

VILLAGE OF ARDSLEY

BOARD OF TRUSTEES

SEPTEMBER 4, 2012

Mayor Porcino opened the September 4, 2012 Regular Meeting at 8:00 p.m.

Present:	Mayor	Peter Porcino
	Deputy Mayor/Trustee	Gary Malone
	Trustee	Larry J. Nardecchia
	Trustee	Nicole Minore
	Village Manager	George Calvi
	Village Attorney	Robert J. Ponzini
	Village Clerk	Barbara Berardi
	Recording Secretary	Lorraine McSpedon
Absent:	Trustee	Beverly A. Levine

I. PLEDGE OF ALLEGIANCE

II. APPROVAL OF MINUTES

Tr. Malone: Resolved, that the Village Board of the Village of Ardsley hereby approves the minutes of the August 6, 2012, as submitted. **Seconded by Tr. Nardecchia and passed unanimously.**

III. DEPARTMENT REPORTS

LEGAL REPORT: Attorney Ponzini reported that has worked on various items over the past month with members of the official village family. He also mentioned that there are a couple of items which are appropriate for Executive Session tonight.

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

The bills for the last four weeks are as follows:

From the General Fund: \$417,128.84; Trust & Agency Fund: \$8,057.17 and the Capital Fund totaled \$91,968.54.

Tr. Nardecchia: Resolved, that the Village Board of the Village of Ardsley here authorizes the Village Treasurer to pay:

From the General Fund: \$417,128.84; Trust & Agency Fund: \$8,057.17 and the Capital Fund totaled \$91,968.54. **Seconded by Tr. Malone and passed unanimously.**

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

**VILLAGE MANAGER REPORT
PREPARED BY GEORGE CALVI
FOR TUESDAY, SEPTEMBER 4, 2012**

1. ROAD CLOSURE: As reported earlier today with two updates on village-wide email blast, a Max Braun meat truck hit a utility pole on Route 9A at Sylvia Avenue resulting in the closure of Route 9A in both directions at that point in front of The Atria – Woodlands Senior Assistive Living Facility. As of 3:00 pm, Con Edison was contemplating an 8 hour repair time. To facilitate the repairs, local police detoured northbound traffic on to Heatherdell Road, and southbound traffic was detoured on to Secor Road. Revolutionary Road was closed off at Heatherdell Road. Police were allowing local traffic to access the Stonegate Condominiums, St. Barnabas Church, the Ardsley Mall, and the Towne Plaza. In speaking to our Highway Foreman at 6:00 pm this evening, much progress has been made, and hopefully the road should be re-opened between midnight and 3:00 am. Incidentally, if you are hearing this news for the first time perhaps it's time you finally subscribed to the email blast which is currently the Village's primary method of getting news out quickly. All you need to do is log on to home page of our website www.ardsleyvillage.com, and follow the prompts in the upper right hand corner. It's that simple.

2. NEWSLETTER: Speaking of the newsletter the September 2012 Ardsley Villager went out in the mails last Friday and should have been in your mail boxes by today, or tomorrow. Please scan it through where you will find valuable information about the upcoming Ardsley Day, who to call about wild animals, and paying attention while in crosswalks amongst other stories about community events.

3. MEETING CHANGE: Owing to the observance of Rosh Hashanah, the next Village Board meeting on September 18, like tonight's meeting, will be on Tuesday. Thus, please take note.

4. FILMING: As some of you may have already heard, famed movie director Martin Scorsese will be in Ardsley filming next week in the long vacant Westchester Garage. The film known as The Wolf of Wall Street and starring Leonardo DiCaprio and a number of other A-Listers [Jonah Hill, Jean Dujardin, Rob Reiner, and Matt Moconaghey] in smaller roles are scheduled to do interior shots at the garage on Tuesday, Wednesday, and Thursday. On Friday of that week, a number of vintage 1980's automobiles will be driving up and down Route 9A between Ashford and Center necessitating periodic closures of the road. I need to emphasize however that the road will not be closed down for long periods. You will be able to get to your favorite hardware store, deli, Laundromat, or tire repair establishment if you plan your trip accordingly by scheduling a bit of extra time. Despite all the hoopla with all the Hollywood enticements in the Village that day, remember that the local merchants will be open, and expecting their regular customers.

5. SOLAR PANELS: I am pleased to announce tonight that the solar panel project on the roof of the Ardsley Fire House has been completed. The \$109,000 project funded through a grant from NYSERDA did not cost the Village of Ardsley a dime, a feat which we can only thank local resident Susan Porcino for having secured for us. Susan, if you are watching, on behalf of the Village I thank you very much. There is a lot more to say about this project which I am unable to share this evening owing to today's busy events. Nevertheless, a more thorough description of this project will be provided at the September 18th meeting.

6. PRIMARY: There seems to be a bit of confusion going around which I hope to clear up tonight. Although there will be a Primary elsewhere in the county on September 13, the County Board of Elections has advised us **there will be no primary being held in the Village of Ardsley on that date.** Thus, please don't be banging down the doors at 6:00 am at the Community Center or St. Barnabas Episcopal Church, our usual polling places, because no one will be answering the door.

7. FLUSHING: It's that time of year again. Suez Environment, dba, United Water New Rochelle will be flushing the hydrants at various locations around the village. I don't have the exact locations this evening, but if you experience a slight discoloration in your water, or a decrease in water pressure, please contact United Water directly at 632-6900 to determine the duration of these effects.

BUILDING DEPARTMENT REPORT: Mr. Tomasso delivered the July report.

MAYOR'S ANNOUNCEMENTS:

1. Attended several Ardsley Day Committee meetings.
2. Attended the concert in memorial of Lori Hunter.
3. Received a tour of the House of Sports.
4. A public discussion with take place at the 9/18/12 Board meeting regarding sanitation schedule changes.

IV. COMMITTEE AND BOARD REPORTS:

Tr. Minore:

1. Gave an update on Ardsley Day planning.
2. Attended the memorial and dedication for Lori Hunter.
3. Gave an update on the new website progress.

Tr. Nardecchia:

1. Reported on the Senior's program.
2. Reported on the memorial bench for Lori Hunter.
3. Reported on the volleyball court progress.
4. Reported on the status of the Community Center construction.

Tr. Malone: Had nothing to report.

Tr. Levine: Absent

8:15 P.M. – PUBLIC HEARING – To consider a request for additional interior seating at Yogurt By Your, LLC, located at 718 Saw Mill River Road, Ardsley, NY (a/k/a 726 Saw Mill River Road).

Mayor Porcino read the legal notice.

Mr. Steven Fraum, owner, presented himself to the Board. Mr. Fraum explained that he met with the Zoning Board of Appeals for an indoor seating variance, which was approved.

Mayor Porcino confirmed with Mr. Fraum that the Zoning Board of Appeals approved the variance with the condition that two parking permits be obtained. Mr. Fraum stated that he would purchase the permits prior to the end of the week.

Tr. Nardecchia requested Mr. Tomasso explain the parking requirements for this establishment. Mr. Tomasso explained that there are 16 seats, which translates into 5-1/3 parking spaces. Since the floor area was reduced slightly, the parking requirement was rounded off to 5 spaces.

Mayor Porcino confirmed with Mr. Tomasso that the exterior seating was seasonal in nature and is included in the parking requirement. The total number of seats indoors was confirmed to be 16 and the total outdoor seating was confirmed to be 6.

Mayor Porcino opened the application up for comment.

Tr. Minore: Resolved, that the Village Board of the Village of Ardsley hereby closes the public hearing on the permit application for additional interior seating at Yogurt By You, LLC located at 718 Saw Mill River Road (a/k/a 726 Saw Mill River Road). **Seconded by Tr. Malone and passed unanimously.**

V. VISITOR'S

VI. OLD BUSINESS

**SPECIAL PERMIT APPROVAL
RESOLUTION OF THE VILLAGE OF ARDSLEY
BOARD OF TRUSTEES**

**MetroPCS, NEW YORK, LLC
PERSONAL WIRELESS SERVICE FACILITY
690 SAW MILL RIVER ROAD
Section 6, Sheet 50, Block 18 Lots 25, 25B, 26**

Tr. Malone: WHEREAS, an application for special permit approval for property located at 690 Saw Mill River Road (the “Site”) has been submitted by MetroPCS, New York, LLC (the “Applicant”); and

WHEREAS, the application involves the installation of a personal wireless telecommunications facility consisting of 6 panel antennas and small GPS antenna on the rooftop and an equipment cabinet located within the existing building at the Site (the “Project”); and

WHEREAS, the site plan was prepared by APT Engineering, Killingworth, CT, dated December 19, 2011, last revised May 3, 2012 and consists of the following plans:

- T-1 Title Sheet and Index
- SP-1 Site Plan and Location Map
- A-1 Roof Plan & Equipment Details
- A-2 Building Elevations
- C-1 Antenna Mounting Plan & Details

WHEREAS, the proposed use of the Site as a wireless communications facility is permitted as a special permit use in the B-1 General Business zoning district, subject to compliance with the Personal Wireless Service Facility law requirements; and

WHEREAS, the Project is designated as a Type II action pursuant NYCRR 617 of the SEQR regulations, whereby no further SEQR environmental review is required; and

WHEREAS, on July 11, 2012 the Architectural Review Board reviewed this application pursuant to the requirements of §181-7; and

WHEREAS, on August 6, 2012, the Board of Trustees held a public hearing, at which time, all those persons wishing to comment on this application, were provided an opportunity to be heard; and

WHEREAS, the Applicant has met the special permit application requirements for Personal Wireless Service Facilities set forth in §181-5, including the submission of a

radio frequency emission report, structural engineering report, height report, statement of non-interference and collocation, coverage maps and photo-renderings and visual simulations; and

WHEREAS, the Site is not located within the Personal Wireless Service Facilities Overlay District.

NOW THEREFORE BE IT RESOLVED, that the Village of Ardsley Board of Trustees hereby finds that:

1. The Applicant has adequately documented that the proposed personal wireless service facility is necessary to provide service within the Village, which cannot be served by existing facilities located elsewhere.
2. The proposed personal wireless service facility is a collocation, and has been designed to accommodate future co-locations at this Site.
3. The proposed personal wireless service facility meets the applicable height requirement, and does not extend 6' above the tallest point on the building.
4. The accessory equipment cabinet is located within the existing building, and does not exceed the maximum size requirement of 250 square feet.
5. The proposed personal wireless service facility meets all applicable setbacks established for the B – 1 General Business zoning district.
6. The proposed personal wireless service facility shall be secured in a manner that prevents unauthorized access by the general public.
7. The proposed personal wireless service facility has been designed to minimize visibility, consistent with the needs of the antenna to transmit an unobstructed signal.
8. The proposed personal wireless service facility has been designed to accommodate additional antennas for the purpose of collocating.

BE IT ADDITIONALLY RESOLVED, the Village of Ardsley Board of Trustees finds that:

1. The power density levels of electromagnetic energy generated from the proposed personal wireless service facility, combined with the existing facilities located at this Site, fall within the allowable limits established by the Federal Communications Commission (FCC).
2. The proposed personal wireless service facility meets the structural engineering standards established in §181-9.

3. The proposed personal wireless service facility meets the design guidelines established in §181-9.

BE IT ADDITIONALLY RESOLVED, that this special permit application is for property outside of the Personal Wireless Service Facility Overlay District, and the Village of Ardsley Board of Trustees finds that:

1. The personal wireless service facility is needed to provide coverage to an area of the village that currently has inadequate coverage and is of the minimum height and aesthetic intrusion necessary to provide that coverage.
2. All reasonable measures in siting the personal wireless service facility within the Personal Wireless Service Facilities Overlay District have been exhausted.
3. Technical or space limitations prevent location or collocation in the Personal Wireless Service Facilities Overlay District.

BE IT FURTHER RESOLVED, that this application for special permit approval for MetroPCS, New York, LLC is hereby granted, subject to the following conditions:

1. This special permit 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 of Ardsley.*
2. The Applicant shall furnish the Village Clerk with three (3) print sets of the site plan as described above, bearing the original seal and signature of the design professional responsible for the preparation of the site plan, for endorsement by the Mayor, subject to the satisfaction of all approval conditions, which shall then be recorded as the approved special permit.
3. No changes, additions, erasures, modifications or revisions shall be made to the site plan following endorsement by the Mayor. Any changes detected after endorsement of the site plan as final, shall result in the immediate termination and revocation of this resolution of approval, thereby making it null and void.
4. 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 site plan. The Building Inspector shall include reference to the site plan and this resolution of approval on any Building Permit.
5. No construction activity shall take place on the Site prior to the issuance of a Building Permit by the Building Inspector.

6. Radio frequency energy to which the public may be exposed at this facility shall not exceed all applicable health and safety limits, including, but not limited to the FCC, ANSI, IEEE and the State of New York. The Applicant shall submit an annual report to the Building Inspector documenting compliance with this requirement. Said report shall be submitted no later than the date of this approval (September 4th) of each year.
7. The Applicant shall submit along with the application for a Building permit, copies of all licenses and permits required by other agencies and governments with jurisdiction over the design, construction, location and operation of this facility, and shall supply evidence of renewals or extensions, where applicable.
8. The installation of the antennas, cabling, equipment and all associated building improvements shall be designed and installed in accordance with all New York State Building Code requirements.
9. The Applicant shall provide the structural mounting apparatus to allow for the possible future relocation of its beta antenna sector to the upper rear corner of the roof to occur in the event that Sprint Nextel, in the future, abandons both its antennas and rooftop lease rights on the building.
10. The hours of construction activity shall take place in conformance with the applicable Village Regulations.
11. A Building Permit must be obtained within 12 months and construction completed within 24 months from the date of this approval. This special permit approval shall automatically expire in the event the Building Department has not granted such permit and construction of the facility is not completed within the time periods set forth above.
12. In the event that the use of this facility is discontinued for a period of 180 consecutive days or more, the facility shall be deemed to be abandoned. Determination of the date of abandonment shall be made by the Building Inspector, who shall have the right to request documentation from the owner/operator of the facility regarding usage of the facility. Upon such abandonment, the owner/operator shall remove the facility at its own expense, and, failing prompt removal; the village may remove the facility at the owner/operator's expense. This special permit approval shall automatically expire as of the date of abandonment of the facility.
13. This special permit approval shall be deemed to authorize only MetroPCS, New York, LLC to operate the facility as depicted on the site plan. this approval cannot be transferred or assigned to any other wireless service carrier, without the express approval of the Village of Ardsley Board of Trustees.
14. This special permit approval shall expire with the termination of the use.

15. 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 or in the possession of the owner of the property, at all times.
16. Prior to the issuance of a Certificate of Occupancy by the Building Inspector, 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 Plan shall be provided to the Building Inspector, documenting satisfactory completion of all approved and authorized construction activities and zoning compliance.
17. 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 Ardsley.
18. The applicant shall obtain all other applicable permits and approvals and shall pay all other fees as a part of the execution of the final site plan.

BE IT FURTHER RESOLVED, that this special permit approval shall remain valid for a period of one year from the date of its approval.

BE IT FINALLY RESOLVED that this special permit approval resolution shall have an effective date of September 4, 2012.

On a motion of Trustee Malone, Seconded by Trustee Nardecchia, this resolution was approved by the following vote:

Mayor Porcino: Aye
Tr. Malone: Aye
Tr. Minore: Aye
Tr. Nardecchia: Aye
Tr. Levine: Absent

RESOLUTION TO AWARD BID FOR SALE OF 2003 FORD EXPLORER

Tr. Minore: Whereas, on August 6, 2012, the Village Board of the Village of Ardsley authorized the Village Clerk to advertise a Notice to Bidders for the sale of a 2003 Ford Explorer, and

Whereas, the Notice to Bidders was advertised in The Journal News and via mailing to an extensive bidders list; and

Whereas, on August 22, 2012, the Village Manager in the presence of the Village Clerk open three sealed bids;

Be it resolved, that the Village Board of the Village of Ardsley hereby awards the bid for the sale of a 2003 Ford Explorer to Mr. Kevin O'Donnell of Patterson, New York in the amount of \$3,000. **Seconded by Tr. Nardecchia and passed unanimously.**

**RESOLUTION TO APPROVE ADDITIONAL INTERIOR SEATING AT
YOGURT BY YOU, LLC LOCATED AT 718 SAW MILL RIVER ROAD
(A/KA 726 SAW MILL RIVER ROAD)**

Tr. Minore: RESOLVED, that the Village Board of the Village of Ardsley hereby grants permission for the additional interior seating at Yogurt By You, LLC located at 718 Saw Mill River Road which consists of four stools at a fixed counter and three additional tables with four chairs each for a total of 16 seats;

AND FURTHERMORE RESOLVED, that this approval is subject to the conditions of the Zoning Board of Appeals approval including the condition that the applicant will obtain two parking permits for his employees and further subject to the conditions of the original site plan approval and any additional conditions that Village Board and Village Attorney deem appropriately. **Seconded by Tr. Nardecchia and passed unanimously.**

VII. NEW BUSINESS

RESOLUTION APPROVING REQUEST FOR ARDSLEY DAY BANNER

Tr. Nardecchia: Resolved, that the Village Board of the Village of Ardsley hereby grants permission to the Ardsley Day Committee to hang a double-sided banner on Ashford Avenue at some point between Chase Bank, 500 Ashford Avenue, and American Legion Drive from Monday, September 24 through Monday, October 15, 2012 to advertise the Ardsley Day event and activities scheduled for Sunday, October 14. **Seconded by Tr. Minore and passed unanimously.**

**RESOLUTION GRANTING PERMISSION TO CUB SCOUTS TO ERECT
RECRUITMENT BANNER AND SIGNS - 2012**

Tr. Malone: Resolved, that the Village Board of the Village of Ardsley hereby grants permission to Ardsley Cub Scout Pack 3 to erect a recruitment banner on the guardrail at the corner of Ashford Avenue and Route 9A from September 12 through September 25, 2012;

Be it further resolved, that smaller recruitment signs be permitted to be at established locations for the same period of time. **Seconded by Tr. Nardecchia and passed unanimously.**

**RESOLUTION PROVIDING ONE DAY WAIVER FOR ARDSLEY
MERCHANTS FOR ARDSLEY DAY**

Tr. Minore: Resolved, that the Village Board of the Village of Ardsley hereby provides for a one day exception pursuant to Section 200-82E of the Ardsley Zoning Code for bona fide Ardsley merchants to peddle their wares on the central business district sidewalks for the October 14th event. **Seconded by Tr. Malone and passed unanimously.**

**RESOLUTION RENEWING IMA WITH WESTCHESTER COUNTY FOR
VOICE / DATA SERVICES WITH CABLEVISION LIGHTPATH**

Tr. Nardecchia: Resolved, that the Village Board of the Village of Ardsley hereby authorizes the Village Manager to execute an inter-municipal agreement with the Westchester County Department of Information Technology located at 112 Post Road – Room 365, White Plains, New York 10601 to renew the agreement for voice / data services from Cablevision Lightpath commencing immediately through December 31, 2015. **Seconded by Tr. Minore and passed unanimously.**

**RESOLUTION REGARDING ATTENDANCE AT THE NYS JUVENILE
OFFICERS ASSOCIATION TRAINING CONFERENCE FOR
SAYF COALITION MEMBER OFFICER TONY VACCA
(FOR TRACKING PURPOSES ONLY)**

Tr. Minore: Resolved, that the Village Board of the Village of Ardsley hereby approves the attendance of SAYF Coalition Member, Community Policing Officer Anthony Vacca at the 37th annual Training Conference of the New York State Police Juvenile Officers Association to be held at Lake Placid, New York from August 27 through August 31, 2012 with ALL costs for travel and lodging to be covered by the SAYF grant at a cost not to exceed \$775.00. **Seconded by Tr. Nardecchia and passed unanimously.**

**RESOLUTION TO MODIFY 2012-13 VILLAGE BUDGET –
ROAD RESURFACING**

Tr. Malone: Resolved, that the Village Board of the Village of Ardsley hereby authorizes the Village Treasurer to modify the 2012-2013 Village Budget to increase line item 5110.448 Road Paving up to \$116,710 by transferring \$31,710 from General Fund Balance to resurface portions of Heatherdell Road [from Route 9A to Powderhorn Road], Beacon Hill Road [from Heatherdell Road to Powderhorn Road], and Huntley Drive [from Heatherdell Road to Revere Road]. **Seconded by Tr. Nardecchia and passed unanimously.**

**RESOLUTION SCHEDULING A WORK SESSION TO DISCUSS
THE FUTURE OF OLD BETSY**

Tr. Nardecchia: Resolved, that the Village Board of the Village of Ardsley hereby schedules a work session for 7:30 pm, Wednesday, October 10, 2012 with members of the Ardsley Fire Department and Ardsley Volunteer Engine Company No.1 regarding the restoration, preservation, and future of Old Betsy. **Seconded by Tr. Minore and passed unanimously.**

ADJOURNMENT OF MEETING: Tr. Nardecchia: Resolved, that the Village Board of the Village of Ardsley hereby adjourns the regular meeting of Tuesday, September 4, 2012 at 9:58 p.m. **Seconded by Tr. Minore and passed unanimously.**

Respectfully submitted,

Lorraine McSpedon