



MINUTES

Ardsley Village Board of Trustees

8:00 PM - Monday, December 6, 2021

507 Ashford Avenue

Present: Mayor	Nancy Kaboolian
Deputy Mayor/Trustee	Andy DiJusto
Trustee	Asha Bencosme
Trustee	Steve Edelstein
Trustee	Craig Weitz
Village Manager	Joseph Cerretani
Village Clerk	Ann Marie Rocco

Absent: Village Attorney Robert J. Ponzini

1. PLEDGE OF ALLEGIANCE

2. ANNOUNCEMENT OF EXIT SIGNS Mayor Kaboolian called to order the Regular Meeting at 8:17 p.m.

PUBLIC HEARING Public Hearing to Discuss Amendments to Chapters 200, 173 and A210-3 of the Ardsley Village Code

1. At 8:15 p.m. Public Hearing was open
Mayor Kaboolian read the public notice into the record.

Closed Public Hearing

Trustee DiJusto: RESOLVED, that the Village Board of Ardsley hereby closes the public hearing on December 6, 2021 at 8:17 p.m. in the matter of discussing amendments to Chapters 200, 173 and A210-3 of the Ardsley Village Code.

Seconded by Trustee Edelstein and passed unanimously

3. APPROVAL OF MINUTES:

3.1 Regular Meeting Minutes November 15, 2021

Moved by Trustee DiJusto, Seconded by Trustee Weitz and passed 4-0-1. Trustee Bencosme abstained RESOLVED, that the Village Board of the Village of Ardsley hereby approves the minutes of the Regular Meeting of Monday, November 15, 2021 as submitted.

4. DEPARTMENT REPORTS

1. LEGAL Village Attorney Robert Ponzini was absent.

2. MANAGER

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

December 6, 2021 Village Manager Report

HOLIDAY SCHEDULE

All Village offices, including the Justice Court, the Library, the Community Center, and the Department of Public Works will be closed for a ½ day on Thursday, December 23, 2021, and a ½ day on Thursday, December 30, 2021. Offices will also be closed Friday, December 24, 2021 and Friday, December 31, 2021 in observance of Christmas Day & New Year's Day. There will be refuse collection for the entire village on Thursday, December 23, 2021 and Thursday, December 30, 2021. Residents may refer to the Sanitation schedule posted on the Village's website for all related information.

VILLAGE TAXES

The second installment of the Village tax bill became due and payable on December 1st, 2021 and can be paid without penalty until 4:00 pm on Monday, January 3, 2022. Payments arriving via mail postmarked by the USPS after January 3, 2022, or arrive after January 3, 2022 without a postmark, will be assessed a late penalty as required by New York State Real Property law. Meter-mailed postmarks are not valid proof of timely payment. No Village official is empowered to waive the late fee for any reason. Residents are asked not to bring their tax payment in on Friday, December 31, 2021 since our offices will be closed.

3. TREASURER

3.a December 6, 2021 Abstract Report

Village Manager, Joseph Cerretani read the Treasurer's Report for December 6, 2021:

Mr. Cerretani stated the bills for the past two weeks totaled as follows: From the General Fund: \$174,212.57 from the Capital Fund: \$450,202.08, Trust & Agency Fund: \$3,988.57 and Sewer Fund: \$2,609.88

Moved by Trustee Weitz, Seconded by Trustee DiJusto and passed unanimously. RESOLVED that the Village Board of the Village of Ardsley hereby authorizes the Village Treasurer to make the following payments: From the General Fund: \$174,212.57 from the Capital Fund: \$450,202.08; Trust & Agency Fund: \$3,988.57 and Sewer Fund: \$2,609.88

4. BUILDING No Building Department Report

5. FIRE No Fire Department Report

6. POLICE No Police Department Report

7. MAYOR'S ANNOUNCEMENTS

7.a Mayor Kaboolian announced the following:

- We had a very well attended Menorah and Tree lighting ceremony
- PBA Toys for Tots was very successful.
- Mayor Kaboolian shared that not one of our ASVAC volunteers had Covid and commended them for all their hard work.
- County Executive George Latimer has declared a state of emergency in Westchester County. We are watching closing for any restrictions that could be announced.
- Our COVID numbers are going down, however, the infection rate has gone up over the last two months.
- Encouraged everyone to get vaccinated and get a booster.

8. COMMITTEE & BOARD REPORTS

8.a Trustee DiJusto did not have anything to report.

Trustee Weitz did not have anything to report.

Trustee Edelstein announced the following:

- The Ardsley Garden Club was awarded a grant from the Audubon Society South Shore and we will establish pollinator gardens in three locations in the Village.
- The work on the library should commence around earth day weekend.

Trustee Bencosme did not have anything to report.

5. VISITORS

- 5.1 Former Interim Village Manager Charlene Indelicato thanked everyone and stated that her career ended on a very high note. Community should be very happy with the Board, Village Manager and Village staff.

Mayor Kaboolian thanked Ms. Indelicato for helping us out for the past 6 months.

Building Inspector Larry Tomasso explained that this is the 3rd time that the Village is going through the Hazard Mitigation Plan update in order to be eligible for FEMA post disaster funding. Flooding is one of Ardsley's biggest disaster issues.

Mayor Kaboolian added that she would like to see the County and State create a 5 year plan with regards to cleaning up the Saw Mill River and the sprains so that we don't get the debris that clogs the river.

6. OLD BUSINESS:

- 6.1 Consider a Resolution to Amend Article VII of Chapter 173 Entitled Curb Cuts of the Village of Ardsley Code

Moved by Trustee Weitz, Seconded by Trustee DiJusto and passed unanimously.
RESOLVED, that the Village Board of the Village of Ardsley hereby amends Article VII of Chapter 173 entitled Curb Cuts as follows:

ARTICLE VII

Curb Cuts

[Added 12-1586 by L.L. No. 9-1986]

§ 173-43. Legislative intent.

The village finds it necessary to control the location and number of curb cuts. Such approval or denial will be based on such considerations as Planning Board requirements, availability of alternative access points, traffic hazards and conditions and any other factor affecting the health, safety or welfare of the public or which might be detrimental to the best interests of the village.

§ 173-44. Permit; application; approval.

- A. All curb cuts in an existing curb or where a curb could be placed along the street-front property line shall require a permit. Such permit shall be issued by the Building Inspector after review and approval by the Planning Board and Police Department.

- B. An application for curb cut approval may be included in an application for new construction. However, an application for work to be performed outside a B-1 or B-2 Zone shall not exempt the curb cut from the necessary review and approval of the Planning Board or Police Department.
- C. All curb cuts on Route 9A must meet the approval of the State Department of Transportation.
- D. The village may require as a condition for granting a curb cut permit that the applicant construct drainage swales, pipes or other drainage structures on his property to prevent discharge of storm drainage water onto the village highway in a manner which may affect the health, safety or welfare of the public or which might be detrimental to the best interests of the village. Such drainage works shall meet the approval of the village, and the deposit of security for restoration required for issuance of a permit may include a sum of money to assure the village that such drainage works will be built, along with appropriate fees for the curb cut.

§ 173-45. Requirements.

- A. All curb cuts for driveways shall have a curb reveal of 1 1/2 inches.
- B. Curb cuts in an existing curb shall not be made by cutting or chipping so as to reduce the height of the curb section. Existing stone curbs shall be removed, and the same stones or others of equal material and size shall be reset to the new reveal, with the contractor making such excavation as is necessary to accomplish the same. Any stone curb reset in this manner shall be set in a footing of concrete. Existing concrete curb shall be removed, and a new section poured to provide the required reveal.
- C. Where curbing is disturbed by trenching or for any reason other than the construction of a curb cut, it shall be restored by the placement of a curb of the same material and size as adjoins the disturbed area. If the curb is concrete, it shall be cut back at least three feet from each edge of the trench or area of disturbance, and replaced by a single poured section. If these cuts are within three feet of any joint in the curb, the new curb shall extend to such joint.
- D. There shall be a limit of two curb cuts per lot and a maximum width per curb of **14**~~18~~ feet except in unusual circumstances at the discretion of the Planning Board.
- E. Parking on shoulder areas or paving of shoulder areas to provide a parking area adjoining the traveled way, or lowering of curbs for the same purpose, will not be permitted except in unusual circumstances at the discretion of the Planning Board. A "shoulder area" shall be defined as that unpaved area that is part of the village right-of-way.

§ 173-46. Fees.

- A. The fee for such permit shall be ~~\$5 per linear foot~~ **as listed in §A210-3**
- B. The applicable curb cut fee shall be added to the applicable building permit fee when a request for an approval for a curb cut is included in an application for new construction.

§ 173-47. Penalties for offenses.

Any person, firm or corporation found guilty of violating the provisions of this article shall be guilty of committing a violation, the fine for which shall not exceed \$250.

6.2 Consider a Resolution Amending Section 200-82C Entitled Signs of the Village of Ardsley Code

Moved by Trustee Edelstein, Seconded by Trustee DiJusto and passed unanimously. RESOLVED, that the Village Board of the Village of Ardsley hereby amends Section 200-82C entitled Signs as follows:

Note: Highlighted ~~striketrough~~ is the deleted text & **bold underline** is the proposed text

200-82C Signs.

[Amended 5-16-1977 by L.L. No. 3-1977; 8-3-1998 by L.L. No. 3-1998]

(1)No sign shall be displayed in a residential zone, other than by a public authority, except as follows:

(a)One sign not exceeding 1 1/2 square feet in area on each lot and not illuminated or flashing, displaying not more than the name and street number of the occupant of the building and, in the case of a home occupation or professional office permitted in the district, the identification thereof, except that doctors of medicine and dentistry and dental surgeons may have an illuminated sign. Such sign may be attached to the residence or may be displayed on a post or rod, but shall not be placed within a distance of 20 feet from the side property line and three feet from the street line and shall not exceed six feet in height above the ground level.

(b)One temporary sign ~~not exceeding four square feet in area~~ **on a single post not exceeding 60" in height with a 42" arm** on each lot and not illuminated, advertising only the prospective sale, lease or rental of the property on which the same is displayed. Such signs shall ~~not be placed within a distance of 20 feet from any property line and shall not exceed six feet in height above ground level.~~ **be placed on the property that is for sale, lease or rent.** No real estate broker **or property owner** shall post more than one sign on a particular piece of property **that is for sale or under a listing agreement and said sign shall be removed promptly upon the sale, lease or rental of the property.**

(c)One building contractor's ~~and~~ **or** subcontractor's sign, not exceeding 16 square feet in area or five feet in length and not illuminated, displayed on a lot on which a building or group of buildings is actually under construction **with a valid work permit** and only during such construction. Such sign shall not be placed within a distance of 20 feet from any **side** property line **or three feet from the street front property line** and shall not exceed ~~six~~ **four** feet in height above ground level. **Such signs shall be removed promptly upon the substantial completion of all work.**

(d) One sign or bulletin board, not exceeding 16 square feet in area or five feet in length, on church or school property, giving the identification or advertising the activities thereof, or both. Such sign may be displayed on a rod or post but shall not be placed within a distance of 20 feet from any street or property line and shall not exceed six feet in height above ground level.

Section 200-82C(2)(d) General regulations pertaining to temporary signs.

[1] A sign not exceeding an area of ~~four~~ **16** square feet on each ~~lot~~ **building or portion thereof** and not illuminated, advertising only the prospective sale, lease or rental of the property, or of any business operated therein, on which the sign is erected or displayed, and such signs shall ~~not be placed within a distance of 20 feet from any property line and shall not exceed six feet in height above ground level.~~ **be displayed in the window of said building or portion hereof and shall be removed promptly upon the sale, lease or rental of the property or business.**

[2] One building contractor's or subcontractor's sign not exceeding ~~15~~ **16** square feet in area and not illuminated, displayed on a lot on which a building or group of buildings is actually under construction **with a valid work permit** and only during such construction. Such sign shall not be placed within a distance of 20 feet from any ~~side~~ **side** property line ~~or three feet from the street front property line~~ and shall not exceed six feet in height above ground level. **Such signs shall be removed promptly upon the substantial completion of all work.**

6.3 Consider a Resolution Amending Section 200-90 Entitled Noncommercial Livestock & Poultry of the Village of Ardsley Code

Moved by Trustee Weitz, Seconded by Trustee Edelstein and passed 4-1-0. Trustee DiJusto Nay. RESOLVED,
that the Village Board of the Village of Ardsley hereby amends Section 200-90 entitled Noncommercial Livestock & Poultry as follows:

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

§200-90 ~~Noncommercial livestock and poultry~~

Reserved

~~Only in an R-1 District shall there be permitted the keeping of livestock or poultry, provided that:~~

- ~~A. Livestock and poultry shall be adequately fenced on the property; and~~
- ~~B. No nuisance shall be created to any adjoining property owners.~~

6.4 Consider a Resolution to Amend Chapter A210-3 Entitled Fees of the Village of Ardsley Code

Moved by Trustee Edelstein, Seconded by Trustee DiJusto and passed unanimously. RESOLVED, that the Village Board of the Village of Ardsley hereby amends Chapter A210-3 entitled Fees as follows:

§A210-3

K. Chapter 173, Streets and Sidewalks.

(1) Street openings: 10% of the deposit or \$400, whichever is greater, per opening.

(2) Curb cuts \$10.00 per linear foot

K.1.Chapter 184, Trailers, Storage.

(1) Permit application fee: \$100 (nonrefundable).

(2) Following approval of application: \$100 per month for every month trailer is located on property.

7. NEW BUSINESS:

7.1 Consider a Resolution Authorizing the Adoption of the 2022 Westchester County, NY Hazard Mitigation Plan Update

Moved by Trustee Edelstein Seconded by Trustee DiJusto and passed unanimously. Roll Call Vote:

Ayes:

Trustee DiJusto

Trustee Weitz

Trustee Bencosme

Trustee Edelstein

Mayor Kaboolian WHEREAS, all jurisdictions within Westchester County have exposure to natural hazards that increase the risk to life, property, environment, and the County and local economy; and

WHEREAS; pro-active mitigation of known hazards before a disaster event can reduce or eliminate long-term risk to life and property; and

WHEREAS, The Disaster Mitigation Act of 2000 (Public Law 106-390) established new requirements for pre and post disaster hazard mitigation programs; and

WHEREAS; a coalition of Westchester County municipalities with like planning objectives has been formed to pool resources and create consistent mitigation strategies within Westchester County; and

WHEREAS, the coalition has completed a planning process that engages the public, assesses the risk and vulnerability to the impacts of natural hazards, develops a mitigation strategy consistent with a set of uniform goals and objectives, and creates a plan for implementing, evaluating and revising this strategy;

NOW, THEREFORE, BE IT RESOLVED that the Village of Ardsley:

1. Adopts in its entirety, the 2022 Westchester County Hazard Mitigation Plan (the “Plan”) as the jurisdiction’s Natural Hazard Mitigation Plan, and resolves to execute the actions identified in the Plan that pertain to this jurisdiction.
2. Will use the adopted and approved portions of the Plan to guide pre- and post-disaster mitigation of the hazards identified.
3. Will coordinate the strategies identified in the Plan with other planning programs and mechanisms under its jurisdictional authority.
4. Will continue its support of the Mitigation Planning Committee as described within the Plan.
5. Will help to promote and support the mitigation successes of all participants in this Plan.
1. Will incorporate mitigation planning as an integral component of government and partner operations.
1. Will provide an update of the Plan in conjunction with the County no less than every five years.

PASSED AND ADOPTED on this 6th day of December, 2021, by the following vote

- 7.2 Consider a Resolution Authorizing the Village Manager to Sign a Contract for Bond Counsel Services with Orrick, Herrington & Sutcliffe, LLP

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

RESOLVED, that the Village Board of the Village of Ardsley hereby authorizes the Village Manager to execute the proposed contract for bond counsel services with Orrick, Herrington, Sutcliffe, LLP located at 51 West 52nd Street, New York, New York 10019-6142 from January 1, 2022 through December 31, 2022.

- 7.3 Consider a Resolution Authorizing Manager to Sign an Agreement for Financial Advisory Services with Capital Markets Advisors, LLC.

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

RESOLVED, that the Village Board of the Village of Ardsley hereby authorizes the Village Manager to execute the proposed agreement for financial advisor services with Capital Markets Advisors, LLC located at 11 Grace Avenue, Suite 308, Great Neck, New York 11030 from January 1, 2022 through May 31, 2023.

7.4 Consider a Resolution to Award Bid for Proposed Ardsley Road Access

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

WHEREAS, a public notice for the proposed Ardsley Road Access project was duly advertised in an official newspaper on November 1, 2021; and

WHEREAS, on November 19, 2021 at 11:00 a.m. at Village Hall, 507 Ashford Avenue, Ardsley, NY the Village Manager in the presence of the Village Clerk, DPW Highway Foreman and Project Consultants, Calgi Construction Company Inc. and Weston & Sampson Engineers “the consultants” opened nine (9) bids as summarized below;

VOA-1811 Access Road Contract (Single Prime Contract)

CONTRACTOR	BASE BIDS
Consorti Bros. Paving	\$727,110.27
Contech Construction	\$626,371.00
Gianfia Corp.	\$585,904.69
Paladino Concrete Creations Corp.	\$492,490.00
Pat Paving, Inc	\$372,895.00
PCI Industries, Corp.	\$574,000.00
Tony Casale, Inc.	\$468,000.00
WD Excavation & Contracting, Inc.	\$666,000.00
Bradhurst	\$508,980.00

WHEREAS, the consultants reviewed and interviewed the 3 lowest bidders; and

WHEREAS, the consultants prepared a report and issued a recommendation; and

WHEREAS, based on this recommendation, the Village Board of the Village of Ardsley hereby awards the base bid for the Village to Tony Casale, Inc. in the amount of \$468,000.00.

NOW, THEREFORE, BE IT RESOLVED, the Village Board of the Village of Ardsley hereby authorizes the Village Manager to execute a contract and all other applicable documents with Tony Casale, Inc. 1185 Saw Mill River Road, Yonkers, NY 10710 to perform work pertaining to the new DPW garage project located and 220 Heatherdell Road subject to the review of the Village Attorney.

7.5 Consider a Resolution to Authorize the Village Manager to Sign a Contract with Charlene Indelicato For Consulting Services

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

RESOLVED, that the Village Board of the Village of Ardsley hereby authorizes the Village

Manager to sign an agreement with Charlene Indelicato, 15 Boutonville Road, Cross River, NY 10518 for purposes of consulting services for the following:

- Highway Garage Consultant
- Sewer Mapping & Inspection Project
- Development & Capital Improvement Projects as required.

8. CALL FOR EXECUTIVE SESSION

9. ANNOUNCEMENTS

- December 7, 2021 Recreation Commission Meeting 5:00 pm
- December 7, 2021 BOT Special Meeting 7:30 p.m.
- December 7, 2021 Board of Architectural Review 8:00 p.m.
- December 8, 2021 Board of Trustees Work Session 7:30 p.m.
- December 13, 2021 Planning Board Meeting 8:00 p.m.
- December 14, 2021 Multicultural Diversity & Inclusion Committee Meeting 7:30 p.m.
- December 15, 2021 TPPCS Committee Meeting 7:00 p.m.

10. ADJOURNMENT OF MEETING

10.1 Adjournment

Moved by Trustee DiJusto, Seconded by Trustee Weitz and passed unanimously. RESOLVED, that the Village Board of the Village of Ardsley Hereby adjourns the regular meeting of Monday, December 6, 2021 at 8:54 p.m.

11. NEXT BOARD MEETING: December 20, 2021

Village Clerk, Ann Marie Rocco

Date: