

Mayor Leon opened the October 17, 2011 Regular Meeting at 8:00 p.m.

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

Absent:	Village Manager	George Calvi
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**I. PLEDGE OF ALLEGIANCE**

**MOMENT OF SILENCE – LORENZO “LARRY” CALVI – Brother of Village Manager George Calvi.**

**II. APPROVAL OF MINUTES**

The minutes for the October 3, 2011 Regular Meeting will be approved at the November 7, 2011 Regular Meeting since they were not completed at the time of this meeting.

**III. DEPARTMENT REPORTS**

**LEGAL REPORT:** Attorney Ponzini had nothing to report.

**TREASURER’S REPORT:** Ms. Berardi read the Treasurer’s Report on behalf of Marion DeMaio.

The bills for the last two weeks from the General Fund totaled: \$218,028.02; from the Trust and Agency Fund: \$887.42 and from the Capital Fund: \$1,204.80.

**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: \$218,028.02; from the Trust and Agency Fund: \$887.42 and from the Capital Fund: \$1,204.80. **Seconded by Tr. Porcino and passed unanimously.**

**MANAGER'S REPORT:** In Mr. Calvi's absence, Mayor Leon reported the following:

**VILLAGE MANAGER REPORT  
PREPARED BY GEORGE F. CALVI  
FOR MONDAY, OCTOBER 17, 2011**

1. **ASHFORD AVENUE BRIDGE:** Last Thursday evening, Ardsley Mayor Jay Leon, Deputy Mayor Peter Porcino, County Legislator MaryJane Shimsky, Dobbs Ferry Supt of DPW James Dunn, and I (Village Manager George Calvi) met with Deputy County Executive Kevin Plunkett, County DPW Commissioner John Hsu, Deputy Commissioner Kevin Roseman, County Attorney George Oros, County Attorney Bill Mooney, and County Legislator Bill Ryan. During the course of the meeting we learned that the project to rehabilitate the Ashford Avenue bridge is scheduled for 2014 with an anticipated completion date of 2016. The county assured us that the bridge is presently structurally sound, and that it will conduct periodic inspections to determine its structural integrity until work begins in 2014. The next inspection of the bridge is scheduled for December 2011 by Chas. H. Sells Engineering. When asked if during one of those inspections that it is determined that deterioration has accelerated, we were assured that funds would be found to reinforce the bridge as a band-aid measure to keep the bridge open. The County further assured that it is in their best interest as well to keep this vital east/west thoroughfare open. When asked what their plans were for the occasional dropping of cement from the underbelly of the bridge, we were assured that netting would be installed no later than November to catch these pieces to ensure the safety of pedestrians and motorists alike, particularly the member of the Ardsley Highway Department whose main garage is located just feet north of the bridge, as well as users of the South County Trailway. Lastly, the County advised us that money just didn't exist for a new ramp from the top of the bridge down to the northbound lanes of the Saw Mill Parkway which would eliminate the need for left turns on the bridge which generally cause traffic backups. However, the request remains on their radar screen, and during the rehabilitation they will install a "knockout" which will enable the installation of such a ramp if or when monies for its construction becomes available.
2. **VILLAGE ABOLISHES ASSESSMENT UNIT STATUS:** Please be advised that at a public hearing held on Monday, October 3, 2011 the Village Board of the Village of Ardsley abolished its status as an assessment unit.

What does this mean?

- All assessment functions have been transferred to the Town of Greenburgh.
- The position of Village Assessor has been abolished. All duties have been transferred to the Town Assessor, Edye McCarthy.

- The Ardsley Village Board no longer will act as the Board of Assessment Review. All of its functions have been transferred to the Greenburgh Board of Assessment Review.
  - Grievances and SCAR petitions will no longer be filed with the Village. Such grievances must now be filed with the Town of Greenburgh.
  - There will no longer be an annual Grievance night in February in Ardsley. All Grievances must be filed with the Town of Greenburgh for their annual Grievance night in June.
  - Successful petitions for assessment reductions with the Town in June will apply to Village assessments as well without having to file a second petition, as in the past.
  - All exemptions whether they be Veteran, Aged, Disabled, Volunteer Fire, Volunteer Ambulance, must be filed with the Town Greenburgh Assessor's office.
  - The general telephone phone number of the Town Assessor's Office is 993-1520. All filing deadlines must be confirmed with the Town Assessor's Office.
- 3. LEAGUE OF WOMAN VOTERS ANNOUNCEMENT:** The Westchester League of Woman Votes is presenting a public meeting, "Understanding the Federal "Affordable Healthcare Act" featuring State Assemblyman George Latimer and Charles Bell, Program Director of Consumers Union on Thursday, October 20th, 7pm at the Pace Graduate Center, 1 Martine Avenue, in White Plains. Admission is free. For information, please contact Ardsley's own LWV representative, Christine Verber, at [selwynverber@gmail.com](mailto:selwynverber@gmail.com)

**FIRE DEPARTMENT REPORT:**

Chief Coulehan delivered the report for the month of September.

**BUILDING DEPARTMENT REPORT:**

Mr. Tomasso delivered the report for the month of September.

**POLICE DEPARTMENT REPORT:**

Mayor Leon delivered the report for the month of September.

Judge Schwartz presented himself to the Board to share a letter he received from Paul Feiner, Greenburgh Town Supervisor, regarding the property tax cap and the possibility of merging the Rivertowns courts into one unified court.

Judge Schwartz also read a response to the Supervisor's letter from the Rivertowns court judges stating their opposition to such a proposal.

**8:15 P.M. – PUBLIC HEARING -** To discuss the Elm Street Sports Group site plan to convert a warehouse into a sports facility.

Mayor Leon read the legal notice.

Mr. Donald Scherer, applicant, presented himself to the Board and confirmed that the application has been before the land boards.

Mr. Scherer gave an overview of the proposed project. There are three major components to this project: 1) The parking lot which is located underneath the building and stretches the entire length of the building (the building is going to be raised due to parking and flooding issues); the field houses are located on the second floor, consisting of basketball and volleyball courts and upstairs will consist of a full soccer field and the office building will remain intact and will house party rooms, concession stands, waiting room and entrances.

Athletes are being sought in a 5-10 mile radius between the ages of 3 to 17. The facility will be open 7 days a week, 365 days per year. Instruction will be offered for sports.

Mr. Scherer mentioned that the application has gone before the Zoning Board twice and the requested variances were all granted, which include a setback variance, a height variance and a minor parking lot change. The application has also gone before the Planning Board three times. Three traffic studies were conducted: One of Route 9A and Elm Street which concluded there would be no impact on Route 9A; a traffic study was conducted on the behest of Dobbs Ferry of Lawrence Street and the Saw Mill River Parkway which concluded there was no negative impact and a hard look was given to the safety issues of the intersection of Route 9A and Elm Street and the site distances were found to be above and beyond what is normally seen and an accident study was also conducted which concluded that no accidents have occurred in that area for the last five years.

Three studies were conducted for parking. Adequate parking was found to exist.

Stormwater, drainage, environmental and the SWIP were conducted and the conclusion was that no negative impacts were discovered from an environmental standpoint.

Actually, the environmental impact will be improved since the drains are going to be cleaned. The site plan was discussed and all of the Planning Board requests and conditions were met.

Mr. Scherer stated that the Elm Street area will be greatly improved with the addition of the sports facility.

The applicant appeared before the BAR twice and, with the input from the BAR, the building design has been greatly improved.

This evening's purpose, according to Mr. Scherer is to finalize the SEQRA process and begin the change of use request.

Mr. Scherer spoke about the desirability of such facilities in neighborhoods.

Tr. Nardecchia questioned whether the site distance meets the NY State DOT requirements with regard to the volume and speed of traffic on Route 9A. Mr. Scherer responded that it did and that it exceeds the requirements by two times.

Tr. Nardecchia questioned whether the cubic contents of the building were being increased and noted that he spoke with the Building Inspector regarding this issue and it has been clarified.

Tr. Nardecchia noted that although 90% of this parcel lies in the flood zone, there are a significant number of storms and the water should be controlled. Tr. Nardecchia noted that the site plan does not include anything in reducing and handling the storm water which is generated. The Code does not require that this be done, however, a provision exists that the Building Inspector and the Village Board can require storm water control.

Tr. Nardecchia suggested that a series of galleys for the storm water retention for the sub-flood storms be implemented. This is important for the individuals downstream.

Tr. Nardecchia mentioned that the roadway is 44 inches below the floodway and suggested it be raised to minimize the impact.

Tr. Nardecchia noted that in regard to the elevation, he would like to see more greenery around the façade of the building.

Mr. Scherer expressed his concern regarding the expense of raising a roadway.

Tr. Porcino questioned the height of the structure and was advised that it is going to be 67 feet. The hours of operation were stated to be 8:00 a.m. to 12:00 midnight. Tr. Porcino questioned the light plans and Mr. Scherer explained the plans.

Mr. Scherer introduced Mr. Paul Petretti, engineer for the applicant, to discuss this issues.

Mayor Leon questioned the three parking spaces which were on Village property. Mr. Scherer explained that the customers and employees will use the spaces. The spaces will likely be striped in the future, if the Board approves such a request and these spaces are not included in the 135 current spaces.

Mayor Leon also questioned the parking studies and Mr. Scherer explained the studies and the outcome of each. Mr. Scherer explained that the majority of the clientele will be dropped off. The traffic patterns were discussed.

Tr. Nardecchia stated that he had a problem with the traffic counts. Mr. Scherer defended his study.

Mayor Leon invited public participation.

Tr. Nardecchia confirmed with the Building Inspector that the Board can require drainage retention if the Board or Building Department requests same.

Mr. Tomasso presented himself to the Board and gave an overview of the approval process of the applicant up to this point and stated that he had no further comments.

Tr. Nardecchia mentioned that another site will be built along the Saw Mill River and the stormwater subject will need to be addressed. Tr. Nardecchia mentioned that it is important that due diligence be used to manage stormwater management in Ardsley in anticipation of the future project.

A phone call was received from Glenn Leibel, from Robert Jacobson Sports, who spoke regarding his happiness with the potential new facility.

Mr. Paul Petretti, engineer for the applicant, addressed the Board on the stormwater issue. Mr. Petretti mentioned that this project is one of the most unique and peculiar circumstances he has run into in a long time.

Mr. Petretti mentioned that there are multiple ways in which the water gets to the premises and has only two ways out, depending on the flood stage. The path of the water was described.

Tr. Nardecchia mentioned that the water which falls directly upon the premises should be handled properly.

Ms. Patricia Hoffman, counsel for applicant, noted the future projects which Tr. Nardecchia referred to and reminded the Board that the future projects are new construction and new development, but the proposed sports facility is a re-development of an existing building with a minimal displacement of current land and use of that property.

Mr. Hugh Greechan, Village engineer, presented himself to the Board and spoke regarding the water retention issue brought up by Tr. Nardecchia. Mr. Greechan mentioned that a drywell is going to put in the area.

Mr. Scherer questioned the timeline of the approval process. Attorney Ponzini outlined the process. Mr. Scherer expressed his unhappiness with the possible delay of the project.

Mr. Petretti defended his case. Tr. Nardecchia argued his points. Tr. Porcino requested a written analysis from Mr. Petretti.

Tr. Nardecchia questioned whether Mr. Greechan had seen a test pit and water table. Mr. Greechan responded that he had not.

Mr. Tomasso explained that the issue of drywells was not explored since the building was going to be elevated.

Mayor Leon questioned the other members of the Board if they feel the drywell issue is something they would like explored. Tr. Levine responded that she did not feel it was necessary. Tr. Malone stated that he was satisfied. Tr. Porcino requested to see Mr. Petretti's analysis.

Mayor Leon mentioned that the vote is now 2-2 and Attorney Ponzini suggested that a resolution be generated with all of the conditions and include a paragraph on stormwater, if possible, and include as Option "B". The Board can either: 1) approve as is; 2) approve with additional changes or, 3) disapprove.

Mayor Leon suggested continuing the public hearing at the next meeting, November 7, 2011 at 8:35 p.m.

**Tr. Porcino:** Resolved, that the Village Board of the Village of Ardsley, continues the public hearing on the application of Elm Street Sports Group to convert a warehouse into a sports facility to November 7, 2011 at 8:35 p.m. **Seconded by Tr. Malone and passed unanimously.**

**8:30 P.M. – PUBLIC HEARING –** To inform the public, review the public use and impact on the environmental and residents of the locality, and receive public comment regarding the aggregate acquisition of approximately 3,216 square feet, more or less, comprised of portions of three different parcels of land.

Mayor Leon opened the public hearing and read the legal notice.

**Please refer to the minutes as recorded by the Court Stenographer.**

Mayor Leon introduced Mary Jane Shimsky to speak regarding the Ashford Avenue Bridge reconstruction. A well attended meeting was held recently of the stakeholders of the bridge. The timetable was discussed as were some action items.

The first issue discussed was the maintaining of the safety of the Ashford Avenue bridge and the second was getting the replacement done as quickly as possible.

In terms of safety, the Ashford Avenue bridge is the worst County-owned bridge in all of Westchester. In December of 2009, it was given a rating of 3.889 out of 7 which makes it decidedly deficient. The County has assured Ms. Shimsky that the bridge is safe, however, its long-term prognosis is not good unless work commences soon.

Regular safety inspections should be put in place to ensure the bridge's safety. The Village was also promised safety netting or a safety barrier be put over Elm Street in order to ensure there is no problem with falling debris. Also, if during the December, 2011 inspection or any subsequent inspection, it is discovered that there is suddenly a serious safety issue with the bridge, the County has promised to move quickly to have the necessary repairs done as soon as possible.

Secondly, construction is supposed to begin place in 2014 and will take approximately two years. A timetable was discussed during the recent meeting and should be forthcoming.

The possibility of constructing a new northbound entrance ramp was discussed, however, the County is not anxious to fund this project.

Ms. Shimsky encouraged anyone who notices a change in the condition of the bridge to speak to one of their elected officials regarding this issue.

Mayor Leon mentioned that he has requested the Deputy County Executive to supply a statement attesting that the bridge is safe and that if any problems arise, the funds will be made available for repairs.

Mayor Leon authorized a resolution closing the public hearing.

**Tr. Nardecchia: Resolved**, that the Village Board of the Village of Ardsley hereby closes the public hearing for the taking of land for the improvement of Route 9A. **Seconded by Tr. Malone and passed unanimously.**

Cynthia Bionco, Greenburgh Planning Area, Hazard Mitigation Planning, presented herself to the Board and discussed the Hazmat planning process.

This project was started 1-1/2 years ago. This plan is basically a blueprint to reduce community losses to natural disasters. It has been a public process; public meetings have been held. Representatives from Ardsley and the towns and villages of Greenburgh have participated.



The plans have been posted online for comment. The plan was presented to FEMA and has been approved. It is now up to the town Board to prepare a resolution to adopt the plan in order to reap the benefits of the planning process.

Part of the process included public input. The input was analyzed to determine the risk to the communities for the natural hazards. A mitigation strategy was then developed which included a combination of projects which the fire department, police department and DPW indicated. The benefits include eligibility for FEMA Hazard Mitigation grant funding. There will be post-Irene grants available in the amount of 15% of the damages and it will be doubled through Hazard Mitigation grant funds.

The final plan is posted on the Town of Greenburgh's website.

Tr. Nardecchia requested if specific capital projects are outlined in the Village's required input. Ms. Bionco stated that, yes, there are several projects, many of which are stormwater related. Flooding is also included. Additional items include higher regulatory standards within the flood plane.

Mayor Leon questioned the impact of the plan on new development along the Saw Mill River. Ms. Bionco responded that the Village already has the tools to regulate development in a flood plane by virtue of the fact that they participate in FIP and that they have a flood plane resolution. Mayor Leon responded that he does not have the tools to legislate the development of a flood plane in the municipality next door which will, essentially, flood into the Village of Ardsley.

Ms. Bionco stated that this is a regional plan but there is no specific action item which will legislate what the neighbors are doing. The plan does, however, speak of no negative impact.

Mayor Leon reiterated the fact that he has no control over his neighbors' development plans and stated that he is not in favor of this plan without such control. Ms. Bionco suggested joining the CRS, in order to strengthen the regulations.

Ms. Bionco stated that if the Village does not approve the plan, they will not be eligible for future funding. Additionally, residents will not be entitled to discounts on their flood insurance.

Mayor Leon mentioned that Ms. Bionco stated several times that the Village has had an opportunity to comment on the plan, however this is the first time the Mayor has seen the plan. Therefore, that comment should not be mentioned again. Mayor Leon stated that there cannot be mitigation of flooding in the area without some sort of moratorium on development along the Saw Mill River and without even suggest of such a moratorium, he did not feel as though he could approve this plan.

Ms. Bionco suggested the Village make any modifications they see fit. Mayor Leon requested Ms. Bionco draft suggested changes for the Board's review. Ms. Bionco stated she would phone the Mayor to discuss this possibility.

Mr. Tomasso stated that he was involved with the meetings and clarified that this plan encompasses hazards that affect the Village every day and how the municipality handles the hazards which are taking place in the Village. It is not a community-wide effort to stop building in a particular area. The theory is that if we do our part, the neighboring communities will follow.

Tr. Nardecchia questioned if grants are applied for and denied, are we still obligated to follow through with the improvements or is it just a best effort. Ms. Bionco replied that it is just a best effort.

Mayor Leon stated that he has not seen this plan prior to this morning. Mr. Tomasso stated that the Village Manager has advised the Board previously regarding the progress of this project.

The Board was advised to review the plan and vote on a resolution in the future.

#### **MAYOR'S ANNOUNCEMENTS:**

- 1) George Calvi was honored for 25 years of service to local government by the ICMA at their annual conference in Milwaukee on September 19<sup>th</sup>.
- 2) There will be a Village Officials Committee meeting on October 27<sup>th</sup> which is open to all of the boards due to a tax levy cap presentation by a representative from NYCOM, to be held in Elmsford at 7:30 p.m. and dinner is usually served. The venue will be announced at a later date.
- 3) Louis Pascone Day was held yesterday. The park was dedicated. Thanks were extended to all who contributed to the ceremony.
- 3) An omission of Lori Hunter as one of the residents of Ardsley who recently passed away was corrected.

#### **IV. COMMITTEE AND BOARD REPORTS:**

##### **Tr. Porcino:**

- 1) There was a HS dance sponsored by the Youth Council and it was a success. Thanks were extended to all who assisted in the success of the dance.
- 2) The SAYF Coalition did a presentation at the fire house two weeks ago regarding the most recent student surveys which are consistent with the County and National numbers regarding the use of drugs and alcohol.

##### **Tr. Nardecchia:**

- 1) Attended the dedication of the park to Louis Pascone.
- 2) The seniors had a safe driving program sponsored by the Town of Greenburgh. The boat trip for the seniors was canceled due to lack of attendance. The French toast breakfast will take place on November 2<sup>nd</sup>.
- 3) Put together a 20 scale map for the taking site.
- 4) The TPPS Committee will meet this Friday.
- 5) Will review Gel Sprain's tree removal program.
- 6) Options were discussed regarding the Raggamuffin parade but exact details are not yet known.

**Tr. Malone:**

- 1) Attended the dedication of Ashford Park to Louis Pascone.  
Complimented the Garden Club and DPW on doing a superb job.

**Tr. Levine:**

- 1) The September number for Ardsley Secor Volunteer Ambulance Corp are:  
58 total: 31 day, 20 evening, 7 night and 5 mutual aide.
- 2) The Library will hold a fundraiser on Sunday, November 6<sup>th</sup> at 2:00 p.m.

**V. VISITOR'S**

**VI. OLD BUSINESS**

**RESOLUTION TO AWARD BID FOR COLD PATCH (ITEM C), AND REJECT  
BIDS FOR HOT ASPHALTIC CONCRETE MIX (ITEM A)  
(Revised)**

**Trustee Malone:** Whereas, the Village Board of the Village of Ardsley recently release bid forms for the provision of hot asphaltic concrete mix (Item A) and cold patch (Item C) to fill potholes, and

**Whereas,** the Village Manager, in the presence of the Village Treasurer acting as the Deputy Village Clerk with no bidders present at 2:00 pm, on Tuesday, September 27, 2011 opened three sealed bids,

**OCTOBER 17, 2011**

**Be it resolved**, that at the recommendation of the Village Manager that the Village Board of the Village of Ardsley hereby rejects the two bids for hot asphaltic concrete mix (Item A) and will rely on the existing Westchester County contract for its asphaltic hot mix supply for the winter of 2011-2012.

**Be it further resolved**, that at the recommendation of the Village Manager that the Village Board of the Village of Ardsley hereby awards the bid for cold patch (Item C) to Package Pavement, P.O. Box 408, Stormville, New York 12582 at \$108 per ton delivered to Ardsley, and \$90 per ton loaded on our trucks at the bidder's plant. **Seconded by Trustee Nardecchia and passed unanimously.**

**RESOLUTION TO SCHEDULE A PUBLIC HEARING TO CONSIDER THE  
APPROVAL OF THE WATERWHEEL SITE PLAN APPLICATION LOCATED  
AT  
867 SAW MILL RIVER ROAD,  
ARDSLEY, NEW YORK**

**Trustee Levine: RESOLVED**, that the Village Board of the Village of Ardsley hereby schedules a public hearing on Monday, November 21, 2011 at 8:30 p.m. to consider the approval of the Waterwheel Site Plan Application for a 22-unit development located at 867 Saw Mill River Road, Ardsley, New York **Seconded by Trustee Malone and passed unanimously.**

**ADJOURNMENT OF MEETING: Tr. Nardecchia: Resolved**, that the Village Board of the Village of Ardsley hereby adjourns its regular meeting of Monday, October 17, 2011 at 10:38 p.m. **Seconded by Tr. Porcino and passed unanimously.**

Respectfully submitted,

Lorraine McSpedon