

VILLAGE OF ARDSLEY

**BOARD OF TRUSTEES
SEPTEMBER 19, 2011**

Mayor Leon opened the September 19, 2011 Regular Meeting at 8:02 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

II. APPROVAL OF MINUTES

Tr. Porcino: Resolved, that the Village Board of the Village of Ardsley hereby approves the minutes of the Regular Meeting of September 6, 2011, as amended. **Seconded by Tr. Levine and passed unanimously.**

III. DEPARTMENT REPORTS

LEGAL REPORT: Attorney Ponzini had nothing to report but did request an Executive Session for advice of counsel.

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

The bills for the last two weeks for the General Fund totaled \$236,505.51; from the Trust & Agency Account: \$6,006.00 and the Capital Fund totaled \$154.80.

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: \$236,505.51; from the Trust & Agency Account: \$6,006.00 and from the Capital Fund: \$154.80. **Seconded by Tr. Porcino and passed unanimously.**

MANAGER'S REPORT: Mr. Calvi reported the following:

**VILLAGE MANAGER REPORT
PREPARED FOR SEPTEMBER 19, 2011
BY GEORGE F. CALVI**

1. CROSS ROAD BRIDGE RE-OPENING UNDETERMINED: Some of you may have noticed that the bridge over the Sprain Brook has been closed since Hurricane Irene. Preliminary inspections by our own Ardsley Highway Department reveal that the storm may have compromised its structural integrity. It is important to bear in mind, however, it is not an Ardsley bridge. The bridge is entirely within the unincorporated portion of the Town of Greenburgh. Yes, that is correct! The entire roadbed of Cross Road from Sprain Road west to and including the bridge is owned and maintained by the Town of Greenburgh, and outside the corporate limits of the Village of Ardsley. Since the bridge was damaged by the hurricane, the Greenburgh Commissioner of Public Works, Victor Carosi, hopes to add the bridge to the list of all the other Greenburgh structures damaged by the storm when Greenburgh seeks federal aid to make the repairs. Therefore, until eligibility is established, the Village will be unable to provide a timetable when the bridge will be opened. When that timetable is made available to us by the Town of Greenburgh, we will ensure it is publicized on the email distribution list.

2. CELL TOWER PROPOSAL: Appearing on tonight's agenda is a resolution to re-schedule a work session regarding a proposed cell tower in McDowell Park. Originally, the Village Board was supposed to have met in work session last Wednesday to discuss this matter with a representative from the cell tower company. However, the applicant was unable to attend, and apparently some matters have developed internally in the company causing the applicant to suggest to the Village Manager he may provide some available dates for October or November, but he was not in a position to do so in time for tonight's meeting. The only reason this matter is being brought up tonight is because the Village Manager has received inquiries from the media and a neighboring community about the proposal, and there just isn't anything to share just yet.

3. EMAIL DISTRIBUTION SYSTEM: As of today there are 553 subscribers to the email distribution system, with eleven reported to have joined over the weekend. In one sense, we should be happy that over one third of the households in the Village have subscribed to the service. On the other hand, a quick review of the subscribers names shows that there is a healthy representation of non-residents on the list. That in of itself is not a bad thing. However, it does document that many more Ardsley residents should be signing up for the service so that they know what is going on in the

community. To subscribe, please visit the home page of our website at www.ardsleyvillage.com.

4. PERSONNEL: In accordance with the civil service rules and regulations of the Westchester County Department of Human Resources, the following is hereby entered into the official minutes:

The Village Manager at the recommendation of the Skate Park Supervisor hereby appoints Cody Stern residing at 100 Woodlands Avenue, White Plains, New York 10607 to the seasonal part-time position of skate park attendant at the hourly salary of \$7.25

5. THANK YOU: Ex-Ardsley resident and former longtime Village Trustee Linda Pohlmann telephoned the Village Manager this morning to thank the Village Board for remembering and holding a moment of silence for her husband at the September 6th meeting of the Ardsley Village Board of Trustees. Her husband, Ardsley Volunteer Fire Fighter William Pohlmann, died at the World Trade Center attack on 9/11. In her words, “she and her sons were particularly touched to be remembered by the Village Board members, and also the Ardsley Fire Department which left a basket of flowers beside her late husband’s plaque at The Rising memorial at the Kensico Dam on the tenth anniversary of 9/11.” Although she no longer resides in the village, Ardsley will always hold a special place in her heart.

6. PARK DEDICATION: On Sunday, September 25 at 11:00 Ashford Park will be renamed in memory of the late Louis Pascone, Highway Foreman who served this village in several capacities in the DPW over a career of 61 years. The event which is open to the general public will take place at the intersection of Ashford Avenue and McCormick Drive in the area known as the “jug handle.” In addition to the current Village Board and other officials, the ceremony is drawing speakers such as County Clerk Tim Itoni (former Village Manager) and ex-Mayor John Morehouse, and members of the Grant / Pascone family. The Village Manager would like to take this opportunity to publicly thank the members of the Ardsley Department of Public Works, and the Ardsley Garden Club who have put so much time and effort into the design of this project.

So, please come out and join us next Sunday to honor the late Louis Pascone, and then at 12 noon head over to the annual Ardsley Day activities in the central business district.

**7. GOVERNOR ANNOUNCES \$8 MILLION HOUSEHOLD
APPLIANCE PROGRAM**

NYSERDA is offering grants to victims of Hurricane Irene and Tropical Storm Lee through the New York Storm Relief Rebate Program. With funding

from the American Recovery and Investment Act, the \$8 million program will assist New Yorkers in the replacement of household appliances that were lost or damaged in the recent flooding. Homeowners can receive a rebate for the purchase of energy efficient equipment such as refrigerators, boilers, hot water heaters, furnaces, and washing machines and dryers. Where applicable, rebates will be offered for ENERGY STAR appliances or other high efficiency options (please see table below for eligible appliances and rebates). Each appliance has a fixed maximum grant, which could cover up to 100 percent of the total purchase.

Completed applications will be reviewed on a first-come, first-served basis beginning on Monday, September 19, 2011. The program will continue until all available funding has been granted. With the exception of dehumidifiers, the purchase of appliances and equipment is for replacement purposes only. Purchases that are covered by insurance or FEMA are not eligible for rebate. For details, visit www.NYSApplianceRebates.com or call 1-877-NY-SMART (877-697-6278).

Eligible Equipment and Appliances Rebate

Refrigerators (ENERGY STAR)\$350

Clothes Washers (ENERGY STAR)\$250

Clothes Dryers w/ Moisture Sensor
(higher efficiency)\$250

Dehumidifier (ENERGY STAR)\$100

Furnace (ENERGY STAR)\$2,000

Boiler (ENERGY STAR)\$2,500

Hot Water Heater (electric- higher
efficiency; gas-ENERGY STAR)\$400

FIRE DEPARTMENT REPORT:

Chief Coulehan extended thanks to the community, the Ardsley Police Department, Ardsley Highway Department and Ardsley SECOR Volunteer Ambulance Corp. for their support during last weekend's parade.

Chief Coulehan delivered the training report for the months of July and August and also delivered the August fire department report.

Chief Coulehan reminded residents to install and check their carbon monoxide detectors.

Mayor Leon extended thanks for the Fire Department for their job during the hurricane.

POLICE DEPARTMENT REPORT:

Chief Califano delivered the August report.

Mayor Leon extended thanks to the Police Department for the job they did during the recent hurricane.

BUILDING DEPARTMENT REPORT:

Mr. Tomasso read the Building Department Reports for July and August.

MAYOR'S ANNOUNCEMENTS:

- 1) The Village Officials Committee met on September 8th in the Ardsley Fire House. Shared services were discussed, particularly, the paving. A good price has been obtained.
- 2) Attended Brian Buonoce's Eagle Scout ceremony on September 10th. Brian worked on the American Legion Building. Tr. Levine was the sponsor. September 10th has been declared Brian Buonoce Day in Ardsley.
- 3) Attended the September 11th Ceremony at the fire house.
- 4) Attended the County Convention on September 15th.
- 5) Attended the parade on September 17th.
- 6) Reminded everyone that Ardsley Day will take place on Sunday, September 17th from 9:00 a.m. – 5:00 p.m.
- 7) Extended Rush Hashana wishes to the Jewish residents.

IV. COMMITTEE AND BOARD REPORTS:

Tr. Porcino:

- 1) Attended the Fireman's parade.
- 2) Attended the 9/11 ceremonies.
- 3) Honored Bill Pohlman in Fireman's Park.
- 4) Attended the Ardsley Day meeting. Was impressed with the Committee and the organization.

Tr. Nardecchia:

- 1) Met with Mr. Calvi and the Superintendent of Schools regarding the funding from the school district for seniors. After many years, the school is eliminating the funding. Attempts at having the school reconsider have been unsuccessful. As a result, the seniors will be holding fundraising events. Mr. Calvi has set up a Trust & Agency account for this purpose.
- 2) There will be a tag sale on Ardsley Day at the Community Center at which the seniors will open a coffee and cake bar as a fundraiser.
- 3) The Recreation Commission will have its meeting tomorrow night. Softball field damages will be addressed.

Tr. Malone: Had nothing to report.

Tr. Levine:

- 1) Delivered the Ardsley Secor Volunteer Ambulance Corp. report for August:

52 total calls – 32 day, 16 evening, 4 night, 4 mutual aide.
- 2) The Eagle Scout Award Ceremony was fantastic. Over 300 hours were put in for the project.
- 3) The WWII Veteran's interviews will be on hold indefinitely due to technical difficulties.

8:30 P.M. – CONTINUATION OF PUBLIC HEARING – For the purpose of amending the site plan application for the proposed conversion of the former Captain Video into a restaurant located at 731 Saw Mill River Road.

Mr. Ed Marron, Jr. presented himself to the Board and gave an overview of his application and explained that he has been to the Zoning and Planning Boards since his last visit to the Village Board. A variance was granted by the Zoning Board for 17 spaces. The Planning Board agreed to place the employee parking in the Municipal Lot. Several comments were received from the neighboring store owner who expressed concern over the parking. Parking studies were presented to the Zoning Board which indicated an average of 40 spaces per half hour available.

Mayor Leon was advised that the restaurant will be comprised of 100 seats, including the waiting room.

Mr. Marron presented the site plan to the Board and explained the parking situation. There was a parking study done which requires 130 spaces for the total building. There

are currently 63 spaces. The use of the space in its existing store is 17 parking spaces. When the space is converted to a restaurant, the requirement doubles to 34 spaces. Therefore, a 17 space variance has been requested.

Two studies have been completed; one at peak hours where the average available space was 37 and another, which was conducted from 11:00 a.m. – 9:00 p.m. which indicated that 40 spaces were required per half hour.

Mr. Marron introduced Mr. Andre Green of Astoria Federal to answer questions.

Tr. Nardecchia questioned the Building Inspector regarding the previous site plan which included a round island with a tree planted in the center. The tree was eliminated by a large truck. The tree was never replaced, therefore, Tr. Nardecchia suggested the site plan go before the Planning Board to determine whether or not the tree should be removed from the site plan.

Mr. Green addressed the issue of the tree and stated that due to the ongoing damage by trucks to the tree and a lamp post they were never replaced, however, he would be happy to do whatever the Board determines.

Tr. Nardecchia explained that an approved site plan exists forever until changed. Therefore, the Planning Board must make a determination.

Mr. Tomasso indicated that the tree and lamp post were discussed by the Planning Board, however, they felt that replacements would continue to be damaged. They did also feel that the island itself is beneficial without the tree. Mr. Tomasso explained that the Village Board has to authority to amend the site plan or have it referred back to the Planning Board for review and comment.

Tr. Nardecchia requested that the Board contemplate raising the curb and installing a grass area with a floral plant in the center.

Atty. Ponzini requested whether Tr. Nardecchia wished to resolve the site plan issue at this time or refer the issue to the Planning Board for a recommendation and then have it returned.

Mr. Marron suggested replacing the curbing with an angled Belgian block or mountable curb and refill the area with grass or a ground cover as opposed to a shrub.

Tr. Levine questioned why the island was necessary.

Mr. Marron defended the necessity of the island.

Mayor Leon suggested adding an eighth condition to the resolution regarding the island rather than referring the issue back to the Planning Board. Atty. Ponzini suggested that in

addition to including the condition in the resolution, an updated drawing be given to the Building Inspector. Mr. Marron agreed to do so.

Mayor Leon invited public comment on the application.

8:45 P.M. – PUBLIC HEARING – To consider an application for site plan modification for flood prevention at Riviera Bake House located at 660 Saw Mill River Road.

Mr. Kier B. Levesque, architect, and Mr. Silva, owner, presented themselves to the Board. Mr. Levesque explained the need for a raising the retaining wall as well as the existing wall and eliminating the delivery ramp. A dam will be created to protect the basement building and the ramp will be reconfigured. All construction will take place from the bakery property.

No variances will be required for the proposed work. Atty. Ponzini suggested making the approval subject to the Board of Architectural Review's approval.

It was determined that there would not be any negative impact on the neighboring properties.

Mr. Tomasso indicated that the flood plain would not be disturbed. Also, a waterproof sealing would be placed on the wall and there will be a pump on the premises.

Mayor Leon invited audience participation.

V. OLD BUSINESS

Tr. Levine: Resolved, that the Village Board of the Village of Ardsley hereby closes the public hearing for the former Captain Video to be converted into a Greek restaurant, located at 731 Saw Mill River Road. **Seconded by Tr. Malone and passed unanimously.**

RESOLUTION TO CONSIDER A REQUEST TO CONVERT THE FORMER CAPTAIN VIDEO STORE INTO A RESTAURANT AT 731 SAW MILL RIVER ROAD

Trustee Porcino: RESOLVED, that the Village of Ardsley hereby approves the request to convert the former Captain Video store into a restaurant located at 731 Saw Mill River Road with the following conditions: **Seconded by Trustee Nardecchia and passed with a vote of 4-1 with Trustee Levine abstaining.**

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. If any site improvements are required as a condition of this approval, a CO will not be issued, and occupancy will not be permitted, until said site improvements are completed, even if the interior alterations are completed.
4. The dumpster and/or trash receptacles must be placed in a fenced enclosure as per code.
5. The applicant must comply with the recommendations of the Planning Board, and all conditions of the ZBA approval.
6. Applicant must create a mountable stone curb with ground cover on the eastern side of the island to the same dimensions.

Tr. Nardecchia: Resolved, that the Village Board of the Village of Ardsley hereby closes the public hearing for 660 Saw Mill River Road, Ardsley, NY. **Seconded by Tr. Porcino and passed unanimously.**

**RESOLUTION TO CONSIDER THE SITE PLAN MODIFICATION FOR
RIVIERA BAKEHOUSE LOCATED
AT 660 SAW MILL RIVER ROAD**

Trustee Malone: Resolved, that the Village Board of the Village of Ardsley hereby approves the site plan modification for flood prevention at Riviera Bakehouse located at 660 Saw Mill River Road, Ardsley, New York with the following conditions: **Seconded by Trustee Levine and passed by a vote of 4-1, with Tr. Nardecchia abstaining.**

1. The applicant must provide plans showing compliance with the NYS Building Code for alterations.
2. The applicant must address the issue regarding the location of the wall prior to a permit being issued.
3. The applicant must obtain a building permit prior to the commencement of work.
4. The applicant must comply with the recommendation of the Planning Board and the Board of Architectural Review.
5. Subject to Board of Architectural Review

**RESOLUTION TO SCHEDULE A PUBLIC HEARING TO DISCUSS
PROPOSED LOCAL LAW FOR THE ABOLISHMENT OF THE ASSESSMENT
FUNCTION OF THE VILLAGE OF ARDSLEY**

Trustee Malone: RESOLVED, that the Village Board of the Village of Ardsley hereby schedules a public hearing on Monday, October 3, 2011 at 8:30 p.m. to discuss the proposed local law for the abolishment of the assessment function of the Village of Ardsley and its transfer to the Town of Greenburgh. This local law is subject to permissive referendum by petition. **Seconded by Trustee Levine and passed unanimously.**

VI. NEW BUSINESS

**RESOLUTION ACKNOWLEDGING AUDIT COMPLIANCE WITH STATE
UNIFORM JUSTICE COURT ACTION PLAN – 2010/2011**

Trustee Levine: Resolved, that the Village Board of the Village of Ardsley hereby acknowledges that the required examination of the Ardsley Village Justice Court's records for the period June 1, 2010 through May 31, 2011 were independently audited by the firm of O'Connor, Davies, Munns & Dobbins, LLP, in accordance with Section 2019-a of the New York State Uniform Justice Court Act's Action Plan for Justice Courts, dated November 2006, and

Be it further resolved, that the Village Clerk mail a certified copy of this resolution along with a copy of this audit report to Linda Millery, Chief Internal Auditor, NYS Office of Court Administration, 98 Niver Street, Cohoes, New York 12047. **Seconded by Trustee Malone and passed unanimously.**

RESOLUTION TO SPONSOR DANCE ON SCHOOL GROUNDS

Trustee Nardecchia: Resolved, that the Village Board of the Village of Ardsley hereby declares itself as sponsor of the Ardsley Village Youth Council's scheduled dance at Ardsley High School on October 15, 2011, most importantly for the purpose of providing the school district with a certificate of insurance naming the school district as an additional insured. **Seconded by Trustee Porcino and passed unanimously.**

ADJOURNMENT OF MEETING:

Tr. Nardecchia: Resolved, that the Village Board of the Village of Ardsley hereby adjourns its Regular Meeting of September 19, 2011 at 9:22 p.m. and proceeds to Executive Session. **Seconded by Tr. Levine and passed unanimously.**

Respectfully submitted,

Lorraine McSpedon