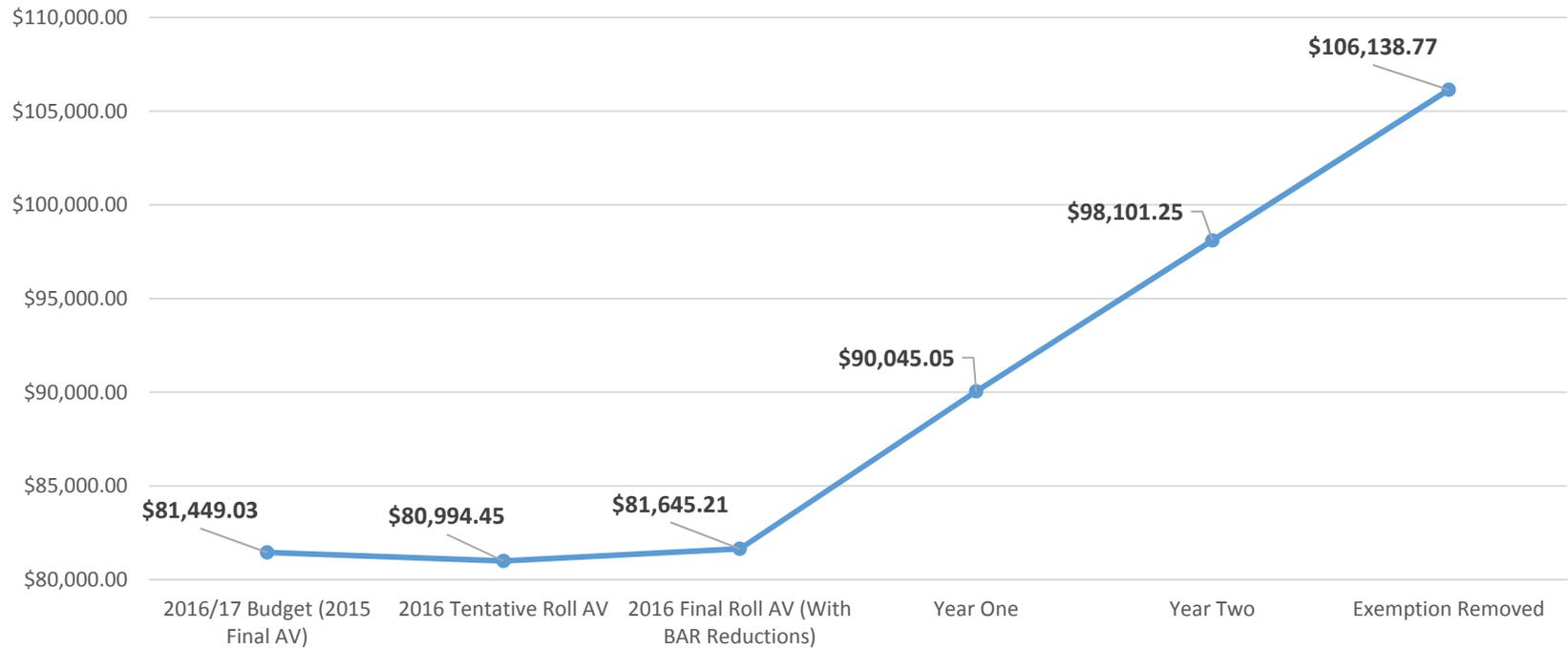
- Qualifying threshold is a 25.0% or greater assessment increase.
- Property must be STAR eligible.
- Median assessment increase is 30% at 25% qualifying threshold.
- 128 Parcels of 1,317 with increases of .01% or greater, no rounding up.
- Some portion of 128 parcels will not qualify, e.g., increases due to construction, etc.
- Median assessment at 25% threshold is \$1,125,000.
- Levy held constant at 2016/17 Budget.
- Tax relief transition at threshold break is not smooth, i.e., 24.9% and below do not qualify for relief.



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## \$3,500,000 -> \$4,550,000

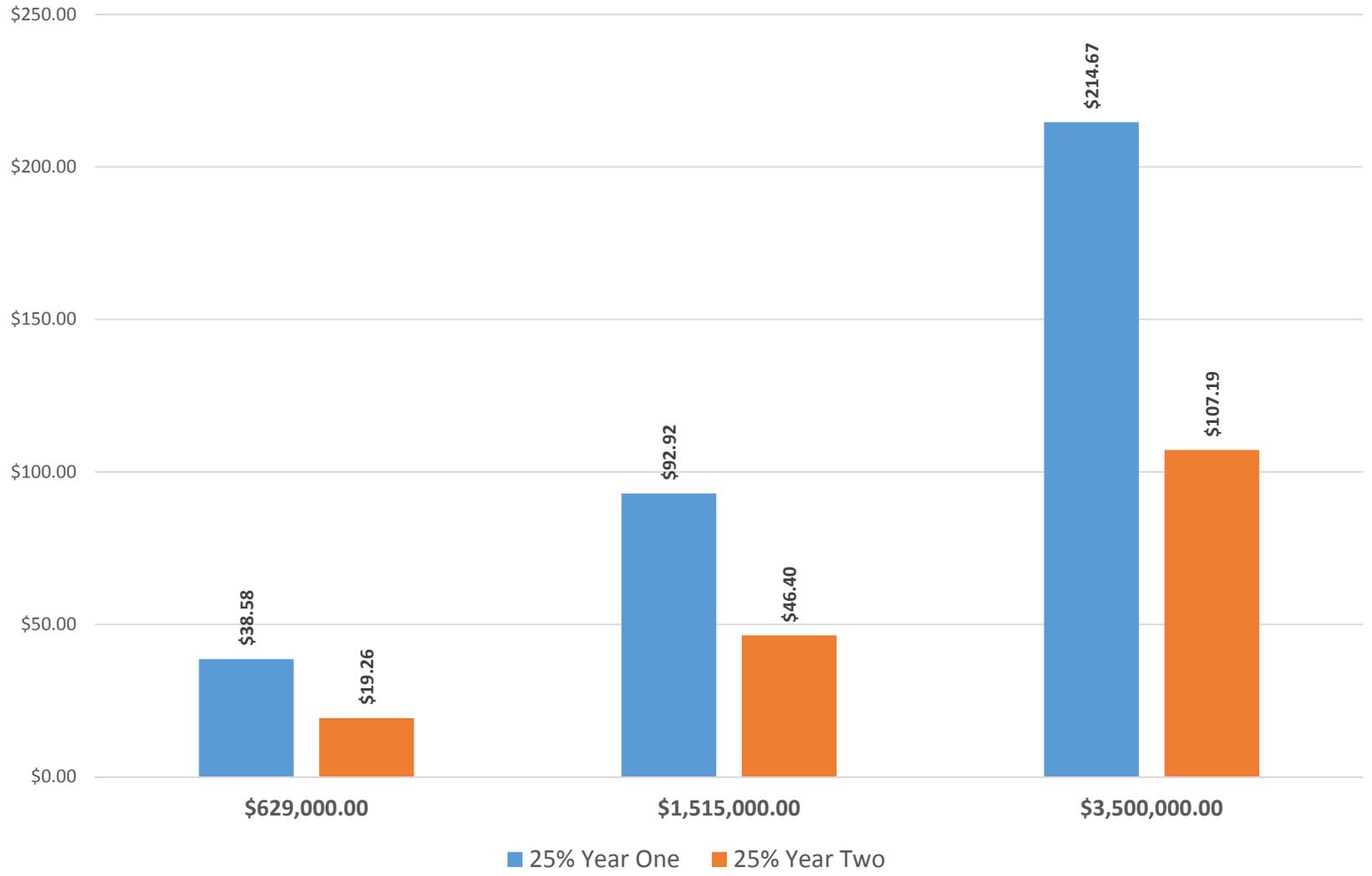
(Estimated \$24,493.56 Tax Increase at Subgroup Median 30% Increase)



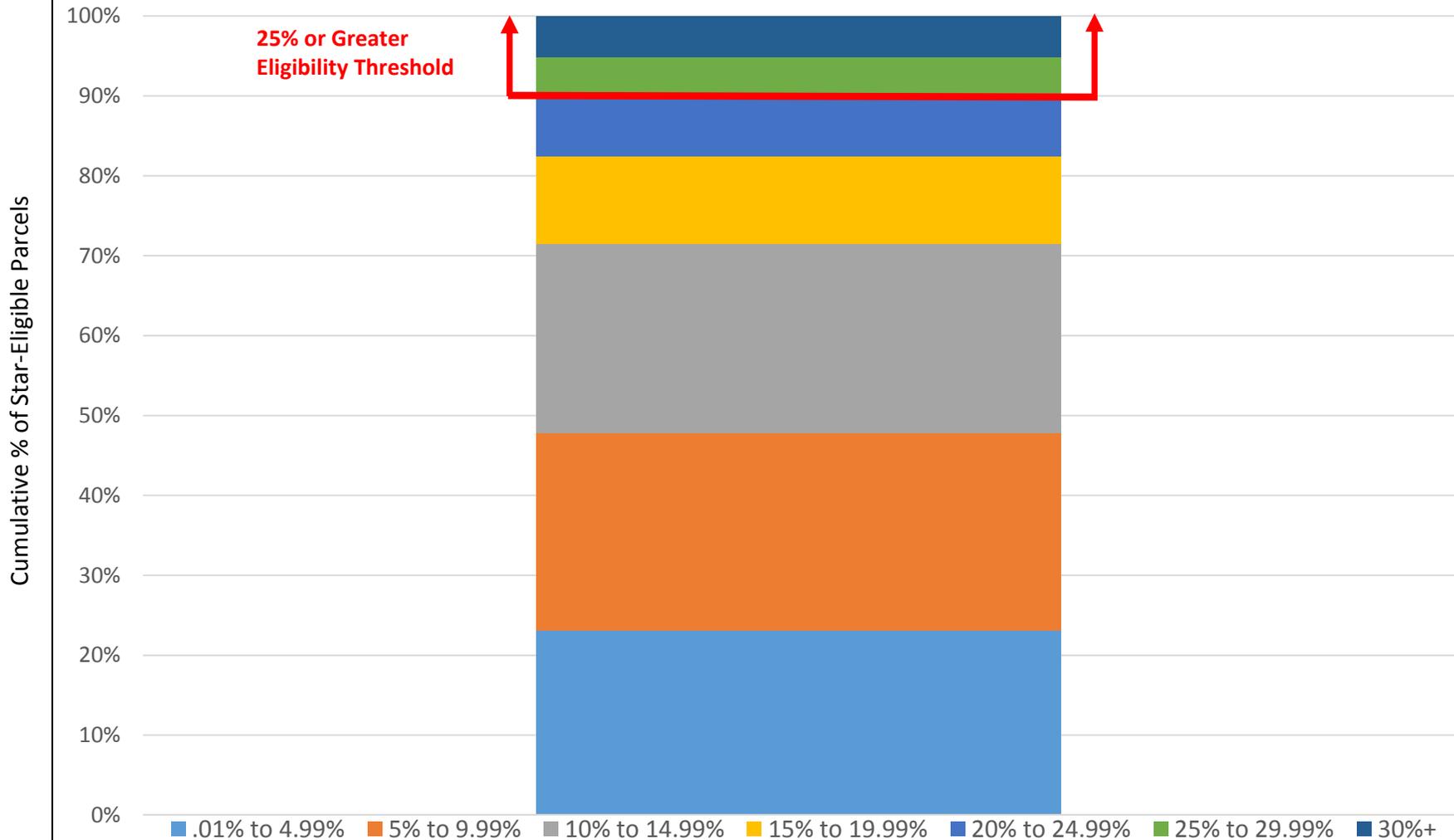
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# Phase-In Program Tax Impact per Household

25% Eligibility Threshold Examples

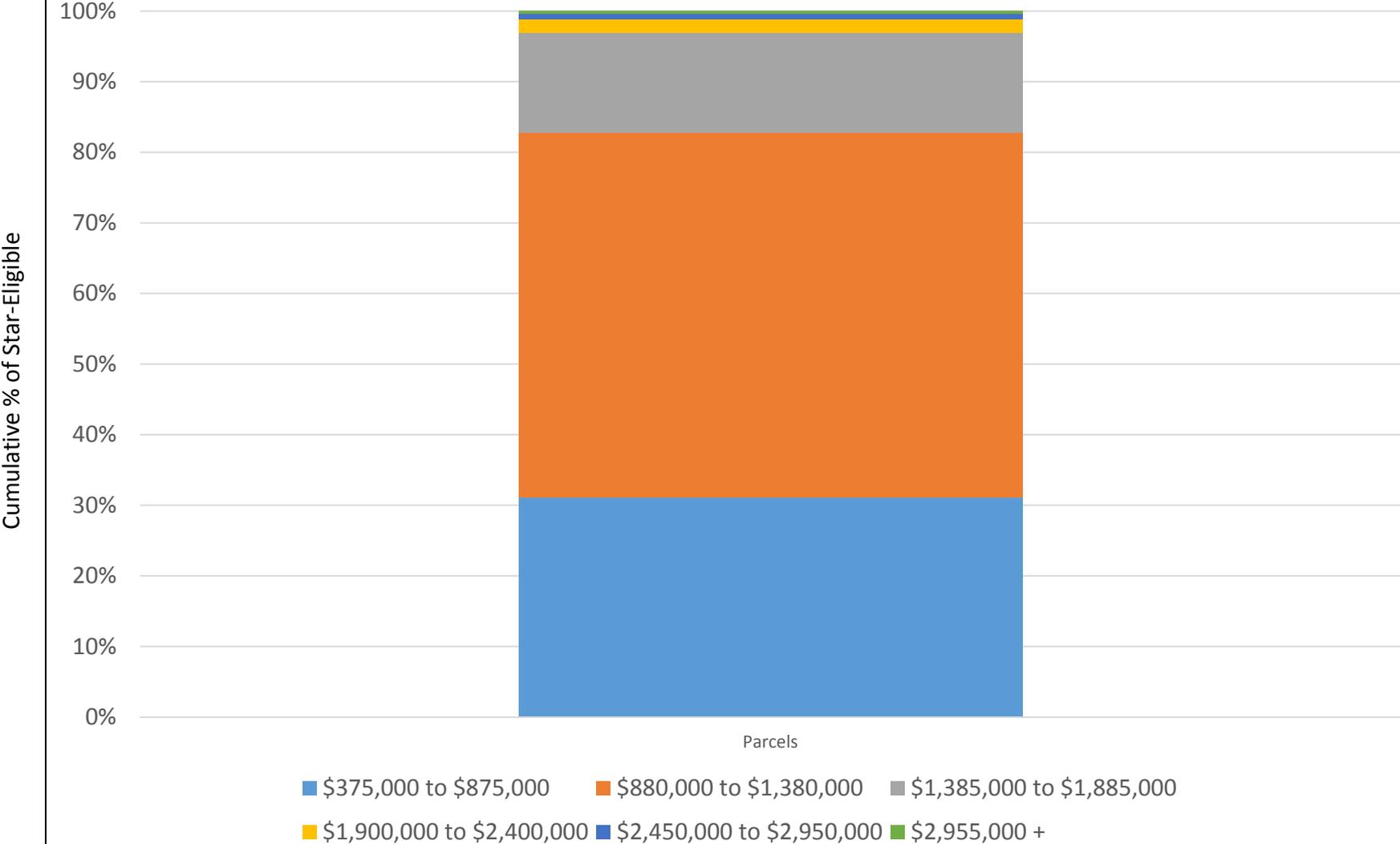


**Parcel Volume by % Increase in Assessment**  
*1,315 STAR-Eligible Parcels*



# Parcel Volume by Assessed Value

1,315 STAR-Eligible Parcels





# Phase-In Legislation

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A BRIEF OVERVIEW



# Why Phase-In Legislation?

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- ❖ An alternative worthy of public discussion
- ❖ Assist homeowners most aggrieved
- ❖ Temporary relief for Basic STAR-eligible homeowners
- ❖ Greenburgh and Ossining examples



# Key Program Eligibility Requirements

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- ❖ 25% or greater valuation increase
- ❖ Basic STAR-eligible
- ❖ One-, two-, or three-family residential property
- ❖ Certificate of Occupancy (or Temporary)
- ❖ No delinquent taxes
- ❖ Increase not attributable to a physical property change

Note: Non-homestead condominiums ineligible



# Approximate Phase-In Relief for \$629,000 Home

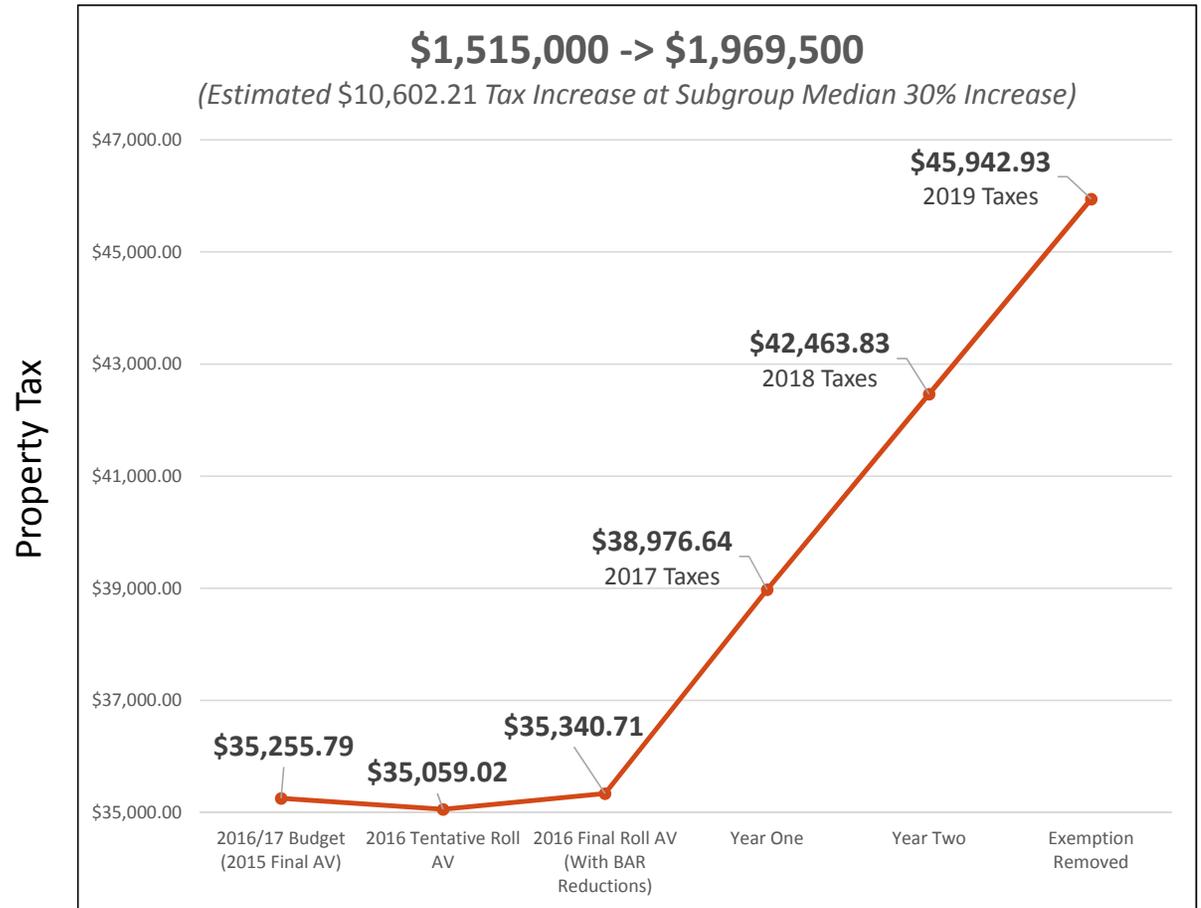
- ❖ 30% assessment increase
- ❖ \$4,400 tax increase
- ❖ Base: \$14,673
- ❖ Year One: \$16,182
- ❖ Year Two: \$17,630
- ❖ No Exemption: \$19,074





# Approximate Phase-In Relief for \$1,515,000 Home

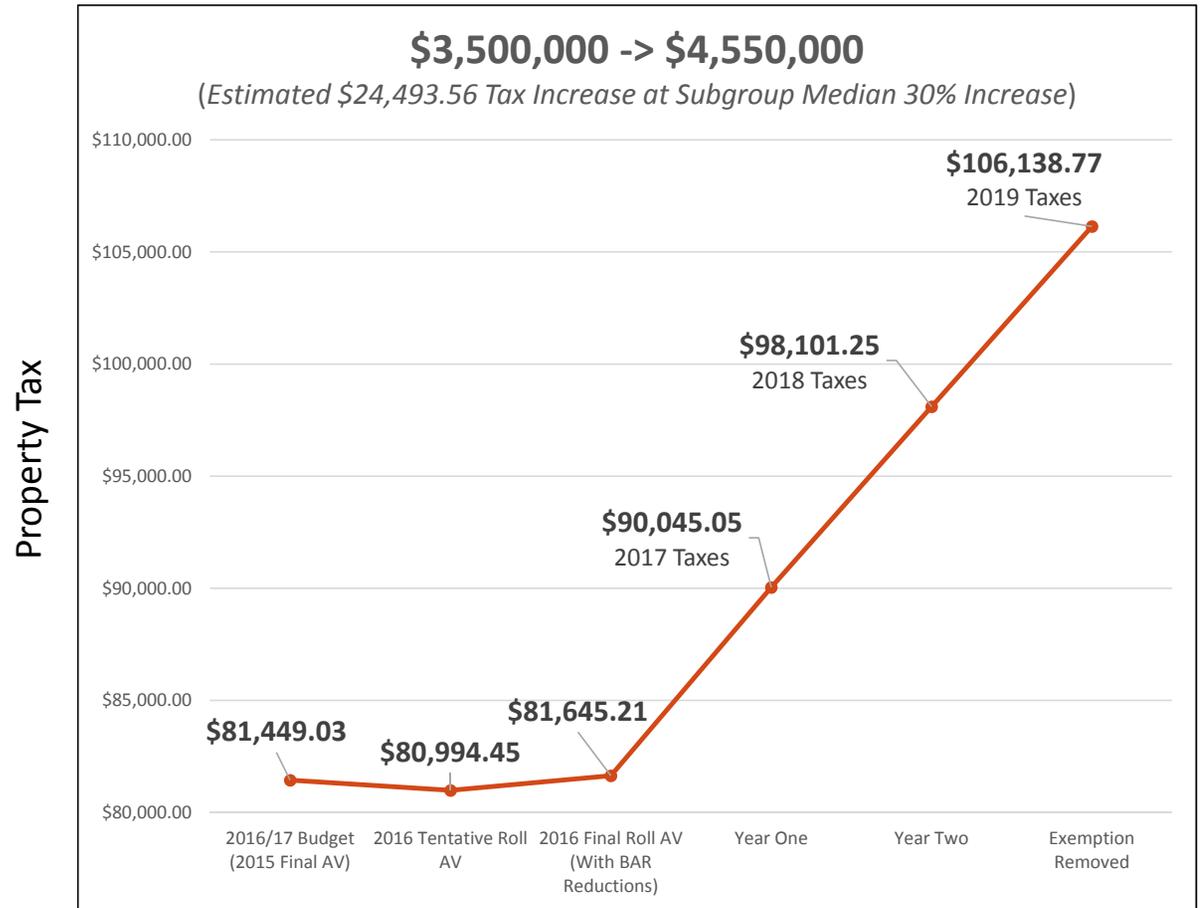
- ❖ 30% assessment increase
- ❖ \$10,602 tax increase
- ❖ Base: \$35,341
- ❖ Year One: \$38,977
- ❖ Year Two: \$42,463
- ❖ No Exemption: \$45,943





# Approximate Phase-In Relief for \$3,500,000 Home

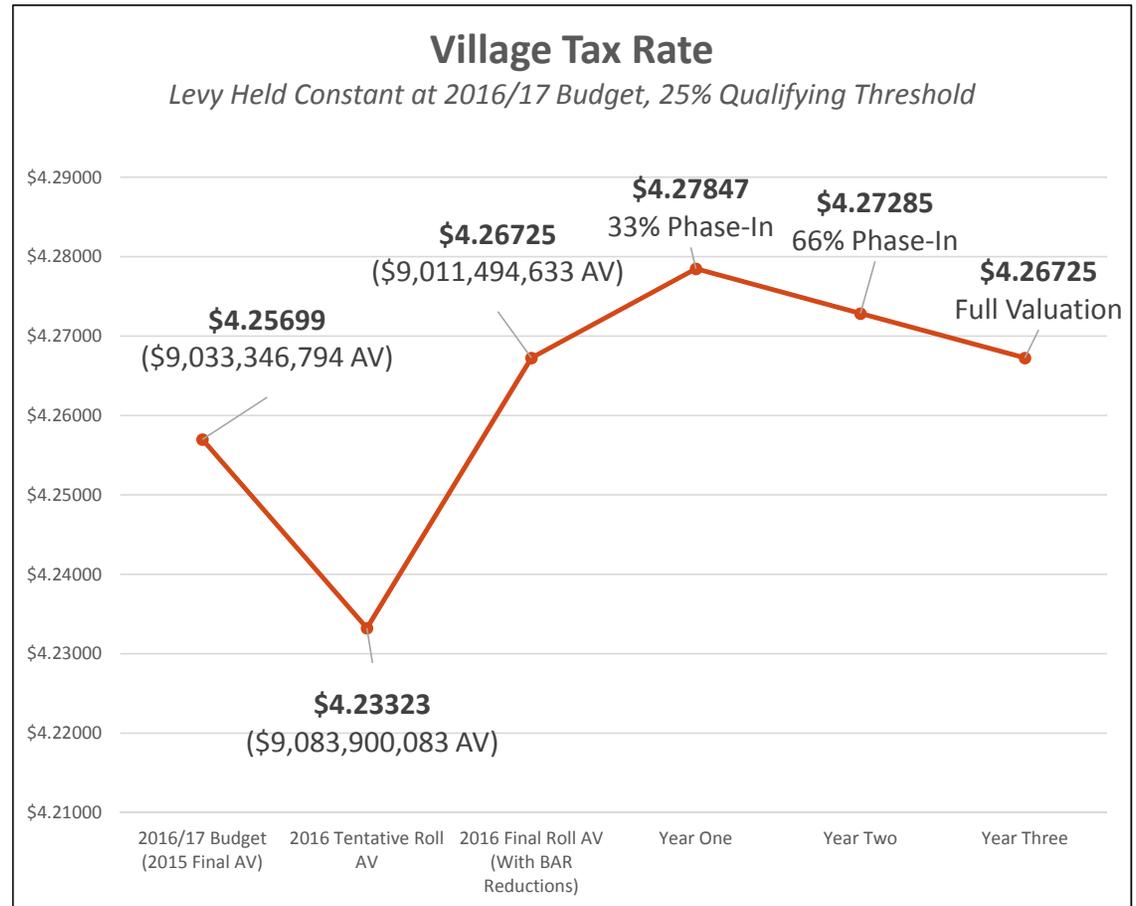
- ❖ 30% assessment increase
- ❖ \$24,494 tax increase
- ❖ Base: \$81,645
- ❖ Year One: \$90,045
- ❖ Year Two: \$98,101
- ❖ No Exemption: \$106,139





## Approximate Influence on Village Tax Rate

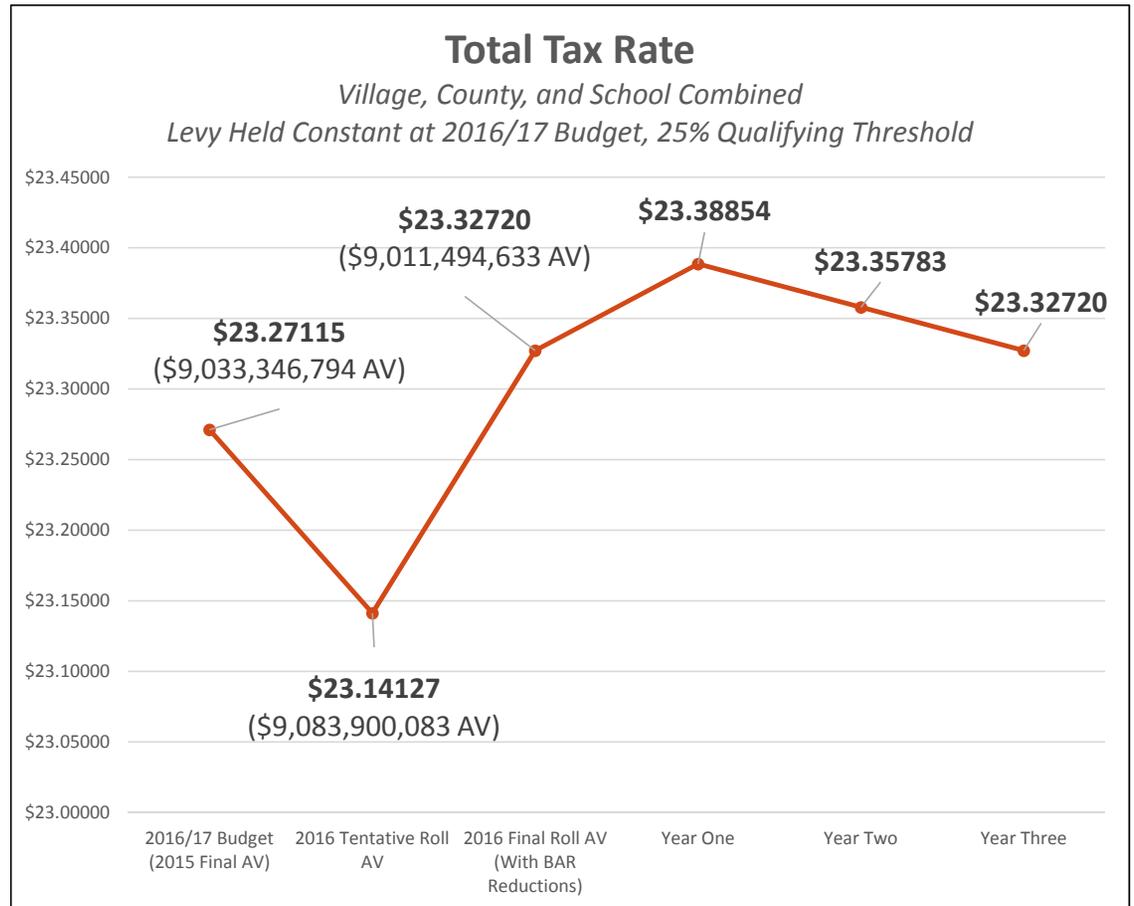
- ❖ Approximately 128 potentially eligible parcels
- ❖ Levy held constant at 2016/17 Budget
- ❖ Median assessment at 25% threshold is \$1,125,000
- ❖ Tax relief not smooth - sharp break at 25.00% with no rounding





## Approximate Influence on Total Tax Rate

- ❖ Approximately 128 potentially eligible parcels
- ❖ Levy held constant at 2016/17 Budget
- ❖ Median assessment at 25% threshold is \$1,125,000
- ❖ Tax relief not smooth - sharp break at 25.00% with no rounding





## Approximate \$ Increase on “My Tax Bill”

- ❖ Approximately 128 potentially eligible parcels
- ❖ Levy held constant at 2016/17 Budget
- ❖ Median assessment at 25% threshold is \$1,125,000
- ❖ Tax relief not smooth - sharp break at 25.00% with no rounding

