

Mayor Leon opened the May 2, 2011 Regular Meeting at 8:00 p.m.

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

I. PLEDGE OF ALLEGIANCE

Judge Schwartz presented himself to the Board and recognized the Court Clerk, Patricia Bassini, for 35 years of service to the Village.

II. APPROVAL OF MINUTES

Tr. Porcino: Resolved, that the Village Board of the Village of Ardsley hereby approves the minutes of the Regular Meeting of April 20, 2011, as submitted. **Seconded by Tr. Levine and passed, with Tr. Levine abstaining since she was not present at last month's meeting.**

III. DEPARTMENT REPORTS

LEGAL REPORT: Attorney Ponzini had nothing to report other than those items submitted in memorandum form. Has had meetings with the staff and will be meeting Friday with Commissioner Madden, one of the attorney's from his office and Mr. Calvi regarding the Route 9A project.

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

The bills for the last two weeks from the General Fund totaled \$18,178.81; from the Trust & Agency Fund: \$458.38.

Tr. Nardecchia: Resolved, that the Village Board of the Village of Ardsley hereby authorizes the Village Treasurer to pay from the General Fund: \$18,178.81 and from the Trust & Agency Fund: \$458.38. **Seconded by Tr. Porcino and passed unanimously.**

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

**VILLAGE MANAGER REPORT
PREPARED BY GEORGE F. CALVI
FOR MONDAY, MAY 2, 2011**

1. DRUG GIVE BACK DAY A SUCCESS: I received an email this afternoon from Theresa Del Grosso that the Prescription Drug Give Back Day this past Saturday held at Rite Aid was a huge success. According to Mrs. Del Grosso ninety people came to drop off items filling two large boxes of liquid items and four large boxes of pills. These were not small boxes either; their size was 3' tall and 12" wide. She was advised by the two DEA officers who were present that this was the most they had seen collected in a long time and asked me if the SAYF coalition would participate in the next give back day in the fall. They were extremely happy with the turn out in Ardsley.

2. STORM WATER ANNUAL REPORT: Stormwater assistant Lorraine Kuhn asked me today to remind everyone that the Stormwater Annual Report will be presented at the Monday, May 16th Village Board meeting. This public hearing is an annual requirement of our responsibilities as per the Federal Storm Water Phase II regulations. Other periodic presentations made during the fiscal year are part of the public access requirements.

3. GARDEN CLUB EVENT: On behalf of Trustee Beverly Levine and President Mary Keehan, I am once again announcing that the Ardsley Garden Club will be holding its annual flower show on Wednesday, May 4, 2011 from 2:30 pm to 8:00 pm at Saint Barnabas' Episcopal Church located at the corner of Revolutionary and Heatherdell Roads. This year's theme is "Poetry and Flowers." Admission is free and all are invited to attend! I have had the pleasure of attending this event in past years, and it really is a nice occasion.

4. SNACK BAR: A few weeks back a Request for Proposal to operate the Ashford Park snack bar was distributed to various parties on a prepared list and noticed in the various local newspapers of record. Two proposals were received one from a large firm named O'Neill's with operations in Chappaqua, Greenburgh, and Scarsdale; the other is literally a first time mom and pop operation based in Ardsley. The proposals were run by the Ardsley Parks & Recreation Commission and the members unanimously chose to select Mark & Carolanne Florkowski of Ardsley. This is a couple with a longtime commitment to volunteerism in this community and I am firmly in agreement with the commission to offer them the opportunity to operate the snack bar in Ashford Park as they will not only be operators but they will be guardians of the park in a similar fashion as the Breindel family, also of Ardsley, who did so well for many years. This decision does not require the passage of a Village Board resolution.

5. RIDGEHILL SETTLEMENT MATTER ONE: At the last Village Board meeting the Mayor charged me with the responsibility to arrange a meeting between the attorneys and the Greenburgh Planning Commissioner to finalize the details and mechanism in some land takings. I am happy tonight to report that such a meeting will take place this Friday, May 6 at 1:00 pm in Greenburgh Town Hall at which time the details will be worked out on how to handle the proposed takings of narrow slivers of land along the east side of Route 9A between Ashford Avenue and Heatherdell Road to accommodate the forthcoming improvements on Route 9.

RIDGEHILL SETTLEMENT MATTER TWO: As per the meeting which took place in Village Hall on the afternoon of April 25 in our conference room which included our Mayor, Village Trustee Nardecchia, County Legislator Shimsky, Assemblyman Abinanti, his assistant Joanne Sold, TPPS Chairman Frank Doherty and yours truly, Richard Dillman representing the NYS DOT advised that any work to facilitate a left turning lane and a full thru lane at the juncture of Route 9A and Colonial Court North must maintain the sidewalk on the west perimeter of Bicentennial Park. Originally, Mr. Dillman was going to email the Planning Commissioner restating that position. Late this afternoon, I learned that a formal letter is being prepared and should be received by tomorrow in Greenburgh. If the contents of the letter are what we expect than a second pilgrimage will be made by Ardsley and Greenburgh representatives to the NYC DEP offices in Valhalla to formally obtain their anticipated approval to shift the Bicentennial Park sidewalk several feet to the right to accommodate the two lanes. I have already informed the Greenburgh Planning Commissioner that I support Trustee Nardecchia's suggestion that a two or three foot median be constructed between the curb and sidewalk edge to accommodate snow storage, if possible.. He responded that if it can be accommodated, it would be a good idea, and he would advise the consultant accordingly.

RIDGEHILL SETTLEMENT MATTER THREE: TPPS Chairman Frank Doherty and others at the last meeting inquired if a timetable or flow chart was or could be made available to the public so that they could follow the progress of the construction project. In speaking to the Planning Commissioner late this afternoon, he advised that he was compiling a number of hurdles over the weekend that need to be met, that these hurdles would be discussed at the May 6th meeting of the attorneys, and shortly after that time, an actual timetable could be formalized and released to the general public.

Mayor Leon requested Mr. Calvi express his regrets since he will not be able to attend the Garden Show.

MAYOR'S ANNOUNCEMENTS:

- 1) Regarding the April 25th DOT meeting, Tr. Nardecchia presented the left hand turn lane to Rich Dillman of NYSDOT, a couple of accomplishments were made: a) Rich Dillman is the decision maker for the State and he unilaterally approves the plans, b) Rich Dillman agreed to write a letter to be presented to the Department of Environmental Protection regarding the State's position and c) the sidewalks must remain in the right-of-way. The plan's only change is in Rich Dillman's compliance. Rich has agreed to approve plan 1A and then, at such time as 1B is presented to him, he will approve that as well.

Tr. Nardecchia clarified the fact that the sidewalk will be on blow off property, adjacent to the road, and it will be by virtue of an easement granted to the Village of Ardsley, rather than the taking of land.

- 2) Congratulations were extended to Will Gonzalez on becoming an Eagle Scout last Saturday. On May 15th David Fishman will become an Eagle Scout and on the May 22nd, Justin De La Garza will become an Eagle Scout.

Mayor Leon referred to the above Eagle Scouts as role models to the community.

- 3) An Ardsley Day meeting will be held on May 17th at the Community Center. The tentative date for Ardsley is September 25, 2011.
- 4) Joe Zeolla, owner, Ardsley Hardware, is the President of the Irvington Players, whose children's division is the Clock Tower Players. The Clock Tower Players will be presenting Bye, Bye Birdie on May 13-14, 2011. Mayor Leon mentioned that his daughter, Erica, will play the lead role. Mayor Leon will play the role of the Mayor of Sweet Apple, Ohio.
- 5) Congratulated Lori Hunter upon receiving the Jenkins Award last Wednesday.

IV. COMMITTEE AND BOARD REPORTS:

Tr. Porcino:

- 1) Attended the regular meeting of the SAYF Coalition. Was surprised by the success of the drug giveback program given the late notice and mentioned the venues of advertising involved.
- 2) The SAYF Coalition will again be doing the graduation balloon fundraiser for graduating 8th graders and seniors.
- 3) Attended the regular meeting of the Library Board and discussed the upgrading of the bathrooms and the Children's Library mural.
- 4) Received a notice that on May 20th between 8:30 a.m. – 11:00 a.m., at the Greenburgh Library regarding composting leaves.

Tr. Nardecchia:

- 1) Attended the DOT meeting. The conflict concerned the sidewalk issue.
- 2) Attended the budget sessions.
- 3) Attended the fire department installation.
- 4) Has done drainage and field inspections in Ashford Park.
- 5) Will be attending Justin De La Garza's Eagle Scout project ceremony.

Tr. Malone: Nothing to report.

Tr. Levine:

- 1) The WWII video will feature Frank Spano, who lives at the Woodlands, will be broadcast on television by Friday.
- 2) The Library mural artist will be at the Library on Saturday from 10:30 – 12:00 p.m.
- 3) The renovations of the Legion House in Ashford Park are complete. Brian Unos and his father, as well as the other scout members and their fathers, participated in this project. The opening will occur on Memorial Day.

8:30 P.M. – CONTINUATION OF PUBLIC HEARING – To consider the placement of a maximum of 15 seats on the sidewalk in front of Stagioni Pizzeria at 2 Bridge Street.

Mayor Leon read the legal notice.

Applicant, Michael Borelli, presented himself to the Board and was advised of the Mr. Tomasso's conditions, as outlined in his memorandum to the Board. Mr. Borelli discussed the handicapped accessibility, the amount of outdoor seating being added and the type of barrier being proposed to avoid a storefront accident.

Regarding the handicapped issue, the sidewalk is 54". According to Mr. Tomasso, assuming 18" tables are used, there would be 36" remaining and by Code that is acceptable. Mr. Borelli also stated that he has a portable ramp which can be used.

Regarding parking, since the outdoor seating is only seasonal, additional parking will not be required, according to Mr. Tomasso.

Regarding the barrier issue, tire bumpers will be purchased and behind each one a 2-3' planter will be placed as a visual deterrent. There will be 28' of parking space available after the placement of the bumpers and planters.

Mayor Leon explained that none of the above were conditions of approval, they are just explanations of how the items were resolved.

Attorney Ponzini confirmed that the 18" tables would be rectangular in shape with an 18" width. Attorney Ponzini suggested that since the parking was not going to be taken into account and that it is seasonal, a condition of the resolution should include the dates of the season involved. Mr. Borelli stated that the seasonal dates would be May 1 – September 30.

Tr. Nardecchia questioned where the tables will be located. Mr. Borelli stated that parking spaces 7-2 will be involved and there will be 36" of sidewalk remaining after placing the tables. Spaces 5-2 will have 54" of sidewalk space depth. Tr. Nardecchia suggested marking the drawing with the tables involved and including the drawing as part of the resolution.

Tr. Porcino referred to the hours of operation and Mr. Borelli confirmed that the last seating at the outdoor tables will take place at 9:00 p.m. and that the restaurant will be close at 10:00 p.m. and the tables will be brought inside at the end of the day.

Mayor Leon invited audience participation.

The public hearing was left open.

V. VISITOR'S

VI. OLD BUSINESS

RESOLUTION TO VOTE ON ADOPTING THE 2011-2012 VILLAGE BUDGET

Tr. Levine: RESOLVED, that the Village Board of the Village of Ardsley hereby adopts the 2011-2012 Final Village Budget, effective June 1, 2011 through May 31, 2012, with total appropriations of \$9,871,588.00 and a tax rate increase of 4.38%.
Seconded by Tr. Malone.

A roll call vote was held as follows:

MAYOR JAY LEON PRESENT VOTING AYE
TRUSTEE PORCINO PRESENT VOTING AYE
TRUSTEE NARDECCHIA PRESENT VOTING AYE
TRUSTEE MALONE PRESENT VOTING AYE
TRUSTEE LEVINE PRESENT VOTING AYE

Tr. Nardecchia: Resolved, that the Village Board of the Village of Ardsley hereby closes the public hearing for the Stagioni Pizzeria, located at 2 Bridge Street, Ardsley, NY. **Seconded by Tr. Levine and passed unanimously.**

**RESOLUTION TO APPROVE OUTDOOR SEATING AT STAGIONI PIZZERIA
LOCATED AT 2 BRIDGE STREET, ARDSLEY, NEW YORK**

Trustee Nardecchia: RESOLVED, that the Village Board of the Village of Ardsley hereby grants permission to place a maximum of 6 tables and a maximum of 15 seats on the sidewalk in front of Stagioni Pizzeria located at 2 Bridge Street, Ardsley, New York for dining purposes with the following conditions: **Seconded by Trustee Levine and passed unanimously.**

1. An unobstructed sidewalk width of 3 feet and an unobstructed exit width equal to the width of the double doors must be maintained at all times.
2. The months of operation of the outdoor seating should be limited to May 1st to September 30th each year.
3. The hours of operation should also be limited as determined by the Village Board to 11 am to 10 pm.
4. Any conditions deemed appropriate by the Village Attorney & Village Manager.
5. Any conditions deemed appropriate by the Village Board.
6. The applicant must submit a revised plan to the building department detailing all of the conditions of approval which includes curb stops, planters and the portable ramp as described.

**RESOLUTION SCHEDULING PUBLIC HEARING FOR 2011 ANNUAL
STORMWATER REPORT**

Trustee Nardecchia: Resolved, that the Village Board of the Village of Ardsley hereby calls for a public hearing on May 16, 2011 at 8:30 p.m. for the purpose of receiving comments regarding the 2011 Village Stormwater Annual Report. **Seconded by Trustee Porcino and passed unanimously.**

**RESOLUTION ESTABLISHING STANDARD WORK DAY OF VILLAGE
JUSTICE AND VILLAGE ATTORNEY - AMENDED**

Trustee Porcino: Resolved, that the Village Board of the Village of Ardsley hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees Retirement System based on the time keeping record of activities maintained and submitted by the officials to the Village Treasurer;

Be it further resolved, that the standard work day for the Village Justice Walter Schwartz and the Village Attorney Robert Ponzini is six hours; and the days per month, based on the submitted Record of Activities for Village Justice Walter Schwartz is 5.24, and for Village Attorney Robert Ponzini is 5.96;

Be it further resolved, that the expiration of the term of the Village Justice is December 1, 2014, and the expiration of the term of the Village Attorney is December 5, 2011;

Be it further resolved, that this resolution will be maintained on the Village website for a minimum of 90 days. **Seconded by Trustee Malone and passed unanimously.**

VII. NEW BUSINESS

**VILLAGE OF ARDSLEY BOARD OF TRUSTEES
NOTICE OF INTENT
TO SERVE AS SEQRA LEAD AGENCY
FOR THE ELM STREET SPORTS GROUP SITE PLAN
FOR PROPERTY LOCATED AT 1 ELM STREET
KNOWN & DESIGNATED AS
SECTION 18, SHEET 14, BLOCK 1148, LOT 1**

Mr. Donald Scherer, applicant, CEO Elm Street Sports Group, presented himself to the Board to request a Change of Use for the 1 Elm Street Property.

Mayor Leon thanked Mr. Scherer for his participation on the Ambulance Corp.

Mr. Scherer explained that he is proposing to convert the old Selecto warehouse, located at 1 Elm Street, into a state-of-the-art indoor sports facility. The two story warehouse portion of the building will be replaced with a two story field house. The bottom floor will house basketball courts and the second floor will house a turf field. Lacrosse, baseball, soccer, football, etc. can be played on the turf.

The office building will house the bathrooms, multi-purpose rooms and offices.

The footprint of the existing building will be retained. Mr. Scherer showed drawings of the proposed structure to the Board and explained each one.

Mr. Scherer explained that the proposed business would be open 7 days per week, 12 months per year from 9:00 a.m. to 10:00 p.m. Various age groups will be served at various times during the day. Private clinics will be available. Team practice sessions will be available. There will also be children's parties offered.

The parking should not be an issue since there will be 123 spots and there will be parking underneath the building. The patrons will be staggered during the day.

Mr. Scherer acknowledged that he must proceed to the Zoning, Planning and BAR Boards and gave a timeframe of: Zoning – 5/25, Planning – 6/13, BAR 6/21 and back to the Trustees on 8/1. Mr. Scherer explained that he realized this is an aggressive schedule but his landlord would only give him an August deadline for approval. Mr. Scherer estimates that construction will take approximately 6-9 months and anticipates a soft opening next summer with a Grand Opening in September, 2012.

Mr. Scherer explained that the proposed premises should be viewed as a gymnasium. Mr. Scherer explained the benefits of allowing such a business in Ardsley.

Mayor Leon thanked Mr. Scherer for his presentation and explained that the Trustees needed to declare themselves the lead agency this evening and refer the application to the other Boards. Additionally, the SEQRA process needs to be completed.

Attorney Ponzini explained that the resolution only declares the Trustees' intent to declare themselves the lead agency and that a 30 day wait period is necessary before they can actually declare themselves the lead agency and refer the application to the other Boards. Attorney Ponzini also advised the applicant that an escrow fund may need to be established for traffic and parking studies. Additionally, the Village will need to obtain a SEQRA report from their consultant and make a determination as to whether this application is a negative or positive declaration. The application will then be referred to the other Boards and finally return to the Trustees for a public hearing.

The applicant expressed concern regarding the timetable involved and stated that he would kept the Board advised as to his progress.

Tr. Nardecchia questioned Mr. Calvi as to the number of buses on the Elm Street property and mentioned that the bus company has been cutting down numerous trees and there is no screening. Also, the bus company should be liable for a portion of the repaving of the street due to the amount of traffic generated by the busses. Additionally, a site review should be conducted on the bus parcel. Mr. Calvi responded that the trees were cut down a very long time ago and that they were located on the New York State Thruway r.o.w.

Trustee Malone: WHEREAS, Elm Street Sports Group, LLC, Ardsley, NY, is proposing to demolish an existing 3 story warehouse and office building, which is located on an 80,371 square foot parcel of land located on Elm Street, to support a new 75,000

square foot athletic training facility consisting of two floors of sports related playing surfaces and courts, serviced by an attached three story office, locker room, team room and waiting area building. The existing parking lot will be reconstructed and reconfigured to provide a total of 117 off-street parking spaces, and new stormwater management facilities, landscaping and associated site improvements are also proposed. Approximately 18,000 square feet of the site, which would support 51 off-street parking spaces, is located in the Village of Dobbs Ferry. The proposed building and associated improvements are wholly located in the Village of Ardsley; and

WHEREAS, in accordance with the provisions of 6NYCRR Part 617, the Village of Ardsley Board of Trustees intends to serve as Lead Agency for the SEQRA Review of this Unlisted Action, and in this capacity, will determine if the proposed action will have a significant effect on the environment; and

WHEREAS, it is the intention of the Lead Agency to undertake a coordinated review of this action.

NOW THEREFORE BE IT RESOLVED, that the Village of Ardsley Board of Trustees hereby designates its intention to serve as Lead Agency for the SEQRA Coordinated Review of this action.

BE IT FURTHER RESOLVED, that the applicant is hereby directed to circulate this Notice of Intent to serve as Lead Agency, along with the Environmental Assessment Form and associated documentation, to all Involved Agencies. Involved Agencies shall be given 30 days from the mailing of this Notice of Intent to serve as Lead Agency to challenge the Board of Trustee's designation.

BE IT FINALLY RESOLVED, that this resolution shall have an effective date of May 2, 2011. **Seconded by Trustee Levine and passed unanimously.**

Tr. Nardecchia: Resolved, that the Village Board of the Village of Ardsley hereby closes the public hearing for the Stagioni Pizzeria, located at 2 Bridge Street, Ardsley, NY. **Seconded by Tr. Levine and passed unanimously.**

**RESOLUTION DECLARING LEAD AGENCY AND SCHEDULING SITE PLAN
APPROVAL PUBLIC HEARING FOR ASVAC BUILDING EXPANSION**

Trustee Malone: Resolved, that the Village Board of the Village of Ardsley hereby declares itself Lead Agency for the Proposed Expansion of the ASVAC building, and hereby refers the application to the Planning Board and Board of Architectural Review,

MAY 2, 2011

Furthermore, be it resolved, that the Village Board of the Village of Ardsley hereby schedules a public hearing for 8:30 pm, Monday, June 6, 2011 for the purpose of considering site plan approval for the proposed expansion. **Seconded by Trustee Levine and passed unanimously.**

The next meeting of the Board of Trustees will be held on May 16, 2011.

ADJOURNMENT OF MEETING:

Tr. Nardecchia: Resolved, that the Village Board of the Village of Ardsley hereby adjourns the regular meeting of May 2, 2011 at 9:34 p.m. **Seconded by Tr. Porcino and passed unanimously.**

Respectfully submitted,

Lorraine McSpedon
Recording Secretary