

THREE THOUSAND THREE HUNDRED FIFTY-SECOND
SPECIAL MEETING

Video Conference
Via Zoom
May 29, 2020

A Special Meeting of the Board of Trustees of the Village of Scarsdale was held on Friday, May 29, 2020 via video conference (Zoom) at 5:08 p.m.

Present were Mayor Samwick and Trustees Arest, Crandall, Lewis, Ross, Veron, and Waldman. Also present were Village Manager Stephen Pappalardo, Deputy Village Manager Cole, Assistant Village Manager Richards, Village Attorney Pozin, Deputy Village Attorney Garrison, Village Clerk Conkling, and Assistant to the Village Manager Katzin.

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Mayor Samwick stated that the Board is working very hard with the Village merchants which includes the Village Center, as well as the Heathcote Five Corners and a portion of the Golden Horseshoe to help them reopen. The schedule that we have, which could be subject to change, is that Phase Two of New York Forward would commence on June 9, 2020, which is the date of the next regular Village Board meeting, so the Board is having a special meeting this evening to schedule a public hearing for that date. The public hearing requires 10 days' notice, and thanked the Village Clerk for having the notice published in the Journal News in a timely manner.

Mayor Samwick stated that the Board does not like to do items such as this on such short notice, and doesn't like to act on the night when the public hearing is initially held; the Board may decide not to act on June 9th, but it wants to at least schedule it to coincide with Phase Two, which is the opening of retail establishments on the June 9th, again, if in fact that is what the Board wants to do.

The Board has received the proposed local law change, which is fairly straightforward. The Village has restrictions on sidewalk blockage in the current Village Code. What the Board is contemplating here is a short term of 4 1/2, almost 5 months, of a suspension of that and the formation of a working group. That group would include the Village Engineer Goessl, who is here. Assistant Village Manager Ingrid Richards will serve as the designee of the Village Managers Office. Trustee Veron has been integrally involved in all things surrounding the Village Center for very long time. In fact, probably predating her years on the Board. And as Trustee Veron is going to likely be leaving the Board in September, Trustee Arest is likely to fill in that position as the point person for Village Center.

Mayor Samwick stated that they have already started having discussions with the Scarsdale Business Alliance (SBA) and local merchants about what we as a Village can do to

help with the reopening because this is a real challenge and it's also a real opportunity. So, that's the backdrop if people have questions about the intent. He stated that he would like to take questions from the Board, if any and then the Board can move to schedule the public hearing.

Trustee Crandall stated that this was a great idea and thanked everyone involved for getting things in motion here. She suggested that they add the new Village Planner to the committee, because their expertise enables them to analyze things like traffic flow, pedestrian connections, and the new planner seems to have a great ideas. He seems quite motivated and she stated that she didn't see any downside and adding one more to the committee; it could be a fabulous mix of great minds.

Village Manager Pappalardo stated that having worked with Greg Cutler, what we've seen from him and based on his background and certainly working with merchants in this area he has a knack for spatial layout and organization. Mr. Cutler would also be helpful in terms of traffic flow, etc. It might be a good way for him also to get acclimated. He'll meet people, he'll meet the SBA, he'll work with a couple of the Trustees and some new members of the staff right out of the gate. He stated that he was fine with adding him to the committee.

Trustee Veron concurred. She stated that place making is something that planners think a lot about. He would also have knowledge of having spaces that are pedestrian friendly, bike friendly, be familiar with ADA compliance and all those kinds of things. She stated that she would love to have him join Ingrid on the Committee. She noted that Assistant Village Manager Richards has been like a partner in this and she somehow miraculously got a site visit scheduled on Monday with Village Engineer David Goessl and that she was very excited that they are going to do that. She stated that they are meeting at 9:30 in front of Rothmans to start the walk through and just get a lay of the land. She stated that she endorsed that idea.

Trustee Veron continued, stating that they will probably need to lean also on communication resources to make sure they are clear with the public; it will be new and different. She stated that she has a question and that she has already heard from the SBA from some of the service businesses, and, in particular, she's gotten questions from gyms, or a yoga business. She had a question from a yoga studio as they want to understand how opening up fits for them. To what extent do we consider certain services? She stated that she just wanted the Board to explore it as they think about this legislation.

Trustee Lewis stated that first he wanted to congratulate Trustee Crandall for her great suggestion, he seconded it. He stated that he thinks it's a wonderful idea in a great way to integrate the new Village planner, and it sounds like everyone's appreciative and thinks that's it's a wonderful idea. With regards to process, he stated that this is very important, and he felt that it will also be important to integrate the views of our community at some appropriate time as the ideas are developed, it'd be wonderful to have a working session on this because he thought that they all see this as an important challenge to our region and into the Village. If we can come out of this with ideas that are particularly innovative, it might be possible for them to emerge from this stronger, and perhaps grab market share from other Village centers who aren't as innovative to create a socially distant, fun friendly environment

in a time that's challenged for fun and friendliness. He thanked those who are going to serve on the committee and look forward to supporting the Committee, and hoped that the Board could engage the public in a working session on this as early as possible to get their views - the people who we want to go to the Village center to spend money and to engage and to have a good time.

Trustee Lewis stated that his final point is that June 9th will be a heavy day and the Board has a working session that day as well. He stated that he hoped the Board will be able to maintain enough time on that evening to have a very, very thorough conversation. In regard to the budget and their first working session, he stated that a number of us have meaningful questions about scenarios and reserve levels, and how our financial projections are unfolding. He stated that he wanted to make sure that the Board doesn't in any way shorten that important conversation.

Mayor Samwick stated that he agreed, and further stated that one of the things that they hope can come out of this is an opportunity that they may be trying some different things in the Village center and that can create some opportunities for them to do things differently than they've done or certainly explore things that are different than what they've done before and do that with the clear goal and objective of bringing as much vibrancy and vitality to the Village center as possible. He pointed out that this goes beyond just the Village center.

Trustee Arest stated that he agreed with Trustee Lewis's point. The way that he understood this and was looking at this, in terms of short term, medium term, long term, etc., there is an impediment here and they need to bring back the Village center and other retail hubs, and for all of the merchants, bringing them back stronger if possible, and finding the opportunities and taking advantage of them. This impediment is very time sensitive if we do go into Phase two on June 9th. He stated that he really appreciates that this meeting was called as quickly as it was, and that they were able to do this, and hopefully move forward on June 9th. In terms of medium term and long term he thought that they will learn so much from this. He stated that he supports further work sessions with further studies into this so that they can try to take what they learn and do something great. And find the opportunities, the silver lining, where they can better the community.

Trustee Veron stated that they have spoken to everyone; Golden Horseshoe Shopping Center, Five Corners, Garth Road, and the Village center –and each of them is really different. And each of them has different desires, different constraints, and different ownership. So they have decided that they had to address them each independently but provide for each of them holistically. The point is that there's things that are specific to each area. She stated that they ensure that the SBA permits and requires everyone to participate. The dues are free, so there is no impediment to joining; they're going to help us in terms of communication and coordination and so forth. When they spoke they talked about the immediate hurdle, what is the constraining factor, which was the constraint around the Code. However, then we have discussions around medium term and long term and that is going to be robust and creative and she stated that she would love a public discussion on the calendar, because we want to know what people want and what they want to keep changing with people's experiences. She stated that she had a talk with somebody in Colorado, it just keeps unfolding so rapidly.

Trustee Lewis stated that they can zoom from anywhere and be socially distant and do that working session from the Village center, socially distant from each other and it might be a nice way to make a point and be outdoors.

Trustee Crandall stated that they should let the committee have its first meeting and then see what kind of agenda they would like to see on some of this. And then the Board can do the calendar.

Trustee Ross stated that he agreed wholeheartedly with everything they have been talking about starting from the need for this amendment itself and including Trustee Crandall's excellent suggestion. He stated that he thought that it's important that the Board have at least the opportunity to vote on June 9th; they may or may not do so but he thought it was important to do it as he was not really sure that a great deal of discussion is required before they adopt the amendment to the Code. He added that they do have the committee that's going to be flushing things out. He stated that having the opportunity to act quickly is very important. He stated that he thought that there's a very realistic chance that it will be really important to do it and they should have that opportunity.

Mayor Samwick stated that one of the things that they really thought about in terms of putting together this proposed amendment to the local law was what gets included and what doesn't. And the thought really was that the ground level space is really the defining criteria and that those that are upstairs or downstairs would be viewed somewhat differently. This is designed for those who have a more retail like presence with their interaction with their customers. People walking along the streets is very different than people on different floors and what the concern that that if you take a dentist or an attorney or whatever it may be, that may be on a second floor space somewhere, or third floor space somewhere, it may not be appropriate to attempt to create space for them as well. There is limited space. It depends on what is done, but the Board is really trying to help the more retail-like merchants here.

Trustee Veron stated that the yoga PT people who have reached out and she asked if they could envision the use of Chase Park for something that would fit and if that would be a Village decision that could be permitted.

Mayor Samwick stated that this is another part of the discussion when it comes to the streets or Chase Park. That is a Village decision that's outside of the purview of this Board to begin with. The Board doesn't need to make any code changes at all or waive any provisions of code or amended provisions of code to do something like that. Doing a Saturday morning yoga class in the park as a weekly event is something we could do independently of the Code...

Trustee Arest asked if a gym at ground level falls under that definition because he thought that the Zoning code in that regard is fairly broad.

Village Manager Pappalardo stated that if the gym sells apparel or some other related types of items other than utilizing it as a gym and most of them do that, you probably could stretch that definition to say they are selling wares from their store. He stated that this

amendment will allow the merchants to place their goods on the sidewalk, which it prohibits right now, so that opens up the entirety of the Village right-of-way for them to display their wares.

Village Attorney Pozin stated that the way we're also looking at this is where we're saying that the premises is operated as a retail store, food service establishment, sidewalk café or is a nonresidential use occupying any ground floor, street facing space. So if you had a gym on street level with a storefront but it's a gym, they may be able to have T-shirts or whatever kind of things out that people could buy so there was some contemplation of that.

Mayor Samwick stated that he also wanted to be cognizant of the fact that selling wares or food or doing whatever it may be on the street is one thing. If it is in a third floor space, giving them space on the street level is something we don't necessarily want to encourage.

Trustee Lewis stated that he thought that Chase Park or Boniface Circle may have ample space, such that if a process was put in place and publicly announced. With the type of weather that we now have it might be possible that someone on the upper floors, perhaps an attorney might want to rent a 10 by 10 space in Chase Park and put up a tent to conduct his legal practice outdoors, but somebody in some other service such as a dentist might not be able to. He stated that he thought that the Board should be able to have a process that they offer that's fair and open and equitable to even the establishments that are above ground to give them an outdoors venue and that might be one of the ways that we might reinvent how business is conducted. He stated that people might enjoy meeting their lawyers outdoors.

Mayor Samwick stated that at this time the Board should not lose sight of the mission here. The mission is not necessarily about office space. The Board has to be careful of what they are doing here. And he felt that a focused approach to help the street front merchants and businesses survive this transition is the goal. Everything else is really well intentioned and the Board certainly can have discussions about it or whatever else. But the goal here is to have these people who are front-facing succeed in this transition.

Trustee Crandall stated that from what she is hearing from her fellow Trustees is that the sentiment is to have a more expansive goal, where they are looking to support whoever does business in the different retail centers. She stated that they have an opportunity here to make this new code provision more flexible, and the safeguard would be to give the committee more power and to have them in charge of coordinating some of these competing interests. So many people are going to want their chance to succeed, and to make back some of the money they've lost. She stated that they shouldn't limit it to the businesses on street level, just because that may give the appearance of success. She stated that she would be in favor of making this a bit more flexible so that the committee could exercise its discretion and help the businesses however they can. She noted another park in the Village that could be used.

Mayor Samwick stated that those are not contemplated here to begin with.

Trustee Lewis stated that Trustee Crandall is pointing out that what's been presented to the Board is too narrow and he agrees that the Board should give the committee greater flexibility to envision this. He stated that he would like to empower the committee with being able to have the flexibility to achieve a bolder economic vision for all economic stakeholders, not just those who, by accident, the located on the first floor.

Mayor Samwick stated that the Board has to recognize and be careful of the consequences they may create here; unintended consequences if you have a street front presence. They are paying a premium to do that and the way you interact with the public is different. If you have a second or third floor or basement space or whatever it may be, your interaction is fundamentally different. He stated that he is not suggesting that those other businesses are not important to them, they are. But what this is designed to do is deal with the impediment as Trustee Arest said before, which is the limitation on uses of the sidewalk. He stated that if the Board is building a competition among third floor businesses versus street front businesses, that's not the intent here and they have to be careful about how they do that.

Trustee Lewis stated that they don't want people to fight over sidewalk space, but all Trustee Crandall was saying and he was offering as well is that we have other ways we can accommodate others, and we should empower the committee to think through how our other public spaces could be an engine of economic transformation for all the businesses who are stakeholders in a local economy.

Trustee Arest stated that as someone who's being proposed to be on this committee. He was not sure if he was comfortable with that much power. At this point, he stated that he feels very strongly that as they start to think bigger, he would really like to hear from all of his colleagues on thoughts on these things that could really have fundamental changes to the Village center and other places. He stated that he feels more comfortable having a narrower plan of action for something that's proactive and it's time sensitive.

Trustee Arest stated that he and Trustee Veron will report back as often as possible and that he will support them in any way he can to find out what the next step is, and he will support any additional powers, either to that committee or to another committee to make all of these things happen.

Village Attorney Pozin stated that the Board chose this particular avenue, because it is modifying the provisions of the Code that doesn't allow certain activities on sidewalks and really that's all we're doing - we're allowing those uses to spread out to the sidewalks as the businesses start to reopen so that perhaps they still have social distancing inside so if they're able to put some wares out on the sidewalk and have a display, people can shop out there. He stated that it is a larger discussion that would have to be taken on by the whole Board in terms of dealing overall with all the areas in the Village. This is just a little more focused to get it going. It is also temporary and the Board may come up with scenarios where it would make sense to have something more permanent in place for an overall promotion of retail, plus service and restaurants, etc. So we don't want to go too far in zoning, but we want to give an opportunity for people to be outside to get their merchandise out to and be apparent to shoppers and people seeking restaurants, etc. This is not intended to slight any businesses or anybody.

Trustee Arest added that in addition to wanting to come back for full Board discussion, but to include the public in meetings like this, rather than in the committee structure. He stated that he was sure that there are people in the community who will give us their thoughts and be very helpful.

Trustee Ross stated that he thought these were all great ideas, but he would hate to see the addition of other ideas that are good, delay or sidetrack the discussion of the proposed amendment the Board has now. He thought that this is a priority and that other ideas, as good and as valuable as they are can wait for the Board to do this first.

Trustee Veron asked about the sidewalks at Heathcote Five Corners and the parking lot at the Golden Horseshoe and whether or not the Village owns any part of those.

Mayor Samwick stated that he thought that the sidewalks that are there are on private property that is owned by the owner of the shopping facility.

Village Manager Pappalardo informed Trustee Veron that this is all private property, part of the Golden Horseshoe is located just within the Village but the Village does not have a parking lot or any of the walkways there.

Mayor Samwick stated that the Village does own part of the sidewalk coming over the bridge; but that's way outside and it's narrow and it doesn't have parking or pedestrian friendly attributes.

Trustee Veron stated that she has put together a list of land owners and property owners and have communicated with as many as they could. She stated that the landowner of the Golden Horseshoe is really excited about these ideas. She asked if there was any land Palmer Road that belongs to the Village.

Village Manager Pappalardo stated that the Heathcote Fiver Corners is a little difficult. It is a New York State Department of Transportation intersection controlled by them; the Village does own the sidewalks as you drive from west to east. If you're coming from the Village, as you enter the five corners and you continue up Heathcote Road, that small sidewalk there, with the wine shop on the corner with the barbershop belongs to the Village but the main sidewalk on Palmer where the bank is and the Metro Diner is owned by the State; the sidewalk is actually partially owned by the NYSDOT and partially owned by Scarsdale Improvement. The Village does not have control of those sidewalks, and if we wanted to use those sidewalks we'd have to get a permit from the New York State Department of Transportation, supply them with indemnification, etc.

Village Attorney Pozin suggested that perhaps as part of the committee's review is that is that someone prepare a map or something that could highlight or indicate which areas are within the Village's purview, which are private, and which are owned by the State, and have that available to the committee.

Trustee Arest posed the question as to whether business could utilize parking spots on the street or parking spaces in the parking lot.

Village Manager Pappalardo stated that the road bed where the parking spaces are on Palmer Road belong to the NYSDOT. The Village has no meters out there.

Trustee Waldman stated that it seems that what they are doing here this evening is similar as to what is done for the sidewalk sale.

Trustee Veron stated that it is somewhat, but when the sidewalk sale is held they also have tents in front of the stores and it is only held for a few days. This is more of an ongoing permission to utilize the sidewalk area.

Upon motion entered by Trustee Veron, and seconded by Trustee Ross, the following resolution Calling for a Public Hearing on a Local Law Amending Chapter 256 of the Scarsdale Village Code Entitled Streets, Sidewalks, and Public Places was adopted by the vote indicated below:

RESOLVED, that a Public Hearing is hereby scheduled by the Board of Trustees of the Village of Scarsdale at 7:00 PM on Tuesday, June 09, 2020, via Zoom video conferencing service to consider a proposed local law to amend Chapter 256 of the Scarsdale Village Code, entitled Streets, Sidewalks and Public Places, to add a new Section 256-1B allowing for owners and lessees in the Village Center or other owners or lessees of rental or food establishment properties in other areas of the Village, to store, display and or sell goods, wares and merchandise on or directly above Village-owned rights of way; and be it further

RESOLVED, that an [electronic copy](#) of the local law is available for public review on the [May 29, 2020, Village Board Agenda page](#) of the Village website at www.scarsdale.com; and be it further

RESOLVED, that members of the public wishing to present comments may do so online during the public comment phase of the hearing by accessing the meeting at <https://zoom.us/j/93602163034>, or by calling-in using 1-929-436-2866 and entering the Meeting ID, 936 0216 3034; and be it further

RESOLVED, that the Village Clerk is hereby directed to publish notice of said hearing pursuant to Village Law.

<u>AYES</u>	<u>NAYS</u>	<u>ABSENT</u>
Trustee Arest	None	None
Trustee Crandall		
Trustee Lewis		
Trustee Ross		
Trustee Veron		
Trustee Waldman		
Mayor Samwick		

Before roll call on the above resolution was complete, Trustee Crandall moved an amendment to the proposed local law to include the Village Planner on the committee established in the local law, seconded by Trustee Ross and carried unanimously.

There being no further business to come before the Board, the meeting was adjourned on a motion entered by Trustee Veron, seconded by Trustee Ross and carried unanimously at 5:52 P.M.

Respectfully submitted,

Donna M. Conkling
Village Clerk