



MINUTES

Ardsey Village Board of Trustees

8:00 PM - Monday, September 18, 2023

507 Ashford Avenue & Zoom Platform

Present: Mayor	Nancy Kaboolian
Deputy Mayor/Trustee	Andy Di Justo
Trustee	Asha Bencosme
Trustee	Steve Edelstein
Village Manager	Joseph L. Cerretani
Village Clerk	Ann Marie Rocco
Village Attorney	Robert J. Ponzini

Absent:

1. CALL TO ORDER-PLEDGE OF ALLEGIANCE-ROLL CALL

- 1.1 The Regular Meeting of the Village of Ardsley Board of Trustees was held on September 18, 2023 at Village Hall, Court Facility, 507 Ashford Avenue, Ardsley, NY 10502.

Mayor Kaboolian called to order the Regular Meeting at 8:00 p.m.

Members Present:

Mayor Nancy Kaboolian

Deputy Mayor/Trustee Andy Di Justo

Trustee Asha Bencosme

Trustee Edelstein

Also present were: Village Manager, Joseph Cerretani, Village Attorney, Robert J. Ponzini and Village Clerk, Ann Marie Rocco

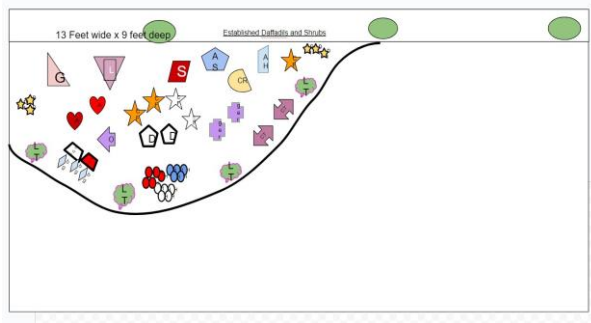
2. PRESENTATION

- 2.1 Ardsley Girl Scouts 100-Anniversary and Silver Award Project

Troop Leader (2579), Miriam Raposh Sassalos was present to advise the Board that they have chosen the Ardsley Library grounds for the centennial garden. Local members donated some of their native plants to this project which keeps in theme of the beautiful gardens already there. Please take a moment to review the attachments and link. We are also requesting approval for a metal staked sign marking the Ardsley Girl Scouts 100th anniversary. Size and material of the sign are not final as the Girl Scouts / Leaders will need to fund raise and vote on the materials used. There is a general idea in the Google Sheet (link below).

When the garden is cleaned and ready the Ardsley Girl Scouts will be invited to plant the bulbs and plants during a time when the library is closed.

<https://docs.google.com/spreadsheets/d/1re-T2vtqJToz8cw1OaA36Sf-sWD9v-oOVqyHG6FdHXI/edit?usp=sharing>



3. PUBLIC HEARING In the Matter of the Proposed Development Located at 657 Saw Mill River Road in the Village of Ardsley *Visitors shall be accorded one (1) four (3) minute opportunity to address the Board on this public hearing.*

- 3.1 Mayor Kaboolian opened the Public Hearing at 8:00 p.m. in the matter of the proposed development located at 657 Saw Mill River Road in the Village of Ardsley and read the public notice into the record:

NOTICE OF PUBLIC HEARING
FOR THE PROPOSED DEVELOPMENT AT 657 SAW MILL RIVER ROAD IN
THE VILLAGE OF ARDSLEY

PLEASE TAKE NOTICE, that the Board of Trustees of the Village of Ardsley will hold a public hearing on Monday, September 18, 2023 at 8:00 p.m. or soon thereafter at Village Hall-Court Room, 507 Ashford Avenue, Ardsley, NY 10502 to discuss the proposed development at 657 Saw Mill River Road in the Village of Ardsley.

Please check the calendar on the village website for meeting details at: www.ardsleyvillage.com

Further details on this amendment is available at the Clerk's office, 507 Ashford Avenue, Ardsley, NY during normal office hours Monday through Friday 9:00 am-4:00 pm.

Written comments may be sent to the Village Clerk at arocco@ardsleyvillage.com or sent via regular mail to 507 Ashford Ave, Ardsley, NY 10502. All comments will be shared with the Board of Trustees and questions will be answered as quickly as possible.

All residents and taxpayers are invited to attend.

BY ORDER OF THE BOARD OF TRUSTEES OF THE
VILLAGE OF ARDSLEY, NEW YORK

Ann Marie Rocco

Village Clerk

Dated: September 8, 2023

Diana Bunin Kolev Esq. from Law Firm from Del Bello, Donnellan Weingarten Wise & Wiederkehr, LLP. was present to provide the Board with an overview of the project to replace a previously existing gas station/auto repair facility at 657 Saw Mill River Road with a modern and efficient gas station with a convenient store.

Project Architect, Anthony Nester provided the Board with a presentation of the plan:

- Proposed building is 2,210 s.f.
- Gas Canopy
- Provides a better buffer from residential properties to the east.
- Provides a better operation of facility.
- Provides better internal circulation of cars and trucks.
- Enhanced common areas for patrons.
- Minimizes grading & retaining walls.
- 12 proposed parking spaces
- 1HC space
- 1EV space
- 10 standard spaces
- Water course is 656 s.f.
- Reviewed renderings of preferred and non-preferred site plans
- Additional seating along Saw Mill River Road

Bryan Orser, Thornwood Four Corners, LLC. explained that he has been on this project since the beginning. We have finally got to the point where we have the right layout of the building based on the Planning Board suggestions.

Village Planner, Dave Smith explained to the Board that the next steps for them would be:

- Village Board needs to provide some guidance to the applicant and formalize traffic, stormwater management.
- Village Board needs to hear from the public.
- Provide some direction over one plan or the other.
- Make a determination if this plan has a negative declaration.

Peter Marcus Ardsley resident spoke in opposition of this project. How does this gas station fit into our Comprehensive Plan? Mr. Marcus is very concerned with safety, people who are using the cut throughs are not law abiding. More comments were received via email from Mr. Marcus see correspondence section (9).

Ralph Scaleri ,Ardsley resident spoke in favor of this project. Unfortunately, our Village does not have a great appeal and feels that this will help.

Paul Lumaj, owner of 504 Ashford Avenue is concerned with the traffic at this location.

Brandon Buka, Almena Avenue spoke in favor of this project. He explained as he was growing up in Ardsley he and his friends spent a lot of time out of Ardsley because there wasn't a lot in Ardsley. He does not see the point of having an empty lot.

Heeral Meta, Fairmont Avenue stated that she does not see the purpose of another gas station. We should attract another type of business and make it a useful space.

Ed Kapsis, Ardsley resident spoke in opposition of this project and read her comments as stated below in the correspondence section (9) of the minutes.

Jodie Reaver Ardsley resident spoke in opposition of this project and read her comments as stated below in the correspondence section (9) of the minutes.

Diana Bunin Kolev Esq. addressed some items that came up in the comments section:

- We are asking for a site plan approval and we are open to design suggestion
- We are proposing as of right use of a gas station and retail space
- There was never any abandonment from the tenant. There has always been an intent to use this site.

- We are adding two pumps to what has previously been there.

Moved by Trustee Edelstein, Seconded by Trustee Bencosme and passed unanimously.

RESOLVED, RESOLVED, that the Public Hearing be continued to the October 16, 2023 Board Meeting in the matter of the proposed development located at 657 Saw Mill River Road in the Village of Ardsley at 9:20 p.m.

Carried by the following votes: 4-0-0

Ayes: Mayor Kaboolian, Trustee DiJusto, Trustee Bencosme & Trustee Edelstein

Nays: None

Abstained: None

4. PUBLIC HEARING In the Matter of Amending Chapter 143-4 and 143-5 of the Ardsley Village Code Entitled "Parking Meter Zones" and "Permit Parking"

4. Mayor Kaboolian opened the Public Hearing at 8:01 p.m. in the matter of amending
- 1 chapter 143-4 and 143-5 of the Ardsley Village Code entitled "Parking Meter Zones" and "Permit Parking" and read the public notice into the record:

NOTICE OF PUBLIC HEARING
AMENDING CHAPTER 143-4 AND 143-5 OF THE ARDSLEY VILLAGE CODE
ENTITLED "PARKING METER ZONES" AND "PERMIT PARKING"

PLEASE TAKE NOTICE, that the Board of Trustees of the Village of Ardsley will hold a public hearing on Monday, September 18, 2023 at 8:00 p.m. or soon thereafter at Village Hall-Court Room, 507 Ashford Avenue, Ardsley, NY 10502 to discuss amending chapter 143-4 and 143-5 of the Ardsley Village Code entitled "Parking Meter Zones" and "Permit Parking".

Please check the calendar on the village website for meeting details at: www.ardsleyvillage.com

Further details on this amendment is available at the Clerk's office, 507 Ashford Avenue, Ardsley, NY during normal office hours Monday through Friday 9:00 am-4:00 pm.

Written comments may be sent to the Village Clerk at arocco@ardsleyvillage.com or sent via regular mail to 507 Ashford Ave, Ardsley, NY 10502. All comments will be shared with the Board of Trustees and questions will be answered as quickly as possible.

All residents and taxpayers are invited to attend.

BY ORDER OF THE BOARD OF TRUSTEES OF THE
VILLAGE OF ARDSLEY, NEW YORK

Ann Marie Rocco

Village Clerk

Dated: September 8, 2023

FINAL DRAFT 9/11/23

The deleted text is in ~~highlighted strikethrough~~ and the proposed text is **bold underlined**.

§ 143-4 Parking meter zones.

The following locations are hereby designated as parking meter zones, to be governed as provided in Chapter 190, Vehicles and Traffic, Article IV, **see § 143-5 below for exceptions:**

Name of Highway	Side	Hours/Days	Time Limit/Rate	Location
Legion Park (Municipal Parking Lot No. 1)	All	8:00 a.m. to 8:00 p.m.	2 hrs.	All
Village Green (Municipal Parking Lot No. 2)	West	8:00 a.m. to 8:00 p.m.	2 hrs.	<u>All</u> <u>Rear along Saw</u> <u>Mill River from</u> <u>southwest corner</u> <u>north for 135 feet</u>
<u>Bridge Street</u> <u>Parking Lot</u>	<u>All</u>	<u>8:00 a.m. to</u> <u>8:00 p.m.</u>	<u>2 hrs.</u>	<u>All</u>

§ 143-5 Permit parking.

Parking in the Village Green and Bridge Street parking meter zones specified in § 143-4 above shall be allowed by permit between the hours of 8:00 a.m. and 8:00 p.m. Such parking permit shall be affixed to the driver's side of the rear bumper. The Village Clerk shall issue such parking permits on an annual basis and shall collect therefore the fees set forth in § A210-3 of the Ardsley Village Code for the issuance of such permits.

~~Parking in designated areas shall be by permit only between the hours of 7:00 a.m. and 9:00 p.m. Such parking permit shall be affixed to the driver's side of the rear bumper. The Village Clerk shall issue such parking permits on an annual basis and shall collect therefore the fees set forth in § A210-3 of the Ardsley Village Code for the issuance of such permits. Parking in the following designated parking areas shall be by permit only:~~

~~A. Bridge Street Parking Lot.~~

- B. ~~The Village Green (Municipal Parking Lot No. 2), east side, from north rear corner of building north for 100 feet.~~
- C. ~~The Village Green (Municipal Green Municipal Parking Lot No. 2), west side along Saw Mill River from northwest corner south for 100 feet. [Amended 3-2-1998]~~
- D. ~~The Village Green (Municipal Parking Lot No. 2), north side of north driveway from Saw Mill River Road sidewalk west for 100 feet.~~

Moved by Trustee DiJusto, Seconded by Trustee Bencosme and passed unanimously.

RESOLVED, RESOLVED, that the Public Hearing be closed in the matter of amending Chapter 143-4 and 143-5 of the Ardsley Village Code Entitled "Parking Meter Zones" and "Permit Parking" at 9:21 p.m.

Carried by the following votes: 4-0-0

Ayes: Mayor Kaboolian, Trustee DiJusto, Trustee Bencosme & Trustee Edelstein

Nays: None

Abstained: None

5. APPROVAL OF MINUTES

5.1 Board of Trustees Regular Meeting Minutes-September 5, 2023

Moved by Trustee DiJusto, Seconded by Trustee Bencosme and passed unanimously.

RESOLVED, that the Village Board of the Village of Ardsley hereby approves the minutes of the Regular Meeting of Tuesday, September 5, 2023 as submitted.

Carried by the following votes: 4-0-0

Ayes: Mayor Kaboolian, Trustee Di Justo, Trustee Bencosme & Trustee Edelstein

Nays: None

Abstained: None

6. DEPARTMENT REPORTS

1. LEGAL

- 1.a Village Attorney, Robert Ponzini there is nothing to report. Working on various items with staff and is available for Executive Session if needed.

2. MANAGER

- 2.a Village Manager, Joseph Cerretani read the following report:

1. **NEW DPW CONSTRUCTION PROJECT:** The roof panels and wall panels have been completed. We anticipate windows being installed by the end of the week. Garage doors are on site and will be installed this month. We received proposals for the security system that was not included with the original bid specifications. The dollar amounts exceed mandated thresholds for competitive bidding, and we will be soliciting bids for the additional work. Bids will be due by October 13. The full specifications will be ready by the end of this week and anyone interested in obtaining the bid specifications can reach out to the Village Clerk, Ann Marie Rocco. Additional drainage work and site preparation will also continue this month in hopes to have the site blacktopped before the cold weather sets in and the plants close. Plumbing, HVAC and Electrical contractors are all on site continuing to work. We are still anticipating substantial completion by January 2024.
2. **SANITARY SEWER PROJECT:** We are setting up a pre-construction meeting to begin this next phase. We encourage residents to sign up for email alerts and Nixle notifications to receive information regarding any road closures or detours. We had a sewer issue this morning, and thanks to David DiGregorio and the DPW for their prompt and effective work.
3. **PAVING & CURBING:** As per my last report, paving projects have begun on the south portion of the Village. Again, we encourage residents to sign up for email alerts and Nixle notifications to receive information regarding any road closures or detours.
4. **FIRE TRUCK:** Following up on an item from the last Board meeting, Chief Knoesel and I spoke with the local dealer, the National Director of Sales, and the CEO of Seagrave Fire Apparatus LLC. The Seagrave team projected the 10% cost increase based on observations from the original bid date (September 2021) to the date of the letter (May of 2023). The CEO further added that though there are additional increases they can expect to observe until the date of construction, they will cap those material cost increases at 10%. Depending on the type of apparatus ordered, some jurisdictions have incurred price increases anywhere from 15%-22%. We have been given assurance that there will not be any further increases due to materials or labor costs. We have also negotiated additional year of manufacturer's warrantee. Based on the CEO's calendar of construction, which he estimates to remain consistent throughout the upcoming months, our projected construction date is now January 2024 with an estimated delivery of April 2024 – more than 1 year after our original delivery date.
5. **WESTCHESTER COUNTY MOBILE CLERK'S OFFICE:** The Westchester County Clerk's Community Outreach Mobile Office will be at Pascone Park from 10 a.m. to 1 p.m. Tuesday, September 26th. If you are applying for a new passport or if your adult passport expired more than five years ago, the mobile office can help you. Other services available September 26th include free notary services, preserving military discharge papers and filing a business certificate. In-person notary services will be available

free of charge. Bring photo ID. Feel free to reach out to Village Clerk, Ann Marie Rocco 914-693-1550 with any questions.

6. **SCHOOL TAX**: Village residents are reminded that the first installment of the School tax is due by Monday, October 2, as September 30th falls on a weekend. For those of you who like to pay in person at the last minute, please remember NOT to bring your payments to Ardsley Village Hall. Bring them directly to Greenburgh Town Hall which is located at 177 Hillside Avenue. Should you have any questions, please telephone the Town Tax Receiver's Office at 989-1550.

3. ABSTRACT REPORT/TREASURER REPORT

3.a September 18, 2023 Abstract Report

Village Treasurer, Leslie Tillotson read the September 18, 2023 Abstract Report as follows:

From the General Fund:\$437,278.86 from the Trust & Agency Fund:\$487.50 and from the Capital Fund: \$484,297.50 Sewer Fund: \$3,706.30.

Moved by Trustee Bencosme, Seconded by Trustee Edelstein and passed unanimously.

RESOLVED, that the Village Board of the Village of Ardsley hereby authorizes the Village Treasurer to make the following payments: From the General Fund: \$437,278.86 from the Trust & Agency Fund:\$487.50 from the Capital Fund:\$484,297.50 and Sewer Fund:\$3,706.30

Carried by the following votes: 4-0-0

Ayes: Mayor Kaboolian, Trustee Di Justo, Trustee Bencosme & Trustee Edelstein

Nays: None

Abstained: None

- 3.b Treasurer, Leslie Tillotson read the following Fiscal year end May 31, 2023 highlights:

GENERAL FUND-REVENUES

Account	Final Budget	Actual	Variance with Final Budget	Balance as of 5/31/23
Sales Tax	\$990,000	\$1,311,310	\$321,310	\$1,226,852
Mortgage Tax	\$135,000	\$170,209	\$35,209	\$175,568
Fines & Forfeitures	\$665,000	\$790,919	\$125,919	\$644,370
Building Permits	\$125,000	\$193,424	\$68,424	\$128,581
FEMA	\$0	\$82,026	\$82,026	\$282,261

GENERAL FUND -EXPENDITURES

Expenditure Function	Final Budget	Actual	Variance with Adopted Budget	Balance as of 5/31/22
General Support	\$2,463,335	\$2,219,038	\$244,297	\$2,154,482
Public Safety	\$4,230,862	\$4,178,911	\$51,951	\$4,347,275
Transportation	\$1,289,578	\$1,245,333	\$44,245	\$1,138,836
Culture & Recreation	\$523,448	\$516,954	\$6,494	\$503,214
Home & Community	\$678,517	\$625,734	\$52,783	\$543,377
Employee Benefits	\$3,876,573	\$4,014,424	(\$137,851)	\$3,627,429
Debt Services	\$1,881,015	\$1,881,015	\$0	\$1,777,642

Fiscal Year Highlights

- The projected unaudited increase in fund balance for the general fund for the 2022/2023 fiscal year could potentially range between \$600,000-\$700,000.
- This projected increase for 2022/2023 was based on a budget that was adopted below the tax cap.
- For the current fiscal year the average increase in sales tax for June – August 2023 is 1.5% higher compared to June-August of 2022.

Capital Project-Highway Garage

- Total Project Budget \$22,858,540
- Total costs to date \$14,609,072
- Balance of project \$8,249,468

Treasurer, Leslie Tillotson recommended to the Mayor and the Board of Trustees to add TD Bank as a depository for the Village effective immediately. As Village Treasurer it is my fiscal responsibility to research what is in the best interest for the Village and through my inquiries, TD Bank will provide services that will benefit the Village.

4. BUILDING

- 4.a Mayor Kaboolian stated that the June, July & August 2023 Building Department Reports be accepted under submission.

June 2023 Building Department Report.

Building Inspector Larry Tomasso provided the board with the following financial report:

17 Building permits
17 Application fees
7 Certificates of Occupancy
18 Plumbing permits
11 Electrical permits
10 Title Searches
3 Miscellaneous
Total received - \$23,555.75
Other activities:
71 Building inspections
13 Zoning inspections
0 Fire Inspections
5 Violations
1 Warnings
0 Appearance Tickets

July 2023 Building Department Report.

Building Inspector Larry Tomasso provided the board with the following financial report:

7 Building permits
9 Application fees
9 Certificates of Occupancy
5 Plumbing permits
11 Electrical permits
9 Title Searches
0 Miscellaneous
Total received - \$7,795.75
Other activities:
78 Building inspections
10 Zoning inspections
0 Fire Inspections
7 Violations
7 Warnings
0 Appearance Tickets

August 2023 Building Department Report.

Building Inspector Larry Tomasso provided the board with the following financial

report:

10 Building permits
13 Application fees
11 Certificates of Occupancy
10 Plumbing permits
8 Electrical permits
8 Title Searches
1 Miscellaneous
Total received - \$27,303.00
Other activities:
112 Building inspections
15 Zoning inspections
3 Fire Inspections
4 Violations
1 Warnings
0 Appearance Tickets

5. POLICE

5.a Police Chief, Anthony Piccolino was absent.

6. FIRE DEPARTMENT

6.a Mayor Kaboolian stated that August 2023 Fire Department Report be accepted under submission.

Chiefs

Chiefs Activity Report:

The following is the Chiefs report and summary of activities:

- 20 Calls for month of August
- Department held 5 weekly training drills (August 3-10-17-24-31) see attached training report report.
- August 4 Members attended the annual Ossining Fire Department parade winning two trophies. "Best appearing Department without band" and "Best appearing Engine".
- August 7 Chief Knoesel met with Hudson Valley Fire Apparatus for annual aerial certification.
- August 15 Chief Knoesel, Podolski, Lindsay met with Vendor to demo new thermal imaging camera.
- August 30 -Chief Knoesel and Chief Lindsay met vendor for Firefighting Gear replacememnt.

Training Officers Report-August 2023

August 3rd Firehouse maintenance and parade prep-Training Hours 40.00, 20 members Present
August 10th SCBA refresher and gear donning-Training Hours 32.50, 13 members present
August 17th monthly drill, hose line and hydrant operations-Training hours 52.50, 21 members present
August 24th Airbag and strut operations -Training hours 16.00 8 members present
August 31st Fast team operations-Training hours 35.00, 15 members present
New York State Classes 0.00 hours
Training Hours 176.00, 77 Members present
Online training McNeil & Co. E-Learning:
Training: 176.00 hours
Inspection: 0.00 hours
Maintenance 0.00 hours
New York State: 0.00 hours
Online Training McNeil & Co. e-learning 0.00 hours
Total: 176.00 hours

Total Runs for the Month of August 2023: 20

7. MAYOR'S ANNOUNCEMENTS

- 7.a Mayor Kaboolian announced that Craig Weitz submitted his letter of resignation as a Trustee to the Village on September 12, 2023 and the Village accepted the letter of resignation.

This vacancy is Mayor appointed and if anyone is interested in the Village Trustee position, please email Mayor Kaboolian at nkaboolian@ardsleyvillage.com or mail letter of interest to Village Hall, 507 Ashford Avenue, Ardsley, NY 10502.

8. COMMITTEE & BOARD REPORTS

- 8.a Trustee DiJusto announced the following:
- Thanked Trish Lacy & recreation department for putting together the food truck Friday event.
 - Thanked the Ardsley Historical Society for their presentation at the Atria
 - Fire Carnival will start September 20th-24th
 - ASVAC will be having a Wellness Fair on

Trustee Bencosme announced the following:

- CAC has postponed their upcoming October 5th meeting. Stay tuned for a new meeting date.
- Attended the Climate March in New York City.

7. OLD BUSINESS:

- 7.1 Consider a Resolution to Amend Chapter 143-4 and 143-5 of the Ardsley Village Code Entitled "Parking Meter Zones" And "Permit Parking"

Moved by Trustee DiJusto, Seconded by Trustee Bencosme and passed unanimously.

RESOLVED, that the Village Board of the Village of Ardsley hereby amends Chapter 143-4 and 143-5 of the Ardsley Village Code entitled "Parking Meter Zones" and "Permit Parking" as follows:

The deleted text is in ~~highlighted strikethrough~~ and the proposed text is **bold underlined**.

§ 143-4 Parking meter zones.

The following locations are hereby designated as parking meter zones, to be governed as provided in Chapter 190, Vehicles and Traffic, Article IV, see § 143-5 below for exceptions:

Name of Highway	Side	Hours/Days	Time Limit/Rate	Location
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Village Green (Municipal Parking Lot No. 2)	West	8:00 a.m. to 8:00 p.m.	2 hrs.	<u>All</u> Rear along Saw Mill River from southwest corner north for 135 feet
<u>Bridge Street</u> <u>Parking Lot</u>	<u>All</u>	<u>8:00 a.m. to</u> <u>8:00 p.m.</u>	<u>2 hrs.</u>	<u>All</u>

§ 143-5 Permit parking.

Parking in the Village Green and Bridge Street parking meter zones specified in § 143-4 above shall be allowed by permit between the hours of 8:00 a.m. and 8:00 p.m. Such parking permit shall be affixed to the driver's side of the rear bumper. The Village Clerk shall issue such parking permits on an annual basis and shall collect therefore the fees set forth in § A210-3 of the Ardsley Village Code for the issuance of such permits.

~~Parking in designated areas shall be by permit only between the hours of 7:00 a.m. and 9:00 p.m. Such parking permit shall be affixed to the driver's side of the rear bumper. The Village Clerk shall issue such parking permits on an annual basis and shall collect therefore the fees set forth in § A210-3 of the Ardsley Village Code for the issuance of such permits. Parking in the following designated parking areas shall be by permit only:~~

A. Bridge Street Parking Lot.

B. The Village Green (Municipal Parking Lot No. 2), east side, from north rear corner of building north for 100 feet.

C. The Village Green (Municipal Green Municipal Parking Lot No. 2), west side along Saw Mill River from northwest corner south for 100 feet. [Amended 3-2-1998]

D. The Village Green (Municipal Parking Lot No. 2), north side of north driveway from Saw Mill River Road sidewalk west for 100 feet.

Carried by the following votes: 4-0-0

Ayes: Mayor Kaboolian, Trustee DiJusto, Trustee Bencosme & Trustee Edelstein

Nays: None

Abstained: None

8. NEW BUSINESS:

- 8.1 Consider a Resolution to Suspend Parking Meter Fees in the Village of Ardsley from October 1, 2023 through October 31, 2023

Moved by Trustee Bencosme, Seconded by Trustee Edelstein and passed unanimously.

RESOLVED, that the Village Board of the Village of Ardsley hereby suspends parking meter fees at all metered parking spaces in the Village of Ardsley from October 1, 2023 to October 31, 2023; and

BE IT FURTHER RESOLVED, that all other parking rules and regulations, including but not limited to posted time limits, shall remain in full effect.

Carried by the following votes: 4-0-0

Ayes: Mayor Kaboolian, Trustee DiJusto, Trustee Bencosme & Trustee Edelstein

Nays: None

Abstained: None

9. CORRESPONDENCE

9. The following comments were received regarding the Public Hearing on the proposed
1 development located at 657 Saw Mill River Road:

- Please allow the following to constitute a partial list of comments on the proposed Site Plan for 657 Saw Mill River Road for conveyance to the Mayor and Ardsley Village Board Trustees:

1. The Ardsley Village Code, Section 200-100 (C), provides that non-conforming uses may not be enlarged. The term enlarged is not defined and has not been interpreted by the building department or the ZBA concerning

gasoline stations. Accordingly, the Village Board should consider deferring the hearing on the Site Plan until the ZBA opines on what the term means and whether it allows a former gasoline station operation to expand its prior non-conforming use beyond the four fuel pumps that existed seven years ago when the Getty station ceased operations.*

2. The Ardsley Village Code is silent on electric charging stations. Whether 657 Saw Mill River Road is legally zoned for the proposed electric charging station is an open question. Again, as this issue is somewhat novel (although many communities in the United States have amended their zoning code to address electric charging stations, and all three of the other river villages have public charging stations), this issue should possibly be referred to the ZBA for its opinion on this proposed first of its kind use.

3. The Site Plan's addition of a "meditation center" and "dog park" are risible window dressings on the site plan, which plainly states what it is on the architectural plans, to wit, a gas station.

4. Unlike a case where an existing gasoline station business is seeking to make an alteration and modernize its operation, here we have an entirely new gasoline station being built from scratch seven years after the last station at this location closed. Given the six-month "use it or lose it provision" in Ardsley's Zoning Code, to allow an entirely new gas station with more fuel pumps than previously existed is a mockery of the Village's zoning law governing this business district. With the climate crisis worsening by the hour, if the proposed Site Plan for a gasoline station is approved, it would be a civic tragedy. Minimally, given the passage of time, the Village Board should consider asking the ZBA to take a new look at the actions of the proposed operator over the past seven years to see if an abandonment has occurred under the Ardsley Village Code.

5. It should also be observed that the controversial decision by the Zoning Board of Appeals finding the non-conforming gasoline station use was not abandoned (there was an initial vote finding there was an abandonment that was "reversed" after the member who cast the deciding vote resigned without explanation leading to an unexplained new vote) was never reviewed by the courts. Instead, the propriety of the ZBA's resolution was evaded when the Appellate Division claimed an adjacent property owner lacked legal standing to challenge the ZBA's decision. Fairness dictates that the Village Board take a hard look at the ZBA's conclusion and the record of that hearing demonstrating that the proposed new operator knew about Ardsley's six-month rule yet moved solely to re-open. As seven years have passed, the question remains: does Ardsley's Zoning Code exist, or is it just a suggestion?

6. To the extent the proposed gasoline station operator contends that its gasoline station down the street was closed for three years yet allowed to re-

open, it may very well have been the case that the Village got the matter wrong at the time or no one was aware of the 2003 zoning code change regarding non-conforming uses. Accordingly, and as found by the ZBA, that gas station cannot be used as a precedent for the 657 location.

7. For over seven decades, it has been the public policy in New York State to favor the restriction and elimination of non-conforming uses

Pelham Esplanade v. Board of Trustees of Village of Pelham Manor, 77 N.Y.2d 66, 72 (1990) ("the overriding public policy of zoning is to reasonably restrict and eventually eliminate these types of uses"). In a similar situation, the Court of Appeals rejected an effort to build an entirely new gasoline station where the prior gas station was a non-conforming use. *Crossroads Recreation, Inc v. Broz* 4 N.Y.2d 39, (1958), 172 N.Y.S.2d 129. Although *Crossroads*, which remains good law, essentially turned on the issue of hardship, as the owner of a non-conforming gas station failed to show he could not realize a reasonable return by converting the property to a use permitted by the zoning ordinances, the underlying principles are the same.** Here, the applicant has failed to show that it cannot make a reasonable return on permissible land use of 657 Saw Mill River Road but is instead doing what is suitable for him (and not the residents of the Village who uniformly oppose another gas station in Ardsley) by perpetuating what New York law seeks to end: the construction of a non-conforming gasoline station in Ardsley's downtown for another generation.

As previously above, allowing this proposed use would be a tragic result for the Ardsley community. Our children are watching what we adults do.

Respectfully submitted,

Gary S. Rappaport, Esq
Ardsley resident since 2001

- My question for tonight's public hearing pertaining to 657 Saw Mill River Road is: Are Electric Charging stations a possibility for the new gas station? I would hate to see the continued impact on our climate. The empty space is already continuing to have. Best wishes, Andy Laub, Croton Court
- Trustees,

I am unclear as to the procedural posture of this application. Obviously it is before the Trustees for site plan review, but where it ultimately stands with zoning is rather confusing.

In general, I am opposed to this project because the last thing the Village needs is another gas station (where all the others charge exorbitant prices and this will likely reflect those prices) or convenience stores (especially with one right next door). Additionally, gas stations will be on the decline as EV's start to

consume more and more of the vehicles on the road. Fossil fuel refilling will shortly be on the decline and we will be left with more empty lots than productive spaces (until and of course they are turned into EV charging stations....). If there still is any role for the zoning board, I would urge them to deny this application.

However, I understand that site plan review is limited. In that regard, and upon review of the items attached to the agenda, the Trustees must first and foremost consider the traffic congestion in that intersection. As we all know, that intersection backs badly during rush hour and during the days on weekends. It is already difficult enough to visit some of the pre-existing local businesses as turning in and out is often precarious. I have had personal difficulty leaving Carvel and the bakery. Even making the right turn out of the Ardsley Fresh Market is difficult at times with the volume of cars. I would urge the Trustees to prohibit any left turns into and out of the property onto Saw Mill River Road.

Furthermore, the proposed design of the store is architecturally unpleasing and sterile based on the renderings. It looks plain old ugly. Site plan review is an opportunity to offer guidance on appearance. This stucco looking one story building is anything but interesting and given the location at the entrance to our village should be designed to excite the captive traffic audience to notice the quaint possibilities in Ardsley.. Diagonally across is the much more aesthetically pleasing and interesting Addyman Square with historic (looking) buildings. Through design we can echo that appearance of an albeit unwanted structure and start to create a design cohesiveness as we work toward the Villages master plan..

Thank you,
Rachel Kravitz-Boyle
5 Columbia Rd.

- To Whom It May Concern:

I understand that there is a petition to use the empty lot across from Carvel as another gas station. I and my family are not in favor of this.

Are there any options for what could be done with this space? Can we deny a gas station so the owners will have the option to try another kind of business in the space? Have any other businesses or town plans surfaced?

I understand that the town needs the tax revenues, but it is a shame to keep allowing for these kinds of businesses to keep opening that don't contribute much to our community.

I look forward to hearing the outcome and hope that there is an outcome that offers something this community actually needs.

Thank you for your consideration and for the time you put into the work for Ardsley.

Laura Londin
28 Eastern Drive

- Dear Ardsley Board of trustees -

I am emailing to express that I am strongly opposed to the opening of another gas station in the village. There absolutely no need for another one. We have 2 in close proximity. It does not serve the community in any way to have another gas station. We need to have different types of businesses in our town to elevate our community and the town.

Thank you for the consideration. Esther Ban, Western Drive

- Dear Ardsley Board of Trustees,

We are a group of Ardsley residents strongly oppose the opening of another gas station in the village, there is no need for an additional gas station beyond the two existing ones in Ardsley. Additionally, gas stations will be on the decline as EV's are projected to have great increase in the next decade. Fossil fuel refilling will shortly be on the decline and we will be left with more empty lots than productive spaces (until and of course they are turned into EV charging stations, which will require costly and lengthy land remediation and will leave more abandoned decrepit properties....). If there still is any role for the zoning board, I would urge them to deny this application.

However, I understand that site plan review is limited. In that regard, and upon review of the items attached to the agenda, the Trustees must first and foremost consider the traffic congestion in that intersection. A constant flow of cars in and out in that space will make an already difficult and congested intersection more dangerous. Furthermore, the proposed design of the store is architecturally unpleasing and sterile based on the renderings. It looks ugly and not in line with the comprehensive plan and what the comprehensive plan has been trying to achieve. Site plan review is an opportunity to offer guidance on appearance. The current design is unappealing and given the location at the entrance to our village a structure should be designed to match Addyman Square with historic (looking) buildings. Through design we can echo that appearance of an albeit unwanted structure and start to create a design cohesiveness as we work toward beatifying our village.

Thank you for your consideration,

Merav Gur & Peter Lobl, 38 Eastern Dr
Carolyn & Rob Best, 19 Rest Ave
Rona Sheramy & Adam Segal, 9 Rest Ave
Lucy & Alex Brandes, 24 Eastern Dr
Wu Han & David Finckel, 53 Eastern Dr
Richard Marius & Emma Rodgers, 41 Eastern
Emily & Stephan Murphy, 26 Eastern
Allison & David Kochman, 4 Rest Ave
Steve & Karen Nguyen, 44 Eastern

Merav Gur, Ph.D.
NY State Licensed Clinical Psychologist
315 Madison Ave (@42nd Street), Suite 506
New York, NY 10017
917-582-2018/212-247-2010
<http://www.meravgurphd.com> <http://www.huffingtonpost.com/merav-gur/>

- Good morning,

First a correction to my note below. In place of SECOR please correct it to SEQR.

Please also enter this letter into the public record regarding 657 Saw Mill River Road.

I spent the night combing through minutes from prior Zoning Board of Appeals Minutes (ZBA), the court case, and Village Board minutes. Instead of clarity I have more questions.

I think the community deserves to hear from the Village Board clarifying your interpretation of both the court decision and the Zoning decision - meaning what is it that is being debated, that was not clear. Was the hearing to determine whether or not a gas station is allowed on the site or is that decision closed and the only decision is to determine the site plan?

As stated, last night I wish the board provided a preface regarding the specification for the hearing. In addition, I think we deserve to hear from board members regarding their perspectives. We elected you to represent us, and we deserve to know what the hearing is debating as well as your perspective on this issue.

Perhaps you feel that this is not allowed due to legal reasons. If that is the case then that should have been stated with an explanation about the legal parameters that keep you from stating your perspectives. To remain silent,

without any real opportunity to gauge what was being discussed wastes resources - time, energy, and money.

From the site owner and Thornwood's perspective, all that was at stake was whether you will approve the preferred plan or the less desirable plan. If that is the discussion then I have many questions regarding that. In my opinion the site should be no larger than it was previously and needs to be held to four bays without a convenience store - why should the site increase in size and change scope? There also need to be clear environmental guidelines given both the track record of spills from the two previous owners, as well as the location at the base of a hill, abutting the Bramble Brook, and with runoff from the station going directly into the street, sewers, and our drinking water.

If the question is what can be done with the site, if you have the authority to disagree with the ZBA regarding abandonment and non-conforming use, then that is something entirely different. This location is next to Bramble Brook, which feeds directly into the Saw Mill River. This is a prime location to address flooding in this section of the town. The work that has already been done at the Arthur Sillman Park can be extended to this location to provide a buffer zone before runoff reaches Bramble Brook and the Saw Mill River. The village can create parking, EV charging stations, and/or possibly approve a new business that does not exacerbate climate issues in our Village but improves conditions for residents.

These are two distinct issues and in order for the public to effectively engage it is incumbent on the board to specify what is being debated.

Respectfully,
Jodie Reaver

- My name is Eda Kapsis. I provide these comments on September 17, 2023 for consideration during the hearing of plans proposed for the site at 657 Saw Mill River Road. I comment as a resident of Ardsley and to advise the Board as the current Vice Chair of Ardsley's Climate Advisory Committee and the Ardsley CAN community initiative.

These comments reflect opposition to the site plans submitted and recommendation to the members to vote 'no' if a Board vote follows on a later date.

I comment understanding well that the Board and other Village bodies have been considering evaluations and emerging plans for this site for years.

Comment #1

In the short term the plan contradicts the Village 2020 Comprehensive Plan in multiple ways including provision of redundant services and addition of significant risks to the Village.

The proposed plan will

- result in diversion of revenue for the three gas stations that currently operate along a 1.3 mile stretch of Saw Mill River Road. Indeed this proposed new station will be fourth in that stretch and just 500 yards north of a competing station.
 - <https://www.ardsleyvillage.com/comprehensive-plan/the-plan/pages/board-of-trustees-and-comprehensive-plan-steering-committee-join>
- increase risk of recurrence of conditions as documented over decades at the property at 701 Saw Mill River Road. Note these two articles for context:
 - <https://grist.org/accountability/gas-stations-underground-storage-tank-leaks-environmental-disaster/>
 - <https://legal-planet.org/2022/01/03/the-future-of-the-american-gas-station/>
- be out of date with contemporary service station design including the NY State Thruway I-87 Ardsley Service Area which reopened on 6/3/23. Note that electrical lines are in place and construction is progressing on the site's high-speed EV chargers. See these links:
 - <https://www.thruway.ny.gov/news/pressrel/2023/06/2023-06-08-ardsley-opens.html#:~:text=The%20Ardsley%20Service%20Area%20is,Burger%20King>
 - <https://youtu.be/Jj5Ql0iL-g4?si=rlmjbZW6-bFbzeRM>
- significantly increase the risk of continuous airborne exposure to carcinogens such as benzene for business' employees/patrons and residents in the area. Updated studies show 10x exposure risk in comparison to prior reported measurements. See this link:
 - <https://www.sciencedirect.com/science/article/abs/pii/S0048969718337549>

Comment #2

The plan lacks any elements of review or compliance with the 2019 NY State Climate Leadership and Community Protection Act (CLCPA). Recall that the Ardsley CAC formed in 2019 advised the Board on strategies to comply with the CLCPA and was approved by the Board to launch Ardsley CAN, <https://www.ardsleycan.org>,

I can confirm unequivocally to the Board that any hard-earned success in reduction of CO2 equivalent emissions within the 1.3 sq mile Ardsley boundary before 2030 will be negated by construction and operations of this one new venture including fuel delivery and ventilation.

Note: the CLCPA benchmarks are as follows

(as per <https://climate.ny.gov/Resources/Scoping-Plan>)

- 70% renewable electricity by 2030
- 100% zero-emission electricity by 2040
- 40% reduction in statewide GHG emissions from 1990 levels by 2030
- 85% reduction in statewide GHG emissions from 1990 levels by 2050
- Net zero emissions statewide by 2050

And notably in 2022, to achieve these marks, NY State committed to advance to 'Zero-Emission Vehicles Requirements by 2035 for All New Passenger Cars, Pickup Trucks, and SUVs Sold in New York.' See this link:

- <https://www.governor.ny.gov/news/governor-hochul-drives-forward-new-yorks-transition-clean-transportation>

Hence the operating lifetime of a new gas station will decrease significantly as demand steadily reduces year over year starting with this notice to the public in 2022.

This week is 'Climate Solutions' week in our region in parallel with the United Nations General Assembly's session. I urge this Board to recognize the full context of this plan and do the right thing: reject this plan. Yes, there are considerations of a pending challenge. However the outcomes of approval are much more far reaching and the harms exceed the risk of good use of New York's legal systems.

- Hi Nancy,
Until Monday night I didn't realize exactly how short 3 minutes was. In any case I wanted to share with you some additional concerns about this proposal. They are all related to traffic and safety.
 - a. Vehicles (cars and trucks) entering the service station should only be allowed to turn from the northbound lane of Saw Mill River Road (since turning left from the southbound lane would be unsafe and would create a major traffic backup on both SMR Rd and the Ashford Avenue Bridge; therefore it should be prohibited).
 - b. Vehicles (cars and trucks) leaving the service station should only be allowed to turn right onto the northbound lane of Saw Mill River Road (since turning left from the service station would be unsafe and would create a major traffic backup on both SMR Rd and the Ashford Avenue Bridge; therefore it should be prohibited).
 - c. As my diagram of the area showed, there are also vehicles turning into and out of Carvel, Riviera/Stagioni, Market Fresh, the car wash and Ridge Road from both northbound and southbound lanes of SMR Rd. In conclusion, the traffic situation at this location is very complex. The addition of a gas station will only make it worse.

Respectfully submitted,
Peter Marcus

10. VISITORS

11. CALL FOR EXECUTIVE SESSION

12. ADJOURNMENT OF MEETING

12.1 Adjournment

Moved by Trustee Edelstein, Seconded by Trustee Bencosme and passed unanimously.

RESOLVED, hat the Village Board of the Village of Ardsley hereby adjourns the regular meeting of Monday, September 18, 2023 at 9:25 p.m.

Carried by the following votes: 4-0-0

Ayes: Mayor Kaboolian, Trustee DiJusto, Trustee Bencosme & Trustee Edelstein

Nays: None

Abstained: None

13. UPCOMING MEETINGS & EVENTS

- September 19th Board of Architectural Review Meeting 8:00 pm
- September 20th-24th Fireman's Carnival at Pascone Park
- September 21st Veterans Recognition BBQ Dinner 4:30 pm
- September 24th Yom Kippur
- September 26th Westchester County Mobile Passport 10am
- September 27th Zoning Board of Appeals 8:00 pm
- September 28th Library Board Meeting 8:00 pm
- October 3rd Board of Architectural Review Meeting 8:00 pm
- October 5th Climate Action Committee Meeting 7:00 pm
- October 6th Concert in the Park- Crossfire Hurricane 6:00 pm
- October 9th Columbus Day-Indigenous Peoples -All Village Offices/Departments Closed
- October 14th MDI-Italian Festival 12:00 pm
- October 28th Trunk or Treat! 1:00 pm

14. NEXT BOARD MEETING: October 2nd Board of Trustees Legislative Meeting 8:00 pm
October 11th Board of Trustees Work Session 7:30 pm

Village Clerk, Ann Marie Rocco

Date: