

Mayor Leon opened the March 7, 2011 Regular Meeting at 8:04 p.m.

Present:	Mayor	Jay Leon
	Deputy Mayor/Trustee	Peter Porcino
	Trustee	Larry J. Nardecchia
	Trustee	Gary Malone
	Trustee	Beverly A. Levine
	Village Manager	George Calvi
	Village Attorney	Robert J. Ponzini
	Village Clerk	Barbara Berardi
	Recording Secretary	Lorraine McSpedon

I. PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE – Timmy Weinberg, Town of Greenburgh Councilwoman and Ralph Califano, the Police Chief's nephew.

II. APPROVAL OF MINUTES

Tr. Porcino: Resolved, that the Village Board of the Village of Ardsley hereby approves the minutes of February 15, 2011, as amended. **Seconded by Tr. Nardecchia and passed, with Tr. Malone abstaining.**

III. DEPARTMENT REPORTS

LEGAL REPORT: Attorney Ponzini had nothing to report.

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

The bills for the last two weeks are as follows: From the General Fund: \$172,782.21; from the Trust and Agency Fund: \$3,565 and from the Capital Fund: \$829,744.80.

The bulk of the Capital Fund was expended on the new fire truck. Mayor Leon questioned the numerous change orders regarding this purchase in excess of \$5,000. Mr. Calvi explained that they were not really change orders but, rather, omissions from the original invoice. An actual workchange order had consummated earlier on May 17, 2010 to cover these costs.

Tr. Nardecchia: Resolved, that the Village Board of the Village of Ardsley hereby authorizes the Village Treasurer to pay the following:

From the General Fund: \$172,782.21; from the Trust and Agency Fund: \$3,565 and from the Capital Fund: \$829,744.80. **Seconded by Tr. Porcino and passed unanimously.**

According to Mr. Calvi, there will be a ceremony for the new fire truck in the Spring when the weather is more pleasant.

MANAGER'S REPORT: Mr. Calvi did not have a report.

MAYOR'S ANNOUNCEMENTS:

- 1) Mayor Leon explained that Budget process and mentioned that outside of the Police, Fire and Highway Departments, the Village is basically run by 11 people and spearheaded by 6 people. Mayor Leon emphasized their importance and his view that these individuals should not be asked to forgo a raise again this year.

Tr. Porcino stated that he is always dismayed by the lack of public participation in the budget process.

BUILDING DEPARTMENT REPORT:

Mr. Tomasso delivered the February Building Department report. Mr. Tomasso thanked Mr. Steve Fraietta, Assistant Building Inspector, Town of Greenburgh, for helping out during Mr. Tomasso's recent absence.

Mr. Tomasso mentioned that the 2010 Building Code has recently been adopted by NY State. Two free code books have been received since NYSERT and the Department of State partnered to provide Code books to the municipalities where Building Inspectors maintained their training and, also, where the annual reports required by the DOS were completed on a timely basis. This resulted in an approximate savings to the Village of \$1,000.

Mr. Tomasso thanked Lorraine Kuhn for the fine job she does administering the storm water program for the Village and read a letter from the DEC auditor complimenting the program and stating that Ardsley's program is a model for other communities to follow.

**PRESENTATION – NEWLY ELECTED COUNTY LEGISLATOR –
MARY JANE SHIMSKY**

Mayor Leon introduced Ms. Mary Jane Shimsky, newly elected County Legislator. Ms. Shimsky gave a brief introduction of herself to the Board and promised to help Ardsley in the future.

Regarding Parcel Q, Ms. Shimsky reported that the Housing Committee approved the new version. It is now going before the Budget Committee for final approval at next Monday's Board Meeting. Ms. Shimsky promised to assist Ardsley with moving forward on various projects.

Mayor Leon congratulated Ms. Shimsky and thanked her for looking out for Ardsley's best interests.

Ms. Shimsky alerted the residents of her contact information.

Mayor Leon gave a brief explanation of Parcel Q.

8:30 P.M. – PUBLIC HEARING – To consider a request by Ron Atzmon of River Dale Dog, LLC to convert the vacant retail/office space located at 609 Saw Mill River Road into a dog day care facility.

Mayor Leon mentioned that the applicant was not present this evening and that this public hearing has been continued twice. The applicant was referred to the Zoning Board to address the parking and dog boarding issues. The Zoning Board rejected the application for the parking variance since the canine boarding was not a permissible use in the district. Therefore, the Zoning Board could not grant the parking variance since it did not include that service and the tenant stated he could not operate the business without that service.

Attorney Ponzini explained that the two issues for the Zoning Board to determine were:
1) to determine what a kennel was and whether it was a permitted use in the district and,
2) whether the applicant was entitled to the variance on the parking. The Zoning Board determined that, upon interpreting the Code, it was not a permitted use in the district and therefore denied the application and, additionally, rendered an opinion that a parking variance would not be issued for a use that is not permitted.

Attorney Ponzini stated his belief that the Village Board is bound by that decision at this point and a motion should be entertained to close the public hearing and hold a vote on the application.

Tr. Porcino confirmed that no formal withdrawal of the application had been received.

Tr. Malone: Resolved, that the Village Board of the Village of Ardsley hereby closes the public hearing regarding the dog day care facility at 609 Saw Mill River Road.

Seconded by Tr. Levine and passed unanimously.

Tr. Malone: Resolved, that the Village Board of the Village of Ardsley hereby considers a request to approve the conversion of the vacant retail/office space into a dog day care facility at 609 Saw Mill River Road. **Seconded by Tr. Levine.**

Tr. Porcino – Naye

Tr. Nardecchia – Naye

Tr. Levine – Naye

Tr. Malone – Naye

Mayor Leon – Naye

Motion fails. Application denied.

IV. COMMITTEE AND BOARD REPORTS:

Tr. Porcino:

- 1) Questioned where recycling can be placed at the DPW. Mr. Wooten explained that there are two new bins outside the door of the DPW.
- 2) Attended the Regular Meeting of the SAYF Coalition.
- 3) Attended the Regular Meeting of the Youth Council. A very successful High School was sponsored.
- 4) Thanks were expressed to Tony Vacca, Alison Mastrogiacomo, Jodi Siegel and Stephanie Marchesano for their parts with the dance.

Tr. Nardecchia:

- 1) Drew up a proposal which included some items for modification for Route 9A and then set up a meeting with Tom Madden, Town Planner. Had a discussion with Rick Thompson regarding the plan as well as Chief Califano and Frank Doherty, Chairman, TPPS Committee.
- 2) The Recreation Commission meeting was held last week. Solicitations will be made for a snack bar proposal. The current proprietor, due to illness, will not be able to continue for this year. The Village Manager can be contacted for all interested.
- 3) Attended the Senior's meeting.
- 4) Took a tour of the Woodlands Park and will have photos available next week.

Tr. Malone: Nothing to report.

Tr. Levine:

- 1) Reported the ASVAC totals for February:
Total: 40 Calls. 23 day; 13 evening; 4 night and 3 mutual aide.
- 2) The next WWII Veterans interview will be with Norman Goodfarb and it will start this week.
- 3) The new members of the Library Board will be sworn in on March 21st.

V. VISITOR'S

Mr. Jesse Nelson, 48-year Ardsley resident, spoke regarding the traffic proposal. Previously, he spoke to members of the TPPS Committee and was shocked when he was advised that there would not be a left hand turn into his parking lot, Ardsley Tire, off of the northbound lanes on 9A.

Mayor Leon explained that this issue would not be resolved this evening. However, if the change were to be made, public hearings would be held, the State would need to be notified, and the public would have to be notified as well as the DOT.

Tr. Levine explained the discussion concerned a dedicated left hand turn lane.

Tr. Porcino explained that a no left hand turn proposal is no longer on the table.

Mr. Nelson was assured that, if the no left hand turn issue should become a future proposal, he would have a chance to voice his opinion.

Tr. Porcino also explained that whatever is decided can be changed if it does not work out.

VI. OLD BUSINESS

Mr. Eric Zamft, Saccardi & Schiff, presented an explanation regarding the Waterwheel Site Plan Application and the adoption of the Negative Declaration.

Mr. Zamft explained to the Board that this evening, they had the option to determine the environmental significance of the project and to determine

whether or not the project has significant adverse affects. If so, a higher level study would need to be done.

Mr. Zamft explained that the recommendation of his office is that a negative declaration be approved this evening.

Mr. Zamft gave a brief overview of the six issues which were presented to the Board:

- 1) The impact on the school system;
- 2) The fiscal impact on community services;
- 3) The impact on traffic;
- 4) The visual conditions;
- 5) The impact on steep slopes and the topography, and
- 6) The stormwater plan.

Mayor Leon questioned the screening along Route 9A by red maples. Mr. Zamft suggested evergreens but stated that this issue will be brought up again at the site plan review by the Planning Board.

Mayor Leon questioned the traffic study results which indicated there will be minimal impact on the area, however, the intersection is dangerous and wondered whether it is the obligation of the applicant. Mr. Zamft stated that discussion between the traffic engineer and the consulting engineer for applicant has taken place to address this issue, however, he is not sure if it will be integrated into the site plan. Mr. Zamft did mention that the Planning Board should address this issue.

Tr. Nardecchia mentioned that he is very interested in seeing the justification for the twin 30" going in under 9A. There is currently a considerable amount of water in the area.

Mr. Calvi mentioned that he received correspondence from the school superintendent who requested notification be made for any projects in the Village which may impact enrollment.

Mayor Leon explained that when the vote takes place for the negative declaration, if the vote is in favor, it will only represent this particular property; it does not mean that it applies to any other property in the Village, the school district or on any of the Village boundaries. Any of the rationale used in the traffic or school reports or any other report does not have any bearing on any other property.

Atty. Ponzini explained that the project is not be approved this evening, but, rather, the Board is recognizing that an in-dept review has been done of any of the environmental impacts that this project may have. A hard look was taken and it has been determined that it will not be a significant event which would affect the environment. Therefore, the remained of the project can now go forward, such as the site plan, engineering and other issues.

**RESOLUTION OF THE VILLAGE OF ARDSLEY MAYOR AND BOARD OF TRUSTEES
ADOPTING A NEGATIVE DECLARATION AND NOTICE OF DETERMINATION OF
NON-SIGNIFICANCE UNDER SEQRA FOR THE
WATERWHEEL SITE PLAN APPLICATION
MARCH 7, 2011**

WHEREAS, at a regular meeting of the Mayor and Board of Trustees of the Village of Ardsley (the “Village Board”) held on September 20, 2010, the Village Board adopted a resolution declaring its intent to act as Lead Agency in connection with the environmental review process to be conducted under the New York State Environmental Quality Review Act (“SEQRA”) 6 NYCRR Part 617 for the action known as the Waterwheel Site Plan Application (“Proposed Action”); and,

WHEREAS, on November 15, 2010, pursuant to the applicable requirements of SEQRA, the Village Board declared itself to be the Lead Agency in connection with the coordinated environmental review of the Proposed Action to be conducted under SEQRA; and,

WHEREAS, the Village Board has reviewed and carefully considered the full Environmental Assessment Form dated September 15, 2010, the School and Fiscal Impacts Report prepared by RH Consulting, dated January 6, 2011, the Traffic Impact Study prepared by Bertin Engineering Associates, Inc., dated January 26, 2011, the Supplement to Environmental Assessment Form submitted February 15, 2011, the site plan and all other supporting information prepared for the Proposed Action; and

WHEREAS, except for two minimal area variances, the Proposed Action complies with all applicable regulations of the R-4A Workforce/Affordable Housing Overlay District.

NOW THEREFORE BE IT RESOLVED, that the Village Board has determined that the Proposed Action will not result in any significant adverse environmental impacts, and that the Village Board therefore issues a negative declaration and notice of determination of non-significance in connection with the Proposed Action, pursuant to the requirements set forth in SEQRA 6 NYCRR Part 617, in the form attached hereto.

BE IT FURTHER RESOLVED, that the site plan of the Proposed Action is hereby referred by the Village Board to the Planning Board and Board of Architectural Review of the Village of Ardsley for review and recommendation, pursuant to the procedures set forth in §167-3 of the Village of Ardsley Code.

The motion was moved by **TRUSTEE LEVINE**

The motion was seconded by **TRUSTEE MALONE**

The vote was as follows:

Hon. Jay Leon **AYE**

Hon. Peter Porcino **AYE**

Hon. Larry Nardecchia **AYE**

Hon. Gary Malone **AYE**

Hon. Beverly Levine **AYE**

Ayes: 5 Nays: 0

Mayor Leon mentioned that the next step in the process is that the ZBA will close its hearing and issue a decision regarding the variances, in conjunction with the site plan approval. This, according to Atty. Ponzini, can take place at the next ZBA meeting. Mayor Leon was advised by Mr. Tomasso that the architect for the project, Mr. Conrad Roncotti, has requested that the application be tabled until the April Planning Board meeting.

Mayor Leon requested Mr. Zamft to continue to update the Board on the progress of the application.

DISCUSSION/RESOLUTION REGARDING 9A IMPROVEMENTS

Mayor Leon reminded everyone that at the last meeting Tr. Nardecchia presented additional ideas and drawing in connection with the 9A plans regarding the widening of the roadway and adding a lane. The question of whether the extra lane in conjunction with the other southbound lane can constitute two southbound lanes or whether it should be a turning lane for all turns in both directions. Mayor Leon stated that this will need to be resolved immediately since time is running out and the money will return out of the escrow fund and back to the developer eventually.

Mr. Thomas Madden, Commissioner of Community Development and Conservation for the Town of Greenburgh, was presented to the Board by Mayor Leon. Mr. Michael Maris, Michael Maris Associates, traffic consultant, was also introduced. Mayor Leon mentioned that he has the highest regard for Mr. Madden and also mentioned that Mr. Michael Marris has done a great job.

Tr. Nardecchia clarified that the modifications are not for a complete turn lane through the Village but, rather, a dedicated left hand turn lane modification into Colonial Court North.

Mr. Madden made a presentation of the modified plan and explained that the only change from the previous plan is that the new plan shows the center lane for alternate left hand turns. Mr. Madden placed an overlay of Tr. Nardecchia's plan on his own plan to indicate the difference in proposals.

Mr. Madden indicated that the some of the land in the proposal is owned by New York City and is part of the NYC Aqueduct. Any impact on that land would require approval by NYC. Due to time constraints, Mr. Madden did not want to consider this. There is a sidewalk in the area which would need to be replaced if disturbed and the replacement can only be put on the NYC property.

There is also an asphalt path in Colonial Court which Mr. Madden considered using as an alternate sidewalk, however, if that area were disturbed, the latest ADA standards would need to be met.

Mr. Madden concluded that no widening can be accomplished without going into the NYC property.

Tr. Nardecchia discussed the sidewalk issue with Mr. Madden. Mr. Calvi stated that there are no plans on file for either of the sidewalks in question. Tr. Nardecchia stated the sidewalk was shown on the Bicentennial Park handicap ramp plan as existing.

Mr. Madden explained that any sidewalk must be approved by the State.

Mr. Madden also stated that the only verbal feedback from the State thus far is that they are willing accept 11 ft. lanes.

Mr. Madden's recommendation was for two southbound and one northbound lane. Tr. Nardecchia argued that there should be a left hand dedicated turn lane.

The NYC approval process was discussed at length.

Tr. Nardecchia stated that he could design the sidewalk to State specs.

Discussion ensued regarding the importance of the left hand turn lane.

Mayor Leon requested of Mr. Madden to submit the left turn lane proposal to the State and name it Phase 1-A to move it along and name the Colonial Court situation as Phase 1-B and continue working on that phase. Tr. Nardecchia expressed concern that the sidewalk portion of the proposal will "get lost."

Tr. Nardecchia and Mr. Madden argued over the actual existence of a "sidewalk."

Mayor Leon again expressed his concern that the sidewalk issue would hold up the entire project. Tr. Malone agreed with the dual project suggestion of Mayor Leon.

Mr. Maris encouraged a decision this evening in order to begin the SEQRA process.

Mayor Leon proposed breaking the project into two phases; Phase I-A will be a proposal for two southbound lanes as recommended originally. Phase I-B will need to be discussed with the Ridge Hill Committee prior to proceeding. Mayor Leon invited Tr. Nardecchia to attend the meeting and present his proposal.

Mr. Calvi suggested he and Tr. Nardecchia visit the offices of the NYC Department of Environmental Protection after March 20, to determine the feasibility of the Phase I-B portion of the project. Mr. Maris requested to attend this meeting and Tr. Nardecchia agreed to attend also.

Mayor Leon proposed to split the project into two phases and requested the Board to vote on this suggestion.

Tr. Nardecchia confirmed that additionally, southbound, where there will be two lanes in front of Center Street, the left hand turn will not be dedicated, but, rather a through lane/left lane is being proposed. Also, with the two through lanes south, there will be no prohibited left hand turns for entering the private properties on the west side.

Mayor Leon made a proposal to accept the above recommendations. The Board unanimously approved these proposals.

VII. NEW BUSINESS

RESOLUTION TO SCHEDULE A PUBLIC HEARING TO CONSIDER A REQUEST FOR OUTDOOR SEATING AT STAGIONI PIZZERIA, TWO BRIDGE STREET, ARDSLEY, NEW YORK

Tr. Nardecchia: RESOLVED, that the Village Board of the Village of Ardsley hereby schedules a public hearing on Monday, March 21, 2011 at 8:30 p.m. to consider the request for permission to place a maximum of 6 tables and a maximum of 15 seats on the sidewalk in front of the restaurant for dining purposes at Stagioni Pizzeria located at 2 Bridge Street, Ardsley, New York.

AND FURTHER RESOLVED, that the Village Board declares itself as Lead Agency for this application. **Seconded by Tr. Porcino and passed unanimously.**

Tr. Levine discussed the possibility of potential gain for the Village with regard to the Rivertown Square and Austin Avenue proposed projects, similar to what happened with the Ridge Hill project from a financial standpoint.

Mayor Leon reminded Tr. Levine that the Ridge Hill settlement was the result of a huge lawsuit and suggested this be discussed at another time.

The next meeting of the Village Board will take place on March 21, 2011.

ADJOURNMENT OF MEETING: Tr. Nardecchia: Resolved, that the Village Board of the Village of Ardsley hereby adjourns the regular monthly meeting of Monday, March 7, 2011 at 9:52 p.m. to enter Executive Session to discuss litigation. **Seconded by Tr. Porcino and passed unanimously.**

Respectfully submitted,

Lorraine McSpedon
Recording Secretary