

**VILLAGE OF ARDSLEY
BOARD OF TRUSTEES
REGULAR MEETING
MONDAY, JUNE 1, 2015**

Present:	Mayor	Peter Porcino
	Deputy Mayor/Trustee	Gary Malone
	Trustee	Nancy Kaboolian
	Trustee	Mollie Monti
	Trustee	Andy DiJusto
	Village Manager	Meredith Robson
	Village Clerk	Barbara Berardi
	Village Attorney	Robert J. Ponzini
	Recording Secretary	Donna Fusco

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

I. ANNOUNCEMENT OF EXIT SIGNS

II. PLEDGE OF ALLEGIANCE

III. APPROVAL OF MINUTES: Regular Meeting – May 18, 2015

Trustee Malone: RESOLVED, that the Village Board of the Village of Ardsley hereby approves the minutes of the Regular Meeting of Monday, May 18, 2015 as amended. **Seconded by Trustee Kaboolian and passed unanimously.**

IV. DEPARTMENT REPORTS:

LEGAL REPORT:

Village Attorney Ponzini had nothing to report other than those items that may have been in memorandum form. Mr. Ponzini stated that he is available for an Executive Session if necessary.

MANAGER'S REPORT:

**VILLAGE MANAGER REPORT
FOR MONDAY, JUNE 1, 2015**

1. The Housing Action Council will be holding a lottery for the Waterwheel project units this Wednesday @ 6:30PM here in Village Hall.

2. To serve as Recording Secretary for both the Planning Board and Zoning Boards, I have appointed Judith Calder of Hartsdale, NY at an hourly rate of \$17.52, effective June 1, 2015.
3. To serve as a seasonal laborers, I have appointed Joseph Zacchio and Brendan Lindsay, both of Ardsley, at an hourly rate of \$14, effective June 1, 2015. Also as a seasonal laborer, I have appointed Robert Wooten, Jr. of Ardsley, at an hourly rate of \$13, effective June 1, 2015.

TREASURER'S REPORT: Village Manager read the Treasurer's Report on behalf of Marion DeMaio.

Ms. Robson stated the bills for the past two weeks totaled as follows: General Fund: \$141,506.37; Trust & Agency Fund: \$2,810.80; and from the Capital Fund: \$0.

Trustee Kaboolian: RESOLVED, that the Village Board of the Village of Ardsley hereby authorizes the Village Treasurer to make the following payments: From the General Fund: \$141,343.16; From the Trust & Agency Fund: \$2,810.80 and from the Capital Fund: \$0. **Seconded by Trustee Malone and passed unanimously.**

MAYOR'S ANNOUNCEMENTS:

- Attended Memorial Day services. Thanked Steve Wittenberg for the fabulous job that he does and stated that it was a very impressive ceremony. Thanked General Riguzzi
- First meeting of Ardsley Day Committee; People are encouraged to volunteer; Next meeting is on 6/16
- We have the inspection of the fire trucks and fire equipment on June 13
- Have been working with George Calvi on a plaque honoring Beverly Levine
- We got word from the Ridge Hill Committee; They are pressing forward on all fronts

COMMITTEE & BOARD REPORTS:

TRUSTEE DIJUSTO:

- Nothing to report

TRUSTEE MONTI:

- Nothing to report

TRUSTEE MALONE:

- Attended Memorial Day Parade; Thanked Veterans for a very impressive ceremony

TRUSTEE KABOOLIAN:

- Attended Memorial Day Parade
- Attended first Ardsley Day Meeting and stated that people should give back to their community and encourage people come out and help out with the Ardsley Day Committee
- SAYF Coalition 5k Run on 6/13 at 8:00 a.m. at the Ardsley High School which will be in honor of Dr. James Haubner; Dr. Haubner will be given a plaque after the race. Registration is \$20.00 and you can go the Ardsley Coalition.com website to fill out the forms

V. VISITORS

No Visitors

VI. OLD BUSINESS

1. Resolution to consider granting permission to Grandlux Realty-Cerrone, Inc. to convert the storefront into a real estate office located at 706 Saw Mill River

8:15 P.M. PUBLIC HEARING – To consider a permit to convert the storefront located at 706 Saw Mill River Road into a real estate

Mayor Porcino read the notice into the record.

Open Public Hearing

Ms. Valerie Cerrone appeared and stated that she is moving her real estate office to the location where the florist, she also stated that it will lower the parking burden on the properties. There will be minimal renovations to the new space.

Public Comments

None

Mayor Porcino asked if there were any comments from the public. There were no comments.

Close Public Hearing

RESOLUTION TO CLOSE THE PUBLIC HEARING TO CONSIDER GRANTING PERMISSION TO GRANDLUX REALTY-CERRONE, INC. TO CONVERT THE STOREFRONT INTO A REAL ESTATE OFFICE LOCATED AT 706 SAW MILL RIVER ROAD

Trustee Malone: RESOLVED, that the Village Board of the Village of Ardsley hereby closes the public hearing to consider granting permission to Grandlux Realty-Cerrone, Inc. to convert the storefront into a real estate office located at 706 Saw Mill River Road. **Seconded by Trustee Kaboolian and passed unanimously.**

RESOLUTION TO CONSIDER GRANTING PERMISSION TO GRANDLUX REALTY-CERRONE, INC. TO CONVERT THE STOREFRONT INTO A REAL ESTATE OFFICE LOCATED AT 706 SAW MILL RIVER ROAD

Trustee Malone: RESOLVED, that the Village Board of the Village of Ardsley hereby grants permission to convert the storefront at 706 Saw Mill River Road which was formerly occupied by Lilac Florist into a real estate office with the following conditions: **Seconded by Trustee Kaboolian and passed unanimously.**

1. The applicant must provide plans showing compliance with the NYS Building Code for the interior alterations.
 2. The applicant must obtain a building permit prior to the commencement of work.
 3. The applicant must obtain a separate sign permit for all proposed signage.
-
2. Resolution to approve amended site plan for 642 & 630 Saw Mill River Road – BRB Development, Inc. – The Lockup Facility

8:20 P.M. PUBLIC HEARING – To consider the amendment to the site plan review of a new self-storage facility at 642 & 630 Saw Mill River Road to be known as The Lock-up Facility

Mayor Porcino read the notice into the record.

Open Public Hearing

Janet J. Giris, Esq., David Smith, Hugh Greechan and Rodney Morrison appeared at this Public Hearing. The Applicant was not available. The Architect/Engineer displayed the drawings and discussed the curb cut and parking spaces in detail. Mr. Greechan stated that they met with the DOT onsite and the DOT is very happy with the two curb cuts. Mr. Morrison stated that the Plan was sent to the DOT and Mr. Morrison requested a letter that he will send to the Board for the Board's file and once all approvals are issued from the Village, they will proceed with the construction. Mr. Greechan stated that plans are 90% done.

Public Comments

None

Mayor Porcino asked if there were any comments from the public. There were no comments.

Close Public Hearing

RESOLUTION TO CLOSE THE PUBLIC HEARING FOR THE AMENDMENT TO THE SITE PLAN REVIEW OF A NEW SELF-STORAGE FACILITY AT 642 & 630 SAW MILL RIVER ROAD TO BE KNOWN AS THE LOCK-UP FACILITY

Trustee Kaboolian: RESOLVED, that the Village Board of the Village of Ardsley hereby closes the public hearing to consider the amendment to the site plan review of a new self-storage facility at 642 & 630 Saw Mill River Road to be known as the Lock-up Facility.

Seconded by Trustee Malone and passed unanimously.

SITE PLAN APPROVAL RESOLUTION VILLAGE OF ARDSLEY BOARD OF TRUSTEES

SECTION 6, SUBSECTION 70, BLOCK 42, LOTS 1 and 2

Trustee Kaboolian: WHEREAS, on or about March 10, 2015, the Village Board of the Village of Ardsley (the Board) received a facially complete application for the redevelopment of property located at 630 and 642 Saw Mill River Road in the Village of Ardsley designated on the tax assessment map of the Town of Greenburgh as Parcels No. 6.70-42-1 and 2 (the Site), from BRB Development, LLC (the Applicant) with the proposed use subject to site plan approval by the Board after review and recommendation by the Village of Ardsley Planning Board (the Planning Board) and Village of Ardsley Board of Architectural Review (the BAR) and determination by the Village of Ardsley Zoning Board of Appeals (ZBA) with respect to Section 200-86(A) needed to develop the project; and

WHEREAS, the proposal includes the demolition of an existing commercial building and required land use permitting and construction of an approximately 18,558 s.f. addition to an already approved, but yet to be constructed, self-storage facility on the lot immediately adjacent (Parcel No. 6.7-42-2 aka 642 Saw Mill River Road) of approximately 0.26 acres in size with five (5) off-street parking spaces (the “Proposed Action”); and

WHEREAS, the adjacent lot was previously approved by the Village Board for the construction of a new 63,864± square foot self-storage facility serviced by a surface parking lot supporting 7 vehicles and interior loading spaces supporting another 2 vehicles. New stormwater management facilities, landscaping, and associated site improvements are also proposed. The revised site plan now includes two curb cuts located to Saw Mill River Road. The proposed buildings, all of the required off-street parking as well as the associated site improvements are known as The Lock-Up Self Storage Site Plan (hereinafter referred to as the “Project”); and

WHEREAS, the site is located within the both the B-2 Special Business District (the B-2 District) and the R-1 One-Family Residence District (R-1 District). The portion of the

Site that fronts on Saw Mill River Road is located in the B-2 District and the rear portion of the Site, which is accessible only through that portion of the Site located in the B-2 District, is in the R-1 District; and

WHEREAS, the proposed self-storage use is a permitted use in the B-2 district; and

WHEREAS, the following materials have been submitted in support of this application:

1. Application for Board of Trustees Site Plan Approval, March 10, 2015 submitted by DelBello Donnellan Weingarten Wise & Wiederkehr, LLP.
2. Site plan drawings as listed below.

Drawing No.	Title	Prepared By	Dated or Last Revised
CV-1	Cover Sheet	The LRC Group ("LRC")	05-18-15
EX-1	ALTA/ASCM Land Title Survey	LRC	06-25-14
DM-1	Site Demolition Plan	LRC	04-06-15
SP-1	Site Plan	LRC	05-18-15
GU-1	Grading & Utilities Plan	LRC	05-18-15
EC-1	Erosion Control Plan	LRC	04-06-15
LL-1	Landscape Plan	LRC	05-18-15
LP-1	Site Lighting & Photometrics Plan	LRC	04-06-15
TT-1	Truck Turning Plan	LRC	05-18-15
DN-1	Detail Sheet	LRC	04-06-15
DN-2	Detail Sheet	LRC	04-06-15
A1.1	First Floor Plan	Partners In Design Architects ("PID")	03-31-15
A2.1	Exterior Elevations	PID	03-31-15
A2.2	Exterior Elevations	PID	03-31-15
A3.1	Rendering	PID	03-31-15

3. Stormwater drainage calculations, dated October 6, 2014, last revised April 6, 2015, 2014, prepared by LRC Group.
4. Full Environmental Assessment Form Part 1 (the "EAF Part 1"), dated March 10, 2015 prepared by LRC Group.
5. Cover letter from DelBello Donnellan Weingarten Wise & Wiederkehr, LLP, dated to the Village Clerk related to affidavit of mailing of the Notice of Intent to Act as

Lead Agency with supporting documentation.

6. EAF Parts 2 and 3, submitted April 13, 2015, prepared by Planning & Development Advisors.
7. Comment letter from Westchester County Planning Board dated March 30, 2015.
8. Comment letter from NYSDEC dated April 14, 2015.
9. Memo from Larry J. Tomasso, Village Building Inspector, dated March 11, 2015.
10. SEQRA Reports from the Board of Architectural Review, Zoning Board of Appeals, dated April 21, 2015 and May 20, 2015, respectively.
11. Review memoranda from Planning & Development Advisors, Village Planning Consultant, dated March 11, 2015.
12. Review memoranda from Hugh Greechan, P.E., Village Consulting Engineer, dated April 28, 2015.
13. Verbal presentation from the Village Building Inspector presented to the Board on June 1, 2015 related to the Planning Board's review and discussion of the Proposed Project.

WHEREAS, on or about March 16, 2015, the Village Board of Trustees declared their intent to serve as Lead Agency for the New York State Environmental Quality Review Act ("SEQRA") review of this action. This designation was thereafter circulated to all Interested and Involved Agencies; and

WHEREAS, on or about April 20, 2015, the Village Board of Trustees confirmed their SEQRA Lead Agency designation and after review of the public comments, recommendations, and the EAF, as well as other items noted above, the Village Board adopted a Negative Declaration, indicating that the project will not result in any significant adverse environmental impacts, and that consistent with social, economic and other essential considerations, and to the maximum extent practicable, potential adverse environmental impacts identified during the course of the SEQRA review, will be minimized or avoided by incorporating mitigative measures which were identified as practicable; and

WHEREAS, on May 20, 2015, a duly noticed public hearing was held before the Village of Ardsley Zoning Board of Appeals (ZBA), after due consideration the ZBA granted a request by the Applicant to extend the proposed use into the R-1 district from the adjacent B-2 District, thereby allowing for the development of the Project as proposed;

WHEREAS, the Village Board of Trustees received comments from the Board of

Architectural Review recommending the Village Board accept the façade design as modified by the Applicant; and

WHEREAS, the Planning Board reviewed the Project at its April 13, 2015 and May 11, 2015 meetings, which included a positive recommendation, as indicated in the meeting minutes from the May 11, 2015 meeting; and

WHEREAS, the Village Board of Trustees considered the proposed action at a duly noticed Public Hearing held at Village Hall on June 1, 2015 at which time all interested parties were provided an opportunity to be heard; and

WHEREAS, the Village Board of Trustees has considered the Site Plan documents, EAF, Parking Analysis prepared as part of the initial review of 642 Saw Mill River Road, and all other materials submitted by the Applicant in support of this proposal, the comments of Village staff and consultants made via memoranda (which memoranda are incorporated herein by reference), the verbal commentary made during the Village Board's meetings and Public Hearing pertaining to the review and evaluation of the Proposed Action, and the comments of the public; and

WHEREAS, the Village Board of Trustees has reviewed the Project, pursuant to the requirements of Chapter 167 of the Village of Ardsley Village Code (the "Village Code") and to applicable laws and regulations considered pertinent to the Project;

NOW THEREFORE BE IT RESOLVED, that upon full consideration of the above, the Village Board of Trustees hereby grants Site Plan Approval for the Lock-Up Self-Storage Plan, as described above, subject to the following conditions:

CONDITIONS PRIOR TO ENDORSEMENT OF SITE PLAN

The following conditions shall be completed by the Applicant prior to the endorsement of the Site Plan by the Mayor:

1. This Site Plan Approval authorizes the Applicant to undertake only the activities specifically set forth herein, in accordance with this Resolution of Approval and as delineated on the Site Plan as endorsed by the Mayor. *Any change in use, alteration or modification to the Site Plan, or to the existing or approved facilities and site shall require the review and approval by the Village Board of Trustees of an amended Site Plan.*
2. The Applicant shall pay to the Village of Ardsley, by certified check, any outstanding professional review fees in accordance with Chapter 38 of the Village Code.
3. The Applicant shall furnish the Village Board of Trustees with three (3) print sets of the Site Plan as described above, for endorsement by the Mayor, as the approved Site Plan and an electronically scanned version of the approved plans.

4. Upon payment of all required fees and the satisfaction of all conditions of this resolution and following the endorsement of the Site Plan by the Mayor, one print set will be returned to the Applicant, one set shall be retained by the Village Board of Trustees as a record copy, and one set provided to the Building Inspector.

CONDITIONS PRIOR TO ISSUANCE OF A BUILDING PERMIT

The following conditions shall be completed by the Applicant prior to the issuance of a Building Permit by the Building Inspector:

5. The Building Inspector shall not issue a Building Permit pertaining to the activities approved herein until the Applicant has complied with Conditions 1-4.
6. Authorized issuance of a Building Permit by the Building Inspector shall be fully based on, and in accordance with this Resolution of Approval and the signed and filed Site Plan. The Building Inspector shall include reference to the Site Plan and this Resolution of Approval on any Building Permit.
7. The Applicant shall provide building construction drawings documenting full compliance with the New York State Uniform Fire Prevention and Building Codes.
8. The Applicant shall pay the Village of Ardsley application, permit, and review fees as required by the Village Code, as approved by the Village Attorney.
9. In accordance with Chapter 38 and §167-3.M of the Village Code, an engineering inspection fee in the amount of \$20,000 shall be provided by the Applicant and held in an escrow account. This fee shall be replenished when the amount drops below \$10,000.
10. A performance bond, prepared in form, surety and manner of execution to the satisfaction of the Village Attorney, and in the amount to be established by the Planning Board, or alternatively by the Village Consulting Engineer in accordance with the requirements of §167-3.L of the Village Code, shall be provided to assure the completion of all improvements by a specific date.
11. All signage shall be constructed and installed in conformance with §200-82.C of the Zoning Code, and the required permit shall be obtained prior to installation.
12. The Applicant shall submit a construction management plan and site development protocol, which shall be prepared to the satisfaction of the Building Inspector.
13. The Applicant shall provide documentation of NYSDOT work permit and approval for this project for work within the State highway right-of-way (State Route 9A) prior to the issuance of a Building Permit.

GENERAL CONDITIONS OF IMPLEMENTATION AND CONSTRUCTION

The following conditions shall apply during the implementation of the site improvements and construction of the Project:

14. No construction activity shall take place on the Site prior to the issuance of a Building Permit and other required permits, by the Village of Ardsley.
15. The subject application was for an addition to an already approved building. The prior site plan approval dated February 3, 2015 remains in full affect.
16. The hours of construction activity shall take place in conformance with the applicable Village Regulations.
17. Temporary and permanent stabilization methods be implemented before construction begins and continuously modified as necessary throughout construction to provide the best methods for stormwater management and pollution prevention.
18. All landscaping shall be installed in accordance with the Site Plan. Any substitutions to listed plant materials shall be submitted to the Building Inspector and Planning Consultant prior to installation of same. Should the Building Inspector and/or Planning Consultant determine that the substitutions constitute a substantive change to the approved Site Plan, the Applicant shall file an Amendment to the Site Plan Approval, which shall be reviewed and approved by the Board of Trustees, prior to the installation of the landscaping materials.
19. All site landscaping shall be maintained in a healthy state; should any plantings become damaged or die, said plantings shall be immediately replaced in-kind.
20. The Applicant shall install a sidewalk along their Route 9A site frontage as indicated on the site plans.
21. As per § 167-3.L of the Village Code, the Applicant shall install all site improvements and shall provide adequate performance guaranties to insure the installation of such improvements, in an amount determined by the Planning Board and in a form satisfactory to the Village Attorney.
22. A clean and legible copy of this Resolution (as signed by the Mayor) and a copy of the signed Site Plan shall be maintained at the subject property at all times.

PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY

The following conditions shall be complied with prior to the issuance of a Certificate of Occupancy by the Building Inspector:

23. Prior to the issuance of a Certificate of Occupancy by the Building Inspector, three copies of an "As-Built" Plan showing the installed and completed improvements, certified by a New York State licensed Land Surveyor shall be prepared at the sole expense of the Applicant. Said As-Built Plans shall be provided to the Building Inspector, documenting satisfactory completion of all approved and authorized construction activities and zoning compliance.
24. All easements, covenants and restrictions, and other assurances to the extent required to support this Application and comply with § 200-29.2.E of the Village Code shall be prepared to the satisfaction of the Village Attorney, and shall be recorded prior to issuance of a Certificate of Occupancy.
25. All outstanding planning and engineering review and inspection fees and any outstanding permit fees must be paid.
26. Failure to comply with any of the conditions set forth herein shall be deemed a violation of this approval, which may lead to the revocation of the Approval and/or Certificate of Occupancy, in accordance with the applicable provisions of the Village of Ardsley.

CONDITIONS OF THE SITE PLAN

27. Only dead storage activities shall be permitted. Dead storage shall mean the keeping of goods not in use and not associated with any office, retail or other business activity conducted on the premises.
28. All rental contracts shall include clauses prohibiting:
 - a. Conducting an office (other than that associated with the proposed use); commercial wholesale or retail sales; auctions, garage sales, or flea markets;
 - b. The storage of flammable liquids, highly combustible, radioactive or explosive or hazardous chemicals; pets or animals; and, the use of the property for uses other than dead storage;
 - c. The operation of power tools, spray-painting equipment, kilns, table saws, lathes, and other similar equipment; and
 - d. the servicing, repair or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances and other similar equipment.
29. Nothing contained herein shall prohibit enforcement of the provisions of New York State Lien Law. The Applicant has indicated that from time to time they will need to conduct an auction for the sale of the contents of a particular unit or units, such auctions shall be limited to four times per calendar year.
30. As presented by the Applicant, the hours of operation for access by customers shall be limited to 6:00 AM to 9:00 PM.

31. The rental and storage of vehicles for moving dead storage, as well as the pick-up and drop off of other vehicles for moving dead storage is prohibited with the sole exception being the right of the Applicant to own/lease one storage vehicle (maximum vehicle length 22 feet) for customer use.
32. Based on presentations made by the Applicant regarding the mix of rental unit sizes, the ratios outlined as part of the initial site plan approval for 642 Saw Mill River Road shall remain in effect as noted below:
 - a. No more than 20 percent of the total mix shall be made up of the larger unit types (defined as those larger than 10'x15' up to 10'x30'); and
 - b. The largest unit size shall not exceed 300 square feet in size.
33. The total number of rental units identified as part of the initial site plan approval for 642 Saw Mill River Road and the subject application for an addition to the already approved building shall not exceed 750 for both sites combined.
34. Based on presentations made by the Applicant, best industry practices with respect to surveillance and general security shall be kept in place at all times.
35. Based on presentations made by the Applicant, best industry practice and recommendations from the Village's Planning Board and Planning Consultant, the provision of twelve (12) outdoor parking spaces and two indoor loading spaces is sufficient to serve the self-storage facility.

BE IT FURTHER RESOLVED, that this Site Plan Approval shall remain valid for a period of one (1) year from the date of its endorsement by the Mayor. This Site Plan Approval shall become null and void on June 1, 2016, unless construction is commenced pursuant to an authorized Building Permit or unless this approval is extended upon request to the Village Board of Trustees in accordance with the provisions of § 167-3.J of the Village Code.

BE IT FINALLY RESOLVED, that this Site Plan Approval resolution shall have an effective date of June 1, 2015. **Seconded by Trustee Malone and passed unanimously.**

VII. NEW BUSINESS

1. Resolution to authorize Mayor to sign letter against change in tax-exempt status on municipal bonds

RESOLUTION TO AUTHORIZE MAYOR TO SIGN LETTER AGAINST CHANGE IN TAX-EXEMPT STATUS OF MUNICIPAL BONDS

Trustee Di Justo: BE IT RESOLVED, that the Village Board of Trustees of the Village of Ardsley hereby authorizes the Mayor to sign the attached letter voicing strong opposition to the elimination of the tax-exempt status of municipal bonds. **Seconded by Trustee Monti and passed unanimously.**

2. Resolution to authorize Mayor and/or Village Manager to submit a letter to the Village's State Representatives requesting modifications to the Real Property Tax Cap Legislation

**RESOLUTION TO AUTHORIZE MAYOR AND/OR VILLAGE MANAGER TO
SUBMIT A LETTER TO THE VILLAGE'S STATE REPRESENTATIVES
REQUESTING MODIFICATIONS TO THE REAL PROPERTY TAX CAP
LEGISLATION**

Trustee Monti: BE IT HEREBY RESOLVED, that the Village Board of Trustees of the Village of Ardsley hereby authorizes the Mayor and/or Village Manager to submit a letter to Senator Andrea Stewart-Cousins, and State Assemblyman Thomas Abinanti, supporting the attached Municipal Administrators Association letter regarding suggested modifications to the Real Property Tax Cap Legislation in order to support the Village in carrying out critical infrastructure projects and mitigating significant annual increases beyond the Village's control. This action would also support similar suggestions being put forth by the New York State Conference of Mayors and Municipal Officials (NYCOM). **Seconded by Trustee Di Justo and passed unanimously.**

VIII. CALL FOR EXECUTIVE SESSION. No Executive Session.

IX. ADJOURNMENT OF MEETING

Trustee Malone: RESOLVED, that the Village Board of the Village of Ardsley hereby adjourns the regular meeting of Monday, June 1, 2015 at 8:55 p.m. **Seconded by Trustee Kaboolian and passed unanimously.**

X. NEXT VILLAGE BOARD MEETING: Monday, June 15, 2015 at 8:00 p.m.

Respectfully submitted,

Donna Fusco
Recording Secretary