

**VILLAGE OF ARDSLEY
BOARD OF TRUSTEES
REGULAR MEETING
TUESDAY, FEBRUARY 3, 2015**

(NOTE: POSTPONED FROM MONDAY, 2/2/2015 DUE TO WEATHER CONDITIONS)

Present:	Mayor	Peter Porcino
	Deputy Mayor/Trustee	Nancy Kaboolian
	Trustee	Gary Malone
	Trustee	Mollie Monti
	Trustee	Andy DiJusto
	Village Manager	Meredith Robson
	Village Clerk	Barbara Berardi
	Recording Secretary	Donna Fusco
Absent:	Village Attorney	Robert Ponzini

Mayor Porcino called to order the Regular Meeting at 8:00 p.m.

I. ANNOUNCEMENT OF EXIT SIGNS

II. PLEDGE OF ALLEGIANCE

ANNUAL PRESENTATION BY MORRY SILBIGER, CHAIRMAN OF THE BOARD OF ASVAC

PRESENTATION BY LUMEN'S LIGHTS SOLUTION REGARDING LED LIGHTING

8:00 P.M. – CONTINUATION PUBLIC HEARING – For site plan review of a new self-storage facility on the property located at 642 Saw Mill River Road pursuant to Chapter 167-D Site Plan Review of the Village Code.

III. APPROVAL OF MINUTES: Regular Meeting – January 20, 2015

Trustee Malone: RESOLVED, that the Village Board of the Village of Ardsley hereby approves the minutes of the Regular Meeting of Monday, January 20, 2015 as corrected.
Seconded by Trustee Kaboolian and passed unanimously.

IV. DEPARTMENT REPORTS

LEGAL REPORT:

Village Attorney Ponzini was not present for this meeting.

MANAGER'S REPORT:

VILLAGE MANAGER REPORT FOR TUESDAY, FEBRUARY 3, 2015

1. Village Offices will be closed on Thursday, February 12th in observance of Abraham Lincoln's Birthday and Monday, February 16th in observance of George Washington's Birthday. The Village Board meeting that would normally be held on Monday, February 16th will be held on Tuesday, February 17th. Please be aware that trash will be picked up in the ENTIRE Village on Tuesday, February 17th. Trash should be placed outside no later than 7:00 AM on all collection days.

2. Another update on workforce housing:

I have received the draft program guidelines for the workforce housing program and am in the process of reviewing. We are looking to set up a public meeting with the Housing Action Council who will be administering the program for the Village in a few weeks and a second one in mid-March. We are in the process of confirming all of the dates but expect that applications will be due sometime between the beginning and middle of April. Anyone interested in finding out more about this process should call our Village Clerk's Office and leave a phone number, address and email address so we can provide the information to the Housing Action Council to get the word out on dates and further information about the application process.

3. The Treasurer and I have met initially with each department head to review their budget requests and will be going through all of the budget figures to develop recommendations for the Board's approval.

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

Village Manager stated the bills for the past two weeks totaled as follows: General Fund: \$50,757.40; Trust & Agency Fund: \$3,508.49; and from the Capital Fund: \$0.

Trustee Kaboolian: RESOLVED, that the Village Board of the Village of Ardsley hereby authorizes the Village Treasurer to make the following payments: From the General Fund: \$50,757.40; From the Trust & Agency Fund: \$3,508.49; and from the Capital Fund: \$0.
Seconded by Trustee Malone and passed unanimously.

MAYOR'S ANNOUNCEMENTS:

- Ridge Hill meeting was canceled due to storms; Trying to reschedule the meeting; It is moving forward and we are waiting for a final sign off from the DOT
- Received letter from Town Supervisor for a project that is about to start East of Underhill Road; they are building eleven (11) homes; There is a wooded area there and they are cutting down 476 trees.
- I asked Francis Sheehan about the sidewalks because that was an issue. This project has been on board for 7-8 years before the Planning Board. Francis did say that the project is requiring sidewalks. The distance is a fairly short walk to the middle school. A sidewalk will take people to the cross road.
- Attended Village Officials Committee Meeting with Village Manager, Meredith Robson; It was a very productive meeting and Village Manager Robson is very in tune with what is going on in the area and in Albany
- Talked about LED conversion – Elmsford is going through the process
- Discussion about State imposed tax freeze; Village Manager said that we will stay under State Cap
- Pot Hole killer – we signed off and it is being held off by Sleepy Hollow; 80 hours will be divided by 7; we are getting 11-12 hours from machine
- Had discussion on hotel tax which Villages are asking State Legislature if we can impose a hotel tax
- Communicated that there are two (2) bills under discussion and we do not know the status; Since found out that there was a bill passed by both Houses allowing the collective bargaining; Mayors' opposed it and the Governor did veto it; We are pleased

COMMITTEE & BOARD REPORTS:

TRUSTEE DIJUSTO:

- Attended Cub Scout derby this past Saturday; Trustee Kaboolian and I were judges; It was excellent to see

TRUSTEE MONTI:

- 2/21 - Garden Club is holding annual fundraiser at 7:00 p.m. at St. Barnabas; There will be music by Chris Brown and they will be serving corned beef and cabbage

TRUSTEE MALONE:

- Attended meeting of Ardsley Library Board of Trustees
- A reminder to please bring your garbage pails in; it is a violation code

TRUSTEE KABOOLIAN:

- Attended the Cub Scout derby
- SAYF Coalition is hosting a dance on 2/22

V. VISITORS

No visitors

V. OLD BUSINESS

8:15 P.M. – CONTINUATION PUBLIC HEARING – For site plan review of a new self - storage facility on the property located at 642 Saw Mill River Road pursuant to Chapter 167-D Site Plan Review of the Village Code.

Open Public Hearing

Janet J. Giris, Esq., DelBello Donnellan Weingarten Wise & Wiederkeher, LLP, spoke on behalf of Applicant. Applicant was not present. Ms. Giris stated that they were here to present the Resolution. Security was discussed. There will be no access to the premises after 9:00 p.m. and before 6:00 a.m. Henry Thomas, ASLA presented drawings and explained to the Board where the truck will be parked. The applicant is amenable to parking the truck in spaces perpendicular to 9A. Advertising will not be on the truck and Mr. Thomas explained the reason that the truck will be parked in the lot. David Smith, Planning Consultant to Ardsley Village read the modifications to the Site Plan Approval Resolution and stated that he will submit the corrected Resolution upon completion.

Public Comments

Mayor Porcino asked if there were any comments from the public. There were no comments.

**RESOLUTION TO CLOSE PUBLIC HEARING
SITE PLAN APPROVAL
642 SAW MILL RIVER ROAD
BRB DEVELOPMENT, LLC
SELF STORAGE FACILITY**

Trustee Di Justo: RESOLVED, that the Village Board of the Village of Ardsley hereby closes the public hearing at 9:11 p.m. for Site Plan Approval submitted by BRB Development, LLC property located at 642 Saw Mill River Road, Ardsley, New York. **Seconded by Trustee Monti and passed unanimously.**

1. Resolution Site Plan Approval – BRB Development, LLC – 642 Saw Mill River Road – The Lock-up Self Storage

**SITE PLAN APPROVAL RESOLUTION VILLAGE
OF ARDSLEY BOARD OF TRUSTEES**

SECTION 6, SUBSECTION 70, BLOCK 42, LOT 2

Trustee Monti: WHEREAS, the Mayor and Village of Ardsley Board of Trustees (the “Village Board”), has received an application for Site Plan Approval, submitted by BRB Development, LLC (the “Applicant”) on or about September 25, 2014; and

WHEREAS, the subject property is located at 642 Saw Mill River Road approximately 550 linear feet south of the intersection of Ashford Avenue and Saw Mill River Road on the westerly side of Saw Mill River Road and is approximately 0.659 acres in size, known as designated as Section 6.70, Block 42, Lot 2 (the “Site”); and

WHEREAS, the site plan application calls for the construction of a new 63,864± square foot self-storage facility serviced by a surface parking lot supporting 7 vehicles and interior loading spaces supporting another 2 vehicles. New stormwater management facilities, landscaping, and associated site improvements are also proposed. The proposed building, all of the required off-street parking as well as the associated site improvements are known as The Lock-Up Self Storage Site Plan (hereinafter referred to as the “Project”); and

WHEREAS, the site is located within the both the B-2 Special Business District (the B-2 District) and the R-1 One-Family Residence District (R-1 District). The portion of the Site that fronts on Saw Mill River Road is located in the B-2 District and the rear portion of the Site, which is accessible only through that portion of the Site located in the B-2 District, is in the R-1 District; and

WHEREAS, the proposed self-storage use is a permitted use in the B-2 district; and

WHEREAS, there are certain conditions contained in the resolution; and

WHEREAS, the following materials have been submitted in support of this application:

1. Application for Board of Trustees Site Plan Approval, dated September 25, 2014.
2. Site plan drawings, dated June 25, 2014 and September 26, 2014, revised October 2, 2014, October 30, 2014 and December 23, 2014 prepared by the LRC Group, including:
 1. Cover Sheet
 2. Existing Conditions Plan Sheet
 3. Demolition Plan
 4. Site Plan
 5. Grading and Utilities Plan
 6. Erosion Control Plan
 7. Landscape Plan
 8. Site Lighting Plan
 9. Truck Turning Plan
 10. Site Details (2)
 11. Floor Plan
 12. Architectural Elevation
3. Stormwater drainage calculations, dated October 6, 2014, revised December 23, 2014, prepared by LRC Group.
4. Full Environmental Assessment Form Part 1 (the “EAF Part 1”), dated September 23, 2014, prepared by LRC Group.
5. EAF Parts 2 and 3, submitted November 13, 2014, prepared by Planning & Development Advisors.
6. Comment letter from Westchester County Planning Board dated October 27, 2014.
7. Comment letter from NYSDEC dated November 3, 2014.

8. Memo from Larry J. Tomasso, Village Building Inspector, dated September 29, 2014.
9. Cover letter from DelBello Donnellan Weingarten Wise & Wiederkehr, LLP, dated November 24, 2014 with supporting documentation on parking and traffic generation from Institute of Transportation Engineers, Economic Consulting Associates, Inc., American Planning Association and the Applicant's own survey data
10. Cover letter from DelBello Donnellan Weingarten Wise & Wiederkehr, LLP, dated December 23, 2014 with supporting documentation responding to comments from Woodard & Curran the Village's consulting engineer, a revised stormwater plan, a selection of photographs depicting other Lock-Up facilities recently developed by the Applicant and a copy of the Applicant's form of lease for its New York Facilities.
11. SEQRA Reports from the Planning Board, Board of Architectural Review, Zoning Board of Appeals, dated December 15, 2010, December 15, 2010, and December 22, 2010, respectively.
12. Review memoranda from Hugh Greechan, P.E., Village Consulting Engineer, dated November 25, 2014, December 8, 2014 and December 30, 2014.
13. Review memoranda from David Smith, Village Consulting Planner, dated November 13, 2014, December 4, 2014 and January 2, 2015.
14. Review and recommendation memoranda from the Village of Ardsley Planning Board, dated January 13, 2015.

WHEREAS, on October 6, 2014, the Village Board of Trustees declared their intent to serve as Lead Agency for the New York State Environmental Quality Review Act ("SEQRA") review of this action. This designation was thereafter circulated to all Interested and Involved Agencies; and

WHEREAS, on or about November 17, 2014, the Village Board of Trustees confirmed their SEQRA Lead Agency designation and after review of the public comments, recommendations, and the EAF, as well as other items noted above, the Village Board

adopted a Negative Declaration, indicating that the project will not result in any significant adverse environmental impacts, and that consistent with social, economic and other essential considerations, and to the maximum extent practicable, potential adverse environmental impacts identified during the course of the SEQRA review, will be minimized or avoided by incorporating mitigative measures which were identified as practicable; and

WHEREAS, on November 19, 2014 a duly noticed public hearing was held before the Village of Ardsley Zoning Board of Appeals (ZBA), after due consideration the ZBA granted a request by the Applicant to extend the proposed use into the R-1 district from the adjacent B-2 District and granted the request by the Applicant for a variance from Section 200-75 of the Village Code relative to building height, thereby allowing for the development of the Project as proposed;

WHEREAS, the Village Board of Trustees received comments from the Board of Architectural Review recommending the Village Board accept the façade design as presented by the Applicant; and

WHEREAS, the Planning Board reviewed the Project at its October 10, 2014, November 11, 2014, December 12, 2014 and January 12, 2015 meetings, which included a positive recommendation, as indicated in the meeting minutes from the January 12, 2015 meeting; and

WHEREAS, the Village Board of Trustees considered the proposed action at a duly noticed Public Hearing held at Village Hall on January 5, 2014, January 20, 2015, and February 2, 2015 at which time all interested parties were provided an opportunity to be heard; and

WHEREAS, the Village Board of Trustees has considered the Site Plan documents, EAF, Parking Analysis, and all other materials submitted by the Applicant in support of this proposal, the comments of Village staff and consultants made via memoranda (which memoranda are incorporated herein by reference), the verbal commentary made during the Village Board's meetings and Public Hearing pertaining to the review and evaluation of the Proposed Action, and the comments of the public; and

WHEREAS, the Village Board of Trustees has reviewed the Project, pursuant to the requirements of Chapter 167 of the Village of Ardsley Village Code (the "Village Code") and to applicable laws and regulations considered pertinent to the Project;

NOW THEREFORE BE IT RESOLVED, that upon full consideration of the above, the Village Board of Trustees hereby grants Site Plan Approval for the Lock-Up Self-Storage Plan, as described above, subject to the following conditions:

CONDITIONS PRIOR TO ENDORSEMENT OF SITE PLAN

The following conditions shall be completed by the Applicant prior to the endorsement of the Site Plan by the Mayor:

1. This Site Plan Approval authorizes the Applicant to undertake only the activities specifically set forth herein, in accordance with this Resolution of Approval and as delineated on the Site Plan as endorsed by the Mayor. *Any change in use, alteration or modification to the Site Plan, or to the existing or approved facilities and site shall require the review and approval by the Village Board of Trustees of an amended Site Plan.*
2. The Applicant shall pay to the Village of Ardsley, by certified check, any outstanding professional review fees in accordance with Chapter 38 of the Village Code.
3. The Applicant shall furnish the Village Board of Trustees with three (3) print sets of the Site Plan as described above, for endorsement by the Mayor, as the approved Site Plan and an electronically scanned version of the approved plans.
4. Upon payment of all required fees and the satisfaction of all conditions of this resolution and following the endorsement of the Site Plan by the Mayor, one print set will be returned to the Applicant, one set shall be retained by the Village Board of Trustees as a record copy, and one set provided to the Building Inspector.

CONDITIONS PRIOR TO ISSUANCE OF A BUILDING PERMIT

The following conditions shall be completed by the Applicant prior to the issuance of a Building Permit by the Building Inspector:

5. The Building Inspector shall not issue a Building Permit pertaining to the activities approved herein until the Applicant has complied with Conditions 1-4.
6. Authorized issuance of a Building Permit by the Building Inspector shall be fully based on, and in accordance with this Resolution of Approval and the signed and filed Site Plan. The Building Inspector shall include reference to the Site Plan and this Resolution of Approval on any Building Permit.
7. The Applicant shall provide building construction drawings documenting full compliance with the New York State Uniform Fire Prevention and Building Codes.
8. The Applicant shall pay the Village of Ardsley application, permit, and review fees as required by the Village Code, as approved by the Village Attorney.
9. In accordance with Chapter 38 and §167-3.M of the Village Code, an engineering inspection fee in the amount of \$20,000 shall be provided by the Applicant and held in an escrow account. This fee shall be replenished when the amount drops below \$10,000.
10. A performance bond, prepared in form, surety and manner of execution to the satisfaction of the Village Attorney, and in the amount to be established by the Planning Board, or alternatively by the Village Consulting Engineer in accordance with the requirements of §167-3.L of the Village Code, shall be provided to assure the completion of all improvements by a specific date.
11. All signage shall be constructed and installed in conformance with §200-82.C of the Zoning Code, and the required permit shall be obtained prior to installation.
12. The Applicant shall submit a construction management plan and site development protocol, which shall be prepared to the satisfaction of the Building Inspector.
13. The Applicant shall provide documentation of NYSDOT work permit and approval for this project for work within the State highway right-of-way (State Route 9A) prior to the issuance of a Building Permit.

**GENERAL CONDITIONS OF IMPLEMENTATION AND
CONSTRUCTION**

The following conditions shall apply during the implementation of the site improvements and construction of the Project:

14. No construction activity shall take place on the Site prior to the issuance of a Building Permit and other required permits, by the Village of Ardsley.
15. The hours of construction activity shall take place in conformance with the applicable Village Regulations.
16. Temporary and permanent stabilization methods be implemented before construction begins and continuously modified as necessary throughout construction to provide the best methods for stormwater management and pollution prevention.
17. All landscaping shall be installed in accordance with the Site Plan. Any substitutions to listed plant materials shall be submitted to the Building Inspector and Planning Consultant prior to installation of same. Should the Building Inspector and/or Planning Consultant determine that the substitutions constitute a substantive change to the approved Site Plan, the Applicant shall file an Amendment to the Site Plan Approval, which shall be reviewed and approved by the Board of Trustees, prior to the installation of the landscaping materials.
18. All site landscaping shall be maintained in a healthy state; should any plantings become damaged or die, said plantings shall be immediately replaced in-kind.
19. The Applicant shall install a sidewalk along their Route 9A site frontage as indicated on the site plans.
20. As per § 167-3.L of the Village Code, the Applicant shall install all site improvements and shall provide adequate performance guaranties to insure the

installation of such improvements, in an amount determined by the Planning Board and in a form satisfactory to the Village Attorney.

21. A clean and legible copy of this Resolution (as signed by the Mayor) and a copy of the signed Site Plan shall be maintained at the subject property at all times.

PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY

The following conditions shall be complied with prior to the issuance of a Certificate of Occupancy by the Building Inspector:

22. Prior to the issuance of a Certificate of Occupancy by the Building Inspector, three copies of an "As-Built" Plan showing the installed and completed improvements, certified by a New York State licensed Land Surveyor shall be prepared at the sole expense of the Applicant. Said As-Built Plans shall be provided to the Building Inspector, documenting satisfactory completion of all approved and authorized construction activities and zoning compliance.
23. All easements, covenants and restrictions, and other assurances to the extent required to support this Application and comply with § 200-29.2.E of the Village Code shall be prepared to the satisfaction of the Village Attorney, and shall be recorded prior to issuance of a Certificate of Occupancy.
24. All outstanding planning and engineering review and inspection fees and any outstanding permit fees must be paid.
25. Failure to comply with any of the conditions set forth herein shall be deemed a violation of this approval, which may lead to the revocation of the Approval and/or Certificate of Occupancy, in accordance with the applicable provisions of the Village of Ardsley.

CONDITIONS OF THE SITE PLAN

26. Only dead storage activities shall be permitted. Dead storage shall mean the keeping of goods not in use and not associated with any office, retail or other business activity conducted on the premises.
27. All rental contracts shall include clauses prohibiting:

- a. Conducting an office (other than that associated with the proposed use); commercial wholesale or retail sales; auctions, garage sales, or flea markets;
 - b. The storage of flammable liquids, highly combustible, radioactive or explosive or hazardous chemicals; pets or animals; and, the use of the property for uses other than dead storage;
 - c. The operation of power tools, spray-painting equipment, kilns, table saws, lathes, and other similar equipment; and
 - d. the servicing, repair or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances and other similar equipment.
28. Nothing contained herein shall prohibit enforcement of the provisions of New York State Lien Law. The Applicant has indicated that from time to time they will need to conduct an auction for the sale of the contents of a particular unit or units, such auctions shall be limited to four times per calendar year.
29. As presented by the Applicant, the hours of operation for access by customers shall be limited to 6:00 AM to 9:00 PM.
30. The rental and storage of vehicles for moving dead storage, as well as the pick-up and drop off of other vehicles for moving dead storage is prohibited with the sole exception being the right of the Applicant to own/lease one storage vehicle (maximum vehicle length 22 feet) for customer use.
31. Based on presentations made by the Applicant regarding the mix of rental unit sizes:
- a. No more than 20 percent of the total mix shall be made up of the larger unit types (defined as those larger than 10'x15' up to 10'x30');
 - b. The largest unit size shall not exceed 300 square feet in size; and
 - c. .The total number of rental units shall not exceed 600.
32. Based on presentations made by the Applicant, best industry practices with respect to surveillance and general security shall be kept in place at all times.
33. Based on presentations made by the Applicant, best industry practice and recommendations from the Village's Planning Board and Planning Consultant, the provision of seven outdoor parking spaces and two indoor loading spaces is sufficient to serve the self-storage facility.

BE IT FURTHER RESOLVED, that this Site Plan Approval shall remain valid for a period of one (1) year from the date of its endorsement by the Mayor. This Site Plan Approval shall become null and void on February 3, 2016, unless construction is commenced pursuant to an

authorized Building Permit or unless this approval is extended upon request to the Village Board of Trustees in accordance with the provisions of § 167-3.J of the Village Code.

BE IT FINALLY RESOLVED, that this Site Plan Approval resolution shall have an effective date of February 3, 2015. **Seconded by Trustee Di Justo and passed unanimously.**

2. Resolution to Schedule a Public Hearing for Change of use permit located at 2 Bridge Street – NiNu, Inc.

**RESOLUTION TO SCHEDULE PUBLIC HEARING FOR CHANGE OF USE
PERMIT LOCATED AT**

2 BRIDGE STREET – NINU, INC.

Trustee Malone: RESOLVED, that the Village Board of the Village of Ardsley hereby schedules a public hearing for 8:15 p.m. Monday, March 2, 2015 to consider a change of use permit to convert the vacant commercial space on the second floor at 2 Bridge Street into two one-bedroom apartments. **Seconded by Trustee Kaboolian and passed unanimously.**

VII. NEW BUSINESS

1. Resolution to approve the Disposal of Surplus Property Policy

RESOLUTION TO APPROVE THE DISPOSAL OF SURPLUS PROPERTY POLICY

Trustee Kaboolian: RESOLVED, that the Village Board of the Village of Ardsley hereby approves the Disposal of Surplus Property Policy, effective immediately. **Seconded by Trustee Malone and passed unanimously.**

1. Purpose

- 1.1 To set forth guidelines for the disposal of surplus property.

2. Policy

2.0 The Village Manager is authorized to declare as surplus items of scrap metal and other materials, used equipment, motor vehicles, and other property items, provided such items have

been certified in writing by the responsible department head as of no further use or need to the Village. The department head shall estimate the value of such items.

3. Procedure

3.1 For surplus items having a value of not more than \$5,000, the Manager may utilize a method of disposal that is in the Village's best interests, including outright sale, public bid, or auction.

3.2 Any items declared as surplus and estimated to be of value greater than \$5,000 shall only be disposed of after sealed bids or a public auction has occurred and the Board of Trustees has approved the sale by resolution.

VIII. CALL FOR EXECUTIVE SESSION. No Executive Session.

IX. ADJOURNMENT OF MEETING

Trustee Malone: RESOLVED, that the Village Board of the Village of Ardsley hereby adjourns the regular meeting of Tuesday, February 3, 2015 at 9:28 p.m. **Seconded by Trustee Kaboolian and passed unanimously.**

X. NEXT VILLAGE BOARD MEETING: Tuesday, February 17, 2015 at 8:00 p.m.
REMINDER...8:15 P.M. PUBLIC HEARING – To consider the amendment to the Ardsley, Village Code §156-2A to prohibit the discharge of sump pumps, drains and similar devices into the Right-of-Way.

Respectfully submitted,

Donna Fusco
Recording Secretary

Village of Ardsley
Board of Trustees
January 20, 2015
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