



## MINUTES

### Ardsley Village Board of Trustees

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**7:30 PM - Monday, March 6, 2023**

Meeting In Person & Zoom Platform

Present:	Mayor	Nancy Kaboolian
	Trustee	Asha Bencosme
	Trustee	Steve Edelstein
	Village Manager	Joseph L. Cerretani
	Village Clerk	Ann Marie Rocco
	Village Attorney	Robert J. Ponzini
Via	Deputy Mayor/Trustee	Andy DiJusto
Zoom:	Trustee	Craig Weitz

#### **1. CALL TO ORDER-PLEDGE OF ALLEGIANCE-ROLL CALL**

- 1.1 The Regular Meeting of the Village of Ardsley Board of Trustees was held on March 6, 2023 at Village Hall, Court Facility, 507 Ashford Avenue, Ardsley, NY 10502. Mayor Kaboolian called to order the Regular Meeting at 8:00 p.m.

Members Present:

Mayor Nancy Kaboolian

Trustee Asha Bencosme

Trustee Steve Edelstein

Deputy Mayor/Trustee Andy DiJusto and Trustee Weitz were present via Zoom.

Also present were: Village Manager, Joseph Cerretani, Village Attorney, Robert Ponzini, and Village Clerk, Ann Marie Rocco.

#### **2. PUBLIC HEARING**

- 2.1 In the Matter of the Proposed Permit for Coach Z. Performance, LLC., 646 Saw Mill River Road

Mayor Kaboolian opened the Public Hearing at 8:01 p.m. in the matter of the proposed permit for Coach Z. Performance, LLC., 646 Saw Mill River Road and read the Public Notice into the record:

**PLEASE TAKE NOTICE**, that the Board of Trustees of the Village of Ardsley will hold a public hearing on Monday, March 6, 2023 at 8:00 p.m. or soon thereafter at Village Hall-Court Room, 507 Ashford Avenue, Ardsley, NY 10502 to discuss the proposed application to convert the vacant commercial space above the auto body shop at 646 Saw Mill River Road into a sports training facility.

Please check the calendar on the village website for meeting details at: [www.ardsleyvillage.com](http://www.ardsleyvillage.com)

Further details on this application is available at the Clerk's office, 507 Ashford Avenue, Ardsley, NY during normal office hours Monday through Friday 9:00 am-4:00 pm.

Written comments may be sent to the Village Clerk at [arocco@ardsleyvillage.com](mailto:arocco@ardsleyvillage.com) or sent via regular mail to 507 Ashford Ave, Ardsley, NY 10502. All comments will be shared with the Board of Trustees and questions will be answered as quickly as possible.

All residents and taxpayers are invited to attend.

BY ORDER OF THE BOARD OF TRUSTEES OF THE  
VILLAGE OF ARDSLEY, NEW YORK

Ann Marie Rocco  
Village Clerk  
Dated: February 24, 2023

Mr. Zicoma Richards of Coach Z Performance, LLC. and explained to the Board that his business is designed to help his students with performance on and off the field.

Mayor Kaboolian stated that 646 Saw Mill River Road is the space above Bucci Autobody next to Stagoni Restaurant and the Bakery.

Trustee Benscome questions if there will be equipment in the space? Mr. Richards said yes and he focuses on light weights and movement at top speed.

Trustee Bencosme questioned if he has ever run a similar facility? Mr. Richards advised that he had a facility in Yonkers for 3 years.

Mr. Richards advised that his hours are after school hours, six days per week for 1 hour sessions. The bulk of the training is from 5pm-8pm and they are small group classes (4 to 6 students). Mr. Richards spoke to the mechanic at Bucci Autobody and told him that parking shouldn't be an issue since the autobody shop closes at 5pm. Weekend hours are still pending at this time. Mr. Richards will be staggering his classes to help with traffic congestion and possibly starting his classes at 4 pm.

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

**RESOLVED, that the Public Hearing be closed in the matter of the Proposed Permit for Coach Z. Performance, LLC., at 646 Saw Mill River Road at 8:37 p.m.**

Carried by the following votes: 3-0-0

Ayes: Mayor Kaboolian, Trustee Edelstein & Trustee Bencosme

Nays: None

Abstained: None

### **3. APPROVAL OF MINUTES:**

#### **3.1 February 21, 2023 Board of Trustees Regular Meeting Minutes**

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

**RESOLVED, that the Village Board of the Village of Ardsley hereby approves the minutes of the Regular Meeting of February 21, 2023 as submitted.**

Carried by the following votes: 3-0-0

Ayes: Mayor Kaboolian, Trustee Edelstein & Trustee Bencosme

Nays: None

Abstained: None

### **4. DEPARTMENT REPORTS**

#### **1. LEGAL**

- 1.a Village Attorney, Robert Ponzini stated he had nothing to report but has been working on various matters.

#### **2. MANAGER**

- 2.a Village Manager, Joseph Cerretani read the following Manager's report:

1. **POLICE APPOINTMENTS:** The Board has resolutions tonight appointing three (3) new Police Officers after their official appointment later this evening our new officers will be formally sworn in at our next Regular Meeting on March 20th. I look forward to working with them and wish them all the best of luck.
2. **WINTER EVENT:** Last Tuesday we had our first winter storm of the season. Thankfully it was very mild, but I did want to thank David DiGregorio and the Department of Public Works for their efforts in maintaining safe streets in the Village. I would also like to thank Chief Piccolino and the Ardsley Police Department, Chief Knoesel and the Ardsley Fire Department, and ASVAC for their efforts during the storm as well.
1. **NEW DPW CONSTRUCTION PROJECT:** Thankfully the snow event last week did not drastically impact any phase of construction and we are continuing to make excellent strides. The footings should all be completed by the end of the week. The team is continuing to pour walls and run sleeves for underground infrastructure this week as well. Also this week, the crews will start to backfill the garage area and have the floors poured by the end of this month. The installation of the sewers lines and ejection system began getting installed today and will continue throughout the week. By the end of the month we target to have the electric conduit underground and the remaining utility poles removed from the site. We have recently posted more footage of the progress of the project online. Please visit the Village's YouTube channel, as we regularly post video updates on the progress of the project. Special thanks to George Malone for his efforts in memorializing this project.
4. **2023-2024 BUDGET:** The budget process is entering its final stages. I have met with all Village departments and gone through operational and capital items with the department heads. The Tentative Budget will be delivered to the Board later this month and will be posted on the Village website [www.ardsleyvillage.com](http://www.ardsleyvillage.com).

### 3. ABSTRACT REPORT

#### 3.a March 6, 2023 Abstract Report

Village Manager, Joseph Cerretani read the March 6, 2023 Abstract Report as follows: From the General Fund: \$107,963.74 from the Trust & Agency Fund: \$2,750.00 and from the Capital Fund: \$992,501.50 Sewer Fund: \$2,500.00

Moved by Trustee Bencosme, Seconded by Trustee Edelstein 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: \$107,963.74 from the Trust & Agency Fund: \$2,750.00 and from the Capital Fund: \$992,501.50 Sewer Fund:\$2,500.00**

Carried by the following votes: 3-0-0

Ayes: Mayor Kaboolian, Trustee Edelstein & Trustee Bencosme

Nays: None

Abstained: None

#### **4. MAYOR'S ANNOUNCEMENTS**

4.a Mayor Kaboolian announced the following:

- Attended meeting with Assembly member Shimsky and Senator Andrea Stuart-Cousins regarding the Governor's budget.
- Participated in the invasive vine cutting at Macy Park and Pascone Park and encouraged everyone to participate at the next vine cutting.

#### **5. COMMITTEE & BOARD REPORTS**

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

Trustee Weitz did not have anything to report.

Trustee Bencosme did not have anything report.

Trustee Edelstein announced the following:

- March 12th -Spring Garden Festival will take place on at 12pm at the Community Center.
- March 16th-Ardsley Parks & Recreation Master Plan Survey Findings Presentation at 7pm at the Community Center

#### **5. OLD BUSINESS:**

5.1 Consider a Resolution Granting Permission to Convert the Vacant Space Located at 646 Saw Mill River Road into a Sports Training Facility

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

**RESOLVED, that the Village Board of the Village of Ardsley hereby authorizes the proposed change of use to convert the vacant space at 646 Saw Mill River Road into a Sports Training Facility as presented by the applicant subject to the following conditions.**

1. **The applicant must provide plans for the remainder of the build-out showing full compliance with the NYS Building Code.**
2. **The applicant must obtain the required permits prior to commencing construction for the build-out.**

3. **The applicant must obtain a Certificate of Occupancy prior to occupying the building.**
4. **The applicant must obtain a sign permit and BAR approval for all proposed signage.**
5. **The business owner or property owner must install a key box (Knox Box) on the building in a location approved by the Ardsley Fire Chief.**
6. **Applicant must provide sample traffic/pedestrian circulation plan and class start and end time should be staggered to ease traffic congestion with that plan approved by the Building Inspector and Chief of Police.**
7. **Hours of operation are 6 days per week from 4:00 pm to 8:00 pm and one employee.**

**Mr. Richards also advised that he has students that would like to give back to the community and volunteer for special events so that they can get credit for school.**

Carried by the following votes: 3-0-0

Ayes: Mayor Kaboolian, Trustee Edelstein & Trustee Bencosme

Nays: None

Abstained: None

## **6. NEW BUSINESS:**

### **6.1 Consider a Resolution Appointing Police Officer Julian Pina**

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

**RESOLVED, that the Village Board of the Village of Ardsley hereby appoints Julian Pina to the position of Police Officer Fifth Grade, contingent upon successfully meeting all Civil Service requirements at the annual salary of \$48,774.00, effective March 13, 2023; and**

**BE IT FURTHER RESOLVED, that in accordance with the civil service rules and regulations of the Westchester County Department of Human Resources such appointment is subject to a probationary period of not less than 12 weeks and no more than 52 weeks.**

Carried by the following votes: 3-0-0

Ayes: Mayor Kaboolian, Trustee Edelstein & Trustee Bencosme

Nays: None

Abstained: None

### **6.2 Consider a Resolution Appointing Police Officer Kenneth Cordero**

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

**RESOLVED, that the Village Board of the Village of Ardsley hereby appoints Kenneth Cordero to the position of Police Officer Fourth Grade, contingent upon successfully meeting all Civil Service requirements at the annual salary of \$75,230.00, effective March 13, 2023; and**

**BE IT FURTHER RESOLVED, that in accordance with the civil service rules and regulations of the Westchester County Department of Human Resources such appointment is subject to a probationary period of not less than 12 weeks and no more than 52 weeks.**

Carried by the following votes: 3-0-0

Ayes: Mayor Kaboolian, Trustee Edelstein & Trustee Bencosme

Nays: None

Abstained: None

6.3 Consider a Resolution Appointing Police Officer Brendon Mavra

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

**RESOLVED, that the Village Board of the Village of Ardsley hereby appoints Brendon Mavra to the position of Police Officer Fourth Grade, contingent upon successfully meeting all Civil Service requirements at the annual salary of \$75,230.00, effective March 13, 2023; and**

**BE IT FURTHER RESOLVED, that in accordance with the civil service rules and regulations of the Westchester County Department of Human Resources such appointment is subject to a probationary period of not less than 12 weeks and no more than 52 weeks.**

Carried by the following votes: 3-0-0

Ayes: Mayor Kaboolian, Trustee Edelstein & Trustee Bencosme

Nays: None

Abstained: None

6.4 Consider a Resolution Appointing Jeff Spar to the Library Board

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

**RESOLVED, that the Mayor recommends and the Village Board here by appoints Jeff Spar to fill the unexpired term of Valerie Lalli effective through December 6, 2027.**

Carried by the following votes: 3-0-0

Ayes: Mayor Kaboolian, Trustee Edelstein & Trustee Bencosme

Nays: None

Abstained: None

6.5 Consider a Resolution to Schedule a Public Hearing to Amend Chapter 173 of the Ardsley Village Code Entitled Streets and Sidewalks

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

**RESOLVED, that the Village Board of the Village of Ardsley hereby schedules a public hearing on Monday, March 20, 2023 at 8:00 p.m. or soon thereafter to discuss amendments to chapter 173 of the Ardsley Village code entitled Streets and Sidewalks as follows:**

New text is in **bold underline** and deleted text is in **~~highlighted strikethrough~~**

**§ 173-32 Openings on Streets and Sidewalks Prohibited**

**It shall be unlawful for any person, firm, company or corporation to make or cause to be made any excavation (hereinafter referred to as an "opening") in or under any street, sidewalk or public place or any portion thereof, whether paved or otherwise, in the Village of Ardsley, for any purpose whatsoever, except upon compliance with the provisions of this chapter and the obtaining of a permit and the payment of a fee therefor as hereinafter provided for.**

**§ 173-33 Application to be filed; permit.**

**Except for emergencies, At least 24 ~~48~~ **business** hours prior to commencement of work any person or authorized representative of any firm, company or corporation, ~~desirous of making~~ **seeking to make** any opening, shall file with the Village Clerk an application, in writing, for a permit for such opening on an application ~~blank~~ containing such information as the General Foreman shall specify. A sketch showing the location, dimensions and character of the opening shall accompany the application.**

**§ 173-34 Excavations and restoration.**

**A. Methods.**

**(1) All excavations, including temporary and permanent work, within any street shall be performed in accordance with the specifications contained in § 173-41, or in a manner as prescribed by the General Foreman for circumstances not covered by the specifications.**

**(2) The permittee shall make every effort to keep the amount of pavement damage to a minimum. The pavement damaged in the course of performing the work shall be restored by the permittee, at its own expense, or, in the discretion of the General Foreman, by the Village at the expense of the permittee. Backfilling and compaction of excavations shall be performed by the permittee so that the least possible subsequent settling will occur and as soon as practicable. Before backfilling, the permittee shall notify the General Foreman allowing adequate time as determined by the General Foreman for inspection, particularly in the area of existing underground utilities. If, after permanent pavement restoration, settlement occurs**



due to failure of the backfill, the Village shall again restore the damaged areas at the expense of the permittee.

(3) Immediately upon the completion of proper backfilling, the permittee shall construct temporary pavement. All temporary pavement shall be installed at a thickness of three inches. The surface of the temporary pavement shall not exceed above or lie below the surface of the adjacent permanent pavement and shall be reasonably smooth. The permittee shall be responsible for the proper placement and maintenance of the temporary pavement and shall keep the temporary pavement level with the surface of the surrounding permanent pavement and in proper repair and condition until such time as permanent pavement restoration is completed.

(4) In any case, upon notice from the General Foreman, the permittee, at its expense, shall immediately make such temporary repairs and take such corrective and protective measures to the work as directed by the General Foreman.

#### **B. Responsibilities of permittee.**

(1) It shall be the responsibility of the permittee to perform the necessary restoration beyond the limits of the pavement, which shall include but not be limited to restoration of lawns, shrubs, gardens, curbing, sidewalks, fences, walls, etc., to a condition as good or better as that which existed prior to pavement work or restoration.

(2) Upon completion of the permanent repairs outside the limits of the pavement, the permittee shall notify the General Foreman, in writing, that the permanent repair or replacement has been completed, setting forth the date of completion. The permittee shall, and has the duty and responsibility to, maintain the replacement area for a period of one year after completion. In any case, upon notice from the General Foreman within said one-year period, the permittee, at its expense, shall immediately make such repair or replacement and take such protective measures to the work as ordered by the General Foreman.

(3) The Street Opening Permit shall be kept at the site of work at all times and exhibited whenever requested by any official or officer of the Village of Ardsley.

(4) Prior to the commencement of any work the permit holder shall make arrangements with the Chief of Police or his duly appointed designee for the coordination of all necessary public safety and traffic control measures. All safety and traffic control measures and restrictions shall be approved by the Chief of Police or his duly appointed designee who shall also determine if Police or DPW personnel will be required for traffic control, and the appropriate quantity of such personnel required. The estimated cost for such services shall be determined as enumerated in §173-36C. The permit holder shall place on deposit the estimated cost for any required Police and DPW services.

(5) If the Chief of Police or his duly appointed designee determines that Police or DPW personnel are not required for traffic control, trained Flag Person(s) will be

**required in a quantity as set forth by the Chief of Police or his duly appointed designee.**

**C. Correction by Village at expense of permittee. In any case where the permittee does not timely and properly maintain or repair any temporary or replacement pavement as provided in §**

**173-34, Excavations and restoration, or does not timely and properly maintain, repair or replace, restore or reestablish any nonpaved area disturbed by the excavation work or take such protective measures with respect to any pavement as required by the General Foreman, the Foreman may perform said maintenance or make said repairs or replacements or take such protective measures. The cost thereof shall be charged to the permittee by the Village, with a minimum charge of ~~\$100~~\$200 per incident.**

**§ 173-34.1 Deposit required.**

**Prior to the issuance of a permit, the applicant shall deposit with the Village a sum of money in cash or certified check sufficient to reimburse the Village for all expenses which may be incurred by it in restoring the disturbed surface of the street or other area opened. No part of such deposit shall be returned to the applicant until at least ~~90~~180 days after the final inspection prescribed by § 173-40 of this article. The amount of such deposit shall be computed as follows:**

**A. Concrete, macadam, brick or other hard-surfaced road, sidewalk or public area: \$10 per square foot of opening; minimum deposit: \$1,000.**

**B. Gravel, dirt or other surface: \$5 per square foot of opening; minimum deposit: \$750.**

**C. In the event that more than one type of surface is to be excavated, the deposit shall be based on the square footage of each type of surface, and the minimum deposit shall be \$1,000.**

**§ 173-35 Exceptions to deposit.**

**A public service corporation may, in lieu of making deposits required pursuant to § 173-34.1, file and keep on file with the Village:**

**A. A performance bond in the amount of \$10,000, approved by the Village Attorney as to form, sufficiency and manner of execution, as security to the Village that said public service corporation shall properly restore any and all streets, sidewalks or public places in which it shall make an opening, and this shall include trees, grass, shrubbery and/or any other plantings, to a permanent condition, and shall keep every portion of such restoral work in perfect order and repair during the entire period of maintenance and shall faithfully comply with all the provisions of this**

article and any amendments hereto and with all the provisions of all permits issued to it under this article and any amendments hereto; and

**B. An agreement by said public service corporation, approved by the Village Attorney as to form, sufficiency and manner of execution, to indemnify and save harmless the Village from and against any and all claims, demands, suits, actions, proceedings, losses, injuries, damage and costs of every name and description in any way arising out of or resulting from any act or omission on the part of said public service corporation under any permit issued to it under this article or from any negligence or fault of said public service corporation, its contractors, agents, servants or employees, in connection with sidewalks, curb or driveway work or repairs or street openings or any work related thereto.**

**§ 173-36 Fees.**

**A. A fee as indicated in Ch. A210, Fees, shall accompany each application for a street opening permit. This fee shall be retained by the Village to cover cost of issuing the permit and any inspections required.**

**B. Any public service corporation electing pursuant to the provisions of § 173-35 to file and keep on file a performance bond and indemnity agreement, in lieu of making the deposits required pursuant to § 173-34.1, shall nevertheless pay with each application by it for a street opening permit the same fee as would be payable hereunder for such permit, if such public service corporation had elected to make the deposit required pursuant to § 173-34.1, and the fees so paid shall be retained by the Village as herein provided.**

**C. The costs for all Police Department and Highway Department staff and equipment provided for a street opening project shall be calculated at the rates specified in the Police and DPW Hourly Rate Reimbursement Tables in effect at the time of said work and shall be reimbursed by the permit holder.**

**§ 173-37 Emergency street openings.**

**A. Any public service corporation may be entitled to commence street opening work of an emergency nature, provided that, if the offices of the Village of Ardsley are closed, the Police Department shall be notified and application for such permit shall be made in the same manner outlined herein before the close of business hours for the first working day following the date of the emergency opening.**

**B. Street openings for the sole purpose of making original installations or connections will under no circumstances be classed as emergency work,**

**§ 173-38 Expiration of permit.**

Each permit, or renewal thereof, shall expire 45 days following the issuance thereof and may be renewed upon written application to the Village Clerk and payment of an additional fee in the amount prescribed by § 173-36.

**§ 173-39 Certificate of insurance.**

A. No permit shall be issued until the applicant has filed with the Village Clerk a certificate of insurance from a company authorized to do business in the State of New York, certifying that the applicant has in full force and effect public liability insurance to indemnify and protect the Village against any loss, damage or injury which might be incurred by reason of such street excavation or performance of the work incidental thereto. Such certificates of insurance shall state that the Village of Ardsley shall be notified of any intent to cancel in any manner the policy referred to or of any change in the terms of the policy or limits thereof. Limits of liability of said insurance shall be not less than the following:

(1) Bodily injury damage: \$1,000,000 for any one person and \$1,000,000 for any one accident.

(2) Property damage: \$1,000,000 for any one accident.

B. Such insurance shall remain in force and effect and the operations covered thereunder shall not be deemed completed until at least 90 days after completion of the work hereinafter prescribed by § 173-40 of this article.

C. A public service corporation electing, pursuant to § 173-35, to file and keep on file a performance bond and indemnity agreement may file with the Village Clerk in lieu of a certificate of insurance a certificate that such corporation is a self-insurer.

**§ 173-40 Compliance required.**

The owner(s) of the property benefited and the person, firm, company or corporation executing the work shall comply with the following:

A. Proper lighting, barricading, reflectors, signs and watchmen shall be provided to the extent necessary to protect the public, as determined by the Chief of Police and/or General Foreman.

B. Gutters shall be kept clear so that free flow of water is permitted.

C. All work under the permit shall be pursued diligently and continuously until completed.

D. Not more than 1/2 of the paved width of any street shall be closed to traffic at one time.

E. The size of the opening shall not exceed that for which the permit was issued without first amending the permit as issued.

**F. After backfilling openings which have been sheathed, the sheathing shall be left in place and cut down one foot below grade.**

**G. No tunneling or undercutting is permitted.**

**H. Openings shall be carefully backfilled with clean earth deposited in four-inch layers and tamped. Frozen earth or stones over six inches shall not be used in backfill. All shall be left in condition safe for travel by the public without hazard. It shall be the responsibility of the applicant to maintain the proper amount of backfilling openings for a period of 90 days after completion of the original backfillings.**

**I. Pavement shall be restored or rebuilt to a permanent condition.**

**J. All work done under the permit is subject to the inspection and approval of such persons as the Village Manager may from time to time appoint. The applicant shall notify the Village Clerk when all work prescribed herein is completed, and thereafter a final inspection shall be conducted by a person designated by the Village Manager.**

**§ 173-41 Specifications.**

**The street opening work and the final restoration shall be performed in accordance with specifications approved by the General Foreman Superintendent of Public Works, which shall include the following minimum specifications:**

**A. The trench shall be filled with K-Krete, when beneath the paved portion of the street and must be kept in proper repair until accepted by the Village.**

**B. If a new patch occurs where there is an existing patch, the entire existing patch shall be removed and replaced.**

**C. The final patch shall have a crown match the existing road conditions or the existing crown as determined by the General Foreman.**

**D. No digging shall start on a Saturday, Sunday or holiday, except in an emergency.**

**E. Concrete. If the street is concrete, the patch shall be concrete. The concrete shall be saw-cut to establish a clean, smooth surface. The existing concrete shall be drilled and doweled to a twelve-inch depth, and the dowel shall be two feet on center. The seam between the new and existing concrete shall be tack coated with tar.**

**F. Asphalt. If the street is asphalt, the patch shall be asphalt. The existing asphalt shall be saw-cut to a depth two inches and shall be 12 inches wider than the trench. A**

binder course of four inches and a top course of two inches shall be required. The seam between the new and existing asphalt cut tack coated shall be sealed with tar.

(1) Work in roadways paved more than five years prior. Single service or excavation only disturbing one lane shall be paved a minimum of **105** feet from the edge of the trench in each direction of the road and from the curb, or edge of road, to the center line of the roadway. Multiple services or excavations in one lane that are needed within 60 feet of each other, the restoration required shall extend **105** feet outside the far excavations and from the curb, or edge of road, to the center line of the roadway. Services or excavations that disturb both lanes, or extend over 50 feet in one lane, shall be paved a minimum of **105** feet outside the excavation on each side, and from curb to curb, or edge of road to edge of road.

(2) Work in roadways paved within previous five years. Single or multiple services, or excavations within 60 feet of each other, shall be paved a minimum of **105** feet outside the excavation on each side, and from curb to curb, or edge of road to edge of road.

(3) A restoration plan may be required based upon the proposed improvements. Segmenting the restoration of roadways in a noncontiguous manner should be avoided and will be at the discretion of the General Foreman.

G. All work shall be performed in a good and workmanlike manner, satisfactory to the General Foreman.

H. All street openings and work areas shall be provided with warning signs, barricades and lighting as necessary for public safety and in conformance with applicable provisions of the State of New York Department of Transportation Manual of Uniform Traffic Control Devices.

~~I. All street openings and work areas shall be provided with warning signs, barricades and lighting as necessary for public safety and in conformance with applicable provisions of the State of New York Department of Transportation Manual of Uniform Traffic Devices.~~

#### **§ 173-42 Noncompliance.**

If an applicant fails to comply with any of the provisions of § 173-40 and the Village backfills or restores the pavement to a permanent condition, the applicant shall pay for the cost of such work, such pavement to be deducted from the amount deposited pursuant to § 173-34.1 hereof, the balance, if any, being refunded to the applicant. In the case of a public service corporation which has elected, in lieu of making deposits, to file and keep on file a bond and indemnity agreement pursuant to § 173-35, the cost of such work shall be paid directly by the corporation and, if not so paid, shall be collected under the bond.

#### **§ 173-42.1 Penalties for offenses.**

Any person committing an offense against any provision of this article shall, upon conviction thereof, be guilty of a violation pursuant to the Penal Law of the State of

New York, punishable by a fine ~~not exceeding \$250~~ **of not less than \$250.00 and not exceeding \$2,000.00** or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment. The continuation of an offense against the provisions of this article shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

Carried by the following votes: 3-0-0

Ayes: Mayor Kaboolian, Trustee Edelstein & Trustee Bencosme

Nays: None

Abstained: None

- 6.6 Consider a Resolution to Schedule a Public Hearing for Honest Art Inc., -708 Saw Mill River Road to Extend the Existing Children's Art School into the Vacant Commercial Space

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

**RESOLVED, that the Village Board of the Village of Ardsley hereby declares itself Lead Agency for approval to extend the existing children's art school into the vacant commercial space (former laundromat) at 708 Saw Mill River Road.**

**NOW THEREFORE BE IT FURTHER RESOLVED, that the Village Board of the Village of Ardsley hereby schedules a public hearing on Monday, March 20, 2023 at 8:00 pm or soon thereafter to discuss the proposed request for Honest Art, Inc. located at 708 Saw Mill River Road.**

Carried by the following votes: 3-0-0

Ayes: Mayor Kaboolian, Trustee Edelstein & Trustee Bencosme

Nays: None

Abstained: None

- 6.7 Consider a Resolution to Appoint Andy Laub to the Traffic, Parking, Pedestrian & Cycling Safety Advisory Committee

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

**RESOLVED, that the Mayor of the Village of Ardsley hereby appoints Andy Laub, residing in Ardsley, NY to the Traffic, Parking, Pedestrian, & Cycling Safety Advisory Committee effective immediately through December 4, 2023.**

Carried by the following votes: 3-0-0

Ayes: Mayor Kaboolian, Trustee Edelstein & Trustee Bencosme

Nays: None  
Abstained: None

6.8 Consider a Resolution to Approve the Placing of Little League Sponsorship Banners/Signs at McDowell Park Ballfields

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

**RESOLVED, that the Village Board of the Village of Ardsley hereby approves the placement of Little League Sponsorship Banners / Signs starting April 1, 2023 through October 31, 2023 on the outfield fences at the McDowell Park ballfields. These signs will be subject to prior approval from the Village Manager and the Village reserves the right to remove the signs at any time.**

Carried by the following votes: 3-0-0  
Ayes: Mayor Kaboolian, Trustee Edelstein & Trustee Bencosme  
Nays: None  
Abstained: None

6.9 Consider a Resolution Acknowledging Audit Compliance with State Uniform Justice Court Action 2021-2022

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

**RESOLVED, that the Village Board of the Village of Ardsley hereby acknowledges that the required examination of Ardsley Village Justice Court's records for the period of June 1, 2021 through May 31, 2022 were independently audited by the firm PKF O'Connor Davies, LLP in accordance with Section 2019-a of the New York State Uniform Justice Act's Action Plan for Justice Courts.**

Carried by the following votes: 3-0-0  
Ayes: Mayor Kaboolian, Trustee Edelstein & Trustee Bencosme  
Nays: None  
Abstained: None

## **7. VISITORS**

7.1 Assembly member MaryJane Shimsky was present to provide the Board with an update from Albany:

- Currently in the Budget process. The goal is to pass the budget by April 1st.
- We are getting bills introduced and writing chapter amendments.
- Assigned to state Health Department to design and implement a program to make sure our night life establishments are trained in the use of Narcan to prevent drug overdose.



- Working with Department of Transportation
- Working with Committee of Local Governments
- Working with Committee on Real Property Taxation
- Working with Committee Recreation, Arts & Sports

You can reach Assembly member MaryJane Shimsky at:

Albany Office:

LOB 827

Albany, NY 12248

914-455-5753

OR

District Office:

303 South Broadway

Suite 229

Tarrytown, NY 10591

914-631-1605

7.2 Jeff Spar Ardsley resident was present to provide the Board with a background of his work experience, his ideas and what he can contribute to the Library Board.

7.3 Armen Boyajian Ardsley resident advised the Board that the sidewalks are uneven and would like them repaired. Mr. Boyajian also reported inappropriate images on our sidewalk on Ashford Avenue.

Mayor Kaboolian advised that our Highway Department will look into this matter.

## **8. CALL FOR EXECUTIVE SESSION**

## **9. ADJOURNMENT OF MEETING**

### **9.1 Adjournment**

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

**RESOLVED, that the Village Board of the Village of Ardsley Hereby adjourns the regular meeting of Monday, March 6, 2023 at 9:10 p.m.**

Carried by the following votes: 3-0-0

Ayes: Mayor Kaboolian, Trustee Edelstein & Trustee Bencosme

Nays: None

Abstained: None

## **10. UPCOMING MEETINGS AND EVENTS**

- March 7th Board of Architectural Review Meeting 8:00 pm
- March 8th Homework Helpers 3:00pm
- March 9th Ardsley Library Presents-Estate Planning Basics 6:00 pm
- March 10th Middle School Hangout 3:00 pm
- March 12th Ardsley Community Center Spring Garden Festival 4:30 pm
- March 13th AMDI Committee Meeting 7:000 pm
- March 13th Planning Board Meeting 8:00 pm
- March 14th Recreation Commission Meeting
- March 15th Homework Helpers 3:00 pm
- March 17th Middle School Hangout 3:00 pm
- March 18th Celebration of Norouz-Persian New Year! 11:00 am
- March 19th Ardsley Historical Society Presents-Great Hunger Memorial 2:00 pm
- March 21st Board of Architectural Review Meeting 8:00 pm
- March 23rd Library Board Meeting 7:30 pm
- March 24th Middle School Hangout 3:00 pm
- March 29th Homework Helpers 3:00 pm
- March 31st Middle School Hangout 3:00 pm
- April 1st \*Save the Date\* Easter Egg Hunt 7:00pm-McDowell Park

#### **11. NEXT BOARD MEETING:**

- March 15th Board of Trustees Work Session 7:30 pm
- March 20th Board of Trustees Legislative Meeting 8:00 pm
- March 22nd Board of Trustees Budget Work Session 7:30 pm
- March 27th Board of Trustees Budget Work Session (IF NEEDED) 7:30 pm
- March 29th Board of Trustees Budget Work Session (IF NEEDED) 7:30 pm

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Village Clerk, Ann Marie Rocco

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Date: