

Mayor Leon opened the November 7, 2011 Regular Meeting at 8:03 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**

**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 October 3, 2011, as submitted. **Seconded by Tr. Nardecchia and passed unanimously.**

**Tr. Porcino: Resolved**, that the Village Board of the Village of Ardsley hereby approves the minutes of the Regular Meeting of October 17, 2011 as submitted. **Seconded by Tr. Nardecchia and passed unanimously.**

**Tr. Porcino: Resolved**, that the Village Board of the Village of Ardsley hereby approves the transcript of the Public Hearing at the meeting of October 17, 2011. **Seconded by Tr. Levine and passed unanimously.**

**III. DEPARTMENT REPORTS**

**LEGAL REPORT:** Attorney Ponzini had nothing to report.

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

The bills for the last three weeks from the General Fund totaled \$219,344.11; from the Trust and Agency Fund: \$15,963.08 and from the Capital Fund: \$3,154.94.

**Tr. Nardecchia: Resolved**, that the Village Board of the Village of Ardsley hereby authorizes the Treasurer to pay from the following: General Fund: \$219,344.11; Trust and Agency Fund: \$15,963.08 and from the Capital Fund: \$3,154.94. **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, NOVEMBER 7, 2011**

**1. SNOW STORM:** What a difference a week makes! With temperatures expected to hover near 70 degrees tomorrow, it's hard to imagine that the area was blanketed with snow on October 29. But snow it did, and what a number it did on our deciduous trees which had not begun to shed their leaves. According to Con Edison, nearly 606 outages were reported in our small Village of just over 1500 households. A very big thank you to our emergency responders, Police, Fire, and ASVAC, who persevered through the storm with their calls. However, a very big thank you to our 15 man Highway Department, led by Highway Foreman Rick Thompson, some who worked non-stop in clearing the roads for nearly 36 hours. The Saturday storm generated nearly \$12,000 in overtime costs for the DPW crews, but in my humble opinion they earned every dime! So, again thank you!

While on the subject of storms, I cannot express more how important it is for each and every household to telephone in an outage. Do not rely on your neighbor. The utility companies prioritize their response teams to restore the greatest number of customers at one time. Thus, if you don't call in, you are jeopardizing your response time as well as that of your neighbors. The second thing of importance that I need to express is if you fall into the category of frail, isolated, disabled or other "at risk", the height of storm is not the best time to notify the Police or Fire Department you will be in need of assistance if the power goes off. Our emergency responders maintain lists of such people in need, and they will contact you if you need assistance during such events. Yes, I am mentioning this last item because someone who does fall into one of the "at risk" categories did contact the Village during last week's outages seeking priority response in getting reconnected, and with the assistance of the Con Ed municipal liaison, we could have gotten this individual reconnected earlier had we known they existed. So, please, if you fall into the "at risk" category please send written notification to the Ardsley Police Department immediately.

According to Jane Scolnick, spokesperson for Con Ed, who I spoke with at 1:00 pm this afternoon, everyone in Ardsley is reported to have had their storm-related power restored. However, that is a qualified statement. Some unfortunate homeowners actually had a primary electric line fall on the house-connections which generated a power surge during the storm and effectively "fried" their electrical panels. Those homeowners had to hire private electric contractors to make the necessary replacements, and then Con Ed can restore their power. It is my understanding there may still be a few homes on Ridge Road which fall into that category.

**2. LEAF BAG COLLECTION SUSPENDED:** Owing to the great amount of vegetative debris along the road edges, the DPW is suspending the collection of bagged leaves. Until further notice, DPW will only be collecting brush, branches, and other wooden debris. We apologize for any inconvenience this may generate. BTW – two crews are being devoted solely to branch collection daily, and even then, it may be several weeks before all the storm debris is collected. Please indulge us with your patience. The DPW will get to your neighborhood eventually. For further information, please do not hesitate to call the DPW garage between the hours of 7:00 am and 2:30 pm at 693-0117.

**3. HURRICANE IRENE:** Speaking of storms, two days after the snow storm, representatives of FEMA and NYS DEC came to visit us about damage to public facilities during Hurricane Irene back in August. The Highway Foreman, the Village Treasurer, and I spent a couple of hours explaining how the storm impacted the Village's infrastructure (most importantly, the sink hole at the west end of Addyman Square near the flood control wall), and FEMA explained to us what documentation it will require so that we can seek funding for repairs, and overtime reimbursement. I know that the Highway Foreman and Village Treasurer are feverishly working on that because it is just a matter of time that similar data will be requested for the recent snow storm

**4. GENERAL ELECTIONS:** Village residents are reminded that the General Elections will be held Tuesday, November 8, 2011. The polls will be open in Ardsley at the Community Center and St. Barnabas Episcopal Church from 6:00 am to 9:00 pm. Residents will find on the ballot selections for Ardsley Mayor, two Ardsley Village Trustees, Greenburgh Town Supervisor, Greenburgh Town Clerk, three Town Justices, Greenburgh Receiver of Taxes, two Greenburgh Town Councilpersons, County Legislator, and a State Supreme Court Justice. Please bear in mind that the General Elections in Ardsley are no longer coordinated by the Ardsley Village Clerk. Therefore, please direct all questions to the Greenburgh Town Clerk's office at 993-1501 or the Westchester County Board of Elections at 995-5700.

**5. HOLIDAY OBSERVANCE:** Village offices will be closed Friday, November 11, 2011 in observance of Veterans Day. All village offices will be closed, and there will be no trash collection. The entire village will have its trash collected the day before on Thursday, November 10. Please take note -- we really would like to avoid seeing trash cans sitting curbside all weekend long. A special breakfast for senior citizens and veterans is scheduled for 9:30 am, Friday morning, November 11, at the Embassy Club in Dobbs Ferry brought to you by the Ardsley / Dobbs Ferry seniors group coordinated by Abby Connett and Pierrette Rissland. If you are interested in attending, please RSVP with the ladies at 693-7792.

**6. HISTORICAL NEWSLETTER:** The most recent edition of the Ardsley Historical Society newsletter was released several days ago and features a really nice story authored by Theresa DeStefano about long time resident, Robert Watson, perhaps best known as Ardsley's own Santa Claus. The story about Mr. Watson, who is the father of not one but two current Ardsley Police Officers, is really quite interesting, but it is only available if you are a member of the historical society. Therefore, please consider becoming a member for only \$20 a year. There are other categories as well which you can find by logging on to [ardsleyhistoricalsociety.org](http://ardsleyhistoricalsociety.org). If you have any questions, please speak with the lady on the dais at the far right (Beverly Levine), or phone her at 693-1266.

**7. PERSONNEL:** In accordance with the civil service rules and regulations of the Westchester County Department of Human Resources, the following is hereby entered into the official minutes:

The Village Manager, upon the recommendation of our Stormwater Assistant hereby appoints Erica Cheung residing at 4 Western Drive, Ardsley, New York 10502, as Stormwater Intern commencing November 7, 2011 through June 30, 2012 at the hourly salary of \$7.25. Ms. Cheung is a sophomore at Ardsley High School.

**8. PERSONNEL – JUSTICE COURT:** Later this evening the Village Board will contemplate a change in residency requirements for non-judicial titles in the Ardsley Village Justice court. Recently, our staff conducted a Civil Service canvass of the part-time title of "assistant court clerk" and none of the three lists provided to us by the County Department of Human Resources contained a single Ardsley resident who had taken and passed the civil service examination. Undaunted, on October 27, the Village Treasurer, the Court Clerk, and I interviewed the six candidates who responded they were interested in working for the Village. All were more or less attractive candidates, though as can be expected, some shone above the rest. However, the law as it now applies to Ardsley stipulates we can only hire a local resident. The fact of life is though, in a community of 4500 people, the talent pool here is very small, and we must be able to solicit candidates beyond our borders. This is not an uncommon problem. The Village of Tarrytown which is much larger than our community, saw the need to make this change several years ago. Should the Board call for a public hearing to change the law at the next Village Board meeting, the above six candidates would become eligible to be appointed because the eligibility requirements would be broadened to include all of Westchester County and any adjacent county, not just for the Assistant Court Clerk title but for the Court Clerk position as well, should the incumbent decide to move on. After all, a Patricia Basini only comes around

once in a generation, and the chances of uncovering another like her residing in this Village is slim.

**9. EMERGENCY BROADCAST TEST:** On Friday, we received a communication from Verizon's offices in Chicago that on November 9, 2011 at 2:00 pm, Eastern Standard Time, the FCC, along with FEMA, will be conducting their first National Emergency Alert System (EAS) test. The test will be brief in duration and once the test is over, normal programming of broadcast channels, cable channels, broadcast radio and satellite radio providers will resume. Please note that all Video on Demand (VOD) sessions will stop as a result of the test, and you may resume play upon completion of the test. For more information, please visit [www.fcc.gov/encyclopedia/emergencyalertsystem-nationwide-test](http://www.fcc.gov/encyclopedia/emergencyalertsystem-nationwide-test).

We are all familiar with these tests. However, it is my understanding that this will be the first time since the inception of the program that there will be a nation wide test impacting all television and radio channels in the country at one time.

**10. RIVERTOWNS SQUARE:** There will be special work sessions of the Dobbs Ferry Board of Trustees held in their Board room in Village Hall, 112 Main Street, on Thursday, November 10; Monday, November 14; and Tuesday, November 15, 2011. The purpose of the meetings is for the Dobbs Ferry Village Board to review, for completeness, sections of the Draft Environmental Impact Statement prepared by the applicant for the Rivertowns Square project (the Applicant's "DEIS"). No decision as to the project or the draft document will be made at these meetings. The sole purpose of the meetings is for the Dobbs Ferry Village Board, as Lead Agency, to have the opportunity to review the scope and content of the document and determine whether it is sufficient for the purposes of commencing public review. The meetings are scheduled to start at 6:30 p.m. and are open to the public. As reported by the Dobbs Ferry Village Clerk, the opportunity for public comment on the document will occur at a later date, once the draft document has been deemed sufficiently "complete" to make it available for public review.

**11. LOVE'EM AND LEAVE'EM VOLUNTEER CAMPAIGN:** Raking or blowing all your leaves to bag them is quite an effort! What we refer to as yard debris is really nutrition for your yard! Mulching in place and composting has numerous benefits. Financially, it saves you money on fertilizers and mulch. Environmentally, it reduces carbon emissions from trucking your stuff away plus trucking bags of fertilizer & mulch to you, not to mention the emissions produced in producing & packaging mulch & fertilizer! Those are just a sampling of the benefits. To learn more, check out Irvington's Love 'em & Leave 'em campaign online: [www.irvingtonny.gov](http://www.irvingtonny.gov). Whether you care for your property yourself or have a service, mulching in

place and composting can be a part of your life. By the way, for its part, the Village of Ardsley Highway Department has already ordered special blades to retrofit its mowers so that it can participate in the campaign in Village parks and other village owned land.

**12. TRANSFER OF ASSESSMENT DUTIES:** Last but not least, I don't usually like to repeat portions of the Village Manager's report from prior meetings, however, the recent abolishment of the Village's status as an assessment unit bears repeating owing to the number of questions received recently in the office.

- All assessment functions have been transferred to the Town of Greenburgh.

- The position of Village Assessor has been abolished. All duties have been transferred to the Greenburgh Town Assessor, Edye McCarthy.

- The Ardsley Village Board no longer functions as the Board of Assessment Review. All of its functions have been transferred to the Greenburgh Board of Assessment Review.

- Grievances and SCAR petitions shall no longer be filed with the Village. Such grievances must now be filed with the Town of Greenburgh whose offices are located at 177 Hillside Avenue, just north of Route 119 .

- There will no longer be an annual Grievance night in February in Ardsley. All Grievances must be filed with the Town of Greenburgh for their annual Grievance night in June.

- Successful petitions for assessment reductions with the Town in June will apply to Village assessments as well without having to file a second petition, as in the past.

- All exemptions whether they be Veteran, Aged, Disabled, Volunteer Fire, Volunteer Ambulance, must be filed with the Town of Greenburgh Assessor's office.

- The general telephone phone number of the Town Assessor's Office is 993-1520. All filing deadlines must be confirmed with the Town Assessor's Office.

**.... AND THAT'S IT!**

**MAYOR'S ANNOUNCEMENTS:**

- 1) Lost another weekend due to the power outage. Thanks were extended to the Village Manager for his assistance. Encouraged residents to sign up for the e-mail distribution list. Was on the phone with the Police and DPW several times during the outage. Thanks were extended to ASVAC and the Fire Dept. as well. They did a great job.
- 2) There was a Village Officials Committee meeting this month. Mayor Leon was not in attendance.
- 3) Attended the Library Fundraiser.
- 4) Friday, November 11<sup>th</sup> is Veteran's Day. Thanks were extended to all Veteran's for their service to the Country and their residences.

**POLICE DEPARTMENT REPORT:** Chief Califano delivered the police report for the month of October, 2011.

Mayor Leon mentioned the parking situation on Fairmont Avenue and requested the police chief take a look at the situation and make a recommendation. Upon receipt of the recommendation, a public hearing may be scheduled.

**BUILDING DEPARTMENT REPORT:** Mr. Larry Tomasso delivered the Building Department report for the month of October, 2011. Mr. Tomasso mentioned the new software for the Building Dept. which will be installed on December 12<sup>th</sup>. Training will take place thereafter and Mr. Tomasso requested everyone's patience while he learns the new software.

**8:30 P.M. – PUBLIC HEARING** To consider a request to convert the existing vacant office/retail space into two residential dwelling units located at 609 Saw Mill River Road, Ardsley, New York – *To Be Adjourned to 12/5/11.*

**Tr. Malone: Resolved,** that the Village Board of the Village of Ardsley hereby adjourns the public hearing to convert the existing vacant office/retail space into two residential dwellings, located at 609 Saw Mill River Road, Ardsley, NY to Monday, December 5, 2011, at 8:45 p.m. **Seconded by Tr. Levine and passed unanimously.**

**8:35 P.M. – CONTINUATION PUBLIC HEARING** – To review the Elm Street Sports Group site plan application to convert a warehouse into a sports facility located at 1 Elm Street, Ardsley, New York.

Mayor Leon read the legal notice.

Mayor Leon defended the Board of Trustees insomuch as they are the lead agency for this application and have every right to question any aspect of this or any other application that they deem fit.

Tr. Nardecchia expressed his concern regarding the need for six drywells on the premises. Mayor Leon invited Mr. Hugh Greechan to comment on the proposed need for the drywells. Mr. Greechan explained that the drywells would help during small rain events, however, they would not serve much purpose during heavy rain events.

Mr. Paul Petretti, engineer, presented himself to the Board and suggested the installation of two combination drywell/catch basin debris collection devices; one in the front of the property and one in the rear of the property. The size would be approximately 8 ft. wide x 5 ft. high.

Tr. Nardecchia agreed that the catch basins were more than a reasonable trade-off and agreed with the compromise.

Mayor Leon encouraged public participation.

#### **IV. COMMITTEE AND BOARD REPORTS:**

##### **Tr. Porcino:**

- 1) Attended the Youth Council meeting. Youth Advocate Allison Mastrogiacomo is out on maternity leave. Danielle Gamar is filling in and is doing an excellent job.
- 2) Attended the regular meeting of the SAYF Coalition.
- 3) Attended the regular meeting of the Library Committee and the Library fundraiser.
- 4) Attended the regular meeting of the Environmental Advisory Committee.
- 5) Attended the Village Officials meeting.

##### **Tr. Nardecchia:**

- 1) The salt shed is surrounded by 5-6" of water and there has been very little impact.
- 2) Plans to build up interior walls of the salt shed.
- 3) Attended the Village Officials meeting re the 2% tax cap.
- 4) The Seniors programs were outlined.
- 5) Tomorrow is Election Day. Residents were encouraged to vote.

##### **Tr. Malone:**

- 1) Attended the Village Officials meeting.

**Tr. Levine:**

- 1) The ASVAC number for the month of October were: total: 68  
(49 day; 15 evening; 4 night and 4 mutual aide)
- 2) The Historical Society's next program is Sunday, November 13, 2011,  
Entitled "Maps, Speak History" in the Library at 2:00 p.m.
- 2) The Fall newsletter has gone out and the calendar is at the printer. Next  
year is the Historical Society's 30<sup>th</sup> Anniversary.

**V. VISITOR'S**

Mr. Calvi mentioned that he has arranged a meeting between a Fairmont Ave. resident, himself and the police chief during the week to discuss the parking situation.

**VI. OLD BUSINESS**

**Tr. Levine: Resolved,** that the Village Board of the Village of Ardsley hereby closes the public hearing for the discussion on the Elm Street Sports Group project. **Seconded by Tr. Nardecchia and passed unanimously.**

**SEQRA DETERMINATION OF SIGNIFICANCE  
NEGATIVE DECLARATION  
RESOLUTION OF THE VILLAGE OF ARDSLEY  
BOARD OF TRUSTEES**

**November 7, 2011**

**ELM STREET SPORTS GROUP  
SECTION 18 SHEET 14 BLOCK 1148 LOT 1**

**Trustee Levine: WHEREAS,** the Village of Ardsley Board of Trustees is in receipt of a Site Plan application submitted by the Elm Street Sports Group, LLC, for property located on the west side of Route 9A on Elm Street, and is more specifically known and designated as Section 18, Sheet 14, Block 1148, Lot 1; and

**WHEREAS,** the action involves the development a new 85,821 square foot athletic training facility consisting of two floors of sports related playing surfaces and courts, serviced by an at-grade covered parking lot supporting 83 vehicles, and an attached 17,600 square foot, three story office, locker room, team room and waiting area building. In addition to the 83 covered parking spaces located at the ground level of the building, the existing parking lot will be reconstructed and reconfigured to provide an additional 49 parking spaces, for a total of 132 off-street parking spaces. This does not include the existing parking currently located on the 21,454 square foot portion of the site located in

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the Village of Dobbs Ferry, or parking available within the right-of-way of Elm Street. 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 wholly located in the Village of Ardsley; and

**WHEREAS**, the project is defined as an Unlisted Action; and

**WHEREAS**, on July 5, 2011, the Village of Ardsley Board of Trustees designated their intention to serve as Lead Agency for the SEQRA review of this action, and thereafter circulated the notice to all Involved Agencies; and

**WHEREAS**, on September 6, 2011, the Board of Trustees confirmed their Lead Agency designation.

**NOW THEREFORE BE IT RESOLVED**, that pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law, the Village of Ardsley Board of Trustees serving as Lead Agency has determined that the proposed Unlisted Action will not have a significant effect on the environment for the reasons enumerated in the attached Negative Declaration Form. **Seconded by Trustee Malone and passed unanimously.**

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

**November 7, 2011**

**ELM STREET SPORTS GROUP  
SECTION 18, SHEET 14, BLOCK 1148, LOT 1**

**Trustee Nardecchia: WHEREAS**, the Village of Ardsley Board of Trustees, has received an application for Site Plan Approval, submitted by the Elm Street Sports Group, LLC, Ardsley, NY (herein after referred to as the "Applicant"); and

**WHEREAS**, the subject property is located on the west side of Route 9A on Elm Street and is 80,371 square feet in size, and is comprised of two parcels. The easterly parcel, located in the Village of Ardsley is 58,917 square feet in size, and the westerly parcel located in the Village of Dobbs Ferry is 21,454 square feet in size. The proposed development is located on the 58,917 square foot parcel located wholly within the Village of Ardsley, known as designated as Section 18, Sheet 14, Block 1148, Lot 1 (hereinafter referred to as the "Site"); and

**WHEREAS**, the site plan application calls for the development a new 85,821 square foot athletic training facility consisting of two floors of sports related playing surfaces and courts, serviced by an at-grade covered parking lot supporting 83 vehicles, and an attached 17,600 square foot, three story office, locker room, team room and waiting area

building. In addition to the 83 covered parking spaces located at the ground level of the building, the existing parking lot will be reconstructed and reconfigured to provide an additional 49 parking spaces, for a total of 132 off-street parking spaces. This does not include the existing parking currently located on the 21,454 square foot portion of the site located in the Village of Dobbs Ferry, or parking available within the right-of-way of Elm Street. 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 wholly located in the Village of Ardsley (hereinafter referred to as the “Project”); and

**WHEREAS**, the site is located within the B-2 Special Business Zoning District; and

**WHEREAS**, the proposed athletic training facility is designated as a Permitted Use in the B-2 district; and

**WHEREAS**, the Site Plan submitted in support of this application, consists of the following drawings:

- 1/7 Existing Condition, prepared by Paul J. Petretti, Dobbs Ferry, dated April 14, 2011, last revised October 13, 2011.
- 2/7 Proposed Plan, prepared by Paul J. Petretti, Dobbs Ferry, dated April 14, 2011, last revised October 13, 2011.
- 3/7 Site & Utility Plan, prepared by Paul J. Petretti, Dobbs Ferry, dated April 14, 2011, last revised October 13, 2011.
- 4/7 Site Grading Plan, prepared by Paul J. Petretti, Dobbs Ferry, dated April 14, 2011, last revised October 13, 2011.
- 5/7 Notes, Sections & Details, prepared by Paul J. Petretti, Dobbs Ferry, dated April 14, 2011, last revised October 13, 2011.
- 6/7 Profiles, Notes, Sections & Details, prepared by Paul J. Petretti, Dobbs Ferry, dated April 14, 2011, last revised October 13, 2011.
- 7/7 Stormwater Pollution Prevention & Erosion & Sediment Control Plan, prepared by Paul J. Petretti, Dobbs Ferry, dated October 13, 2011.
- A-101 Existing Building Plans & Elevations, prepared by DCS Architecture Design Planning, Pleasantville, dated June 22, 2011.
- A-102 Proposed Building Plans, prepared by DCS Architecture Design Planning, Pleasantville, dated June 22, 2011.
- A-103 Proposed Building Plans, prepared by DCS Architecture Design Planning, Pleasantville, dated June 22, 2011.
- A-104 Proposed Building Elevations, prepared by DCS Architecture Design Planning, Pleasantville, dated June 22, 2011.
- A-105 Building Materials, prepared by DCS Architecture Design Planning, Pleasantville, dated June 22, 2011.
- 1/1 Lighting Plan, prepared by Acuity Brands Lighting, dated July 29, 2011.

**WHEREAS**, on July 5, 2011, the Village Board of Trustees designated their intent to serve as Lead Agency for the SEQR review of this action. This designation was thereafter circulated to all Involved Agencies; and

**WHEREAS**, the Board of Trustees referred this application to the Planning Board for review and recommendation, and the application was heard and considered at the Planning Board meetings of July 11, 2011, August 8, 2011 and October 11, 2011; and

**WHEREAS**, pursuant to a referral from the Planning Board, on August 24, 2011 the Zoning Board of Appeals heard the Applicant's request for variances, which were subsequently approved on September 21, 2011, thereby allowing for the development of the Project as proposed; and

**WHEREAS**, on September 6, 2011, the Village Board of Trustees confirmed their SEQRA Lead Agency designation; and

**WHEREAS**, on October 11, 2011, the Planning Board forwarded a favorable recommendation to the Board of Trustees, which included several suggested site plan approval conditions; and

**WHEREAS**, on October 14, 2011, the Board of Architectural Review forwarded a positive recommendation to the Board of Trustees; and

**WHEREAS**, on November 7, 2011, the Village Board of Trustees, serving as Lead Agency for the SEQRA Uncoordinated review of this Unlisted Action, 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**, the Village Board of Trustees considered the proposed action at a duly noticed Public Hearing held on October 17, 2011, at which time all interested parties were provided an opportunity to be heard; and

**WHEREAS**, pursuant to section 200-71H, the Village Board determined that 132 spaces is adequate for this use at this facility.

**WHEREAS**, the Village Board of Trustees has considered the Site Plan documents, Environmental Assessment Form, Traffic Study, Parking Impact Study, Flood and Drainage Report 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;

**NOW THEREFORE BE IT RESOLVED**, that upon full consideration of the above, the Board of Trustees of the Village of Ardsley hereby grants Site Plan Approval for the Elm Street Sports Group Site 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 of Ardsley 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 of Ardsley Village Code.
3. The Applicant shall furnish the 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.
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 Board of Trustees as a record copy, and one set provided to the Building Inspector.
5. 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.
6. In accordance with Chapter 38 and §167-3 M. of the Village Code, an engineering inspection fee in the amount of \$10,000 shall be provided by the Applicant and held in an escrow account. This fee shall be replenished when the amount drops below \$5,000.
7. 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.

**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:*

8. The Building Inspector shall not issue a Building Permit pertaining to the activities approved herein until the Applicant has complied with Conditions 1 – 7.
9. 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.
10. The Applicant shall provide building construction drawings documenting full compliance with the NYS Uniform Fire Prevention and Building Codes.
11. The Applicant shall obtain a Demolition Permit prior to demolishing the existing structure.
12. The Applicant shall obtain a Floodplain Development Permit in accordance with the provisions of Chapter 115 of the Village Code.
13. All signage shall be constructed and installed in conformance with §200-82C. of the Zoning Code, and the required permit shall be obtained prior to installation.
14. The Applicant shall submit a construction management plan and site development protocol, which shall be prepared to the satisfaction of the Building Inspector.

**GENERAL CONDITIONS OF IMPLEMENTATION AND CONSTRUCTION**

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

15. 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.
16. All comments of the Village Consulting Engineer shall be satisfactorily addressed.

- 16 A. The Applicant shall install two combination dry well, catch basin, debris collection devices, 8 feet in diameter by 5 feet in depth, on the south side of the Site at the location indicated on the Site Plan, and on the north side of the Site, at a location to be established by the Village Consulting Engineer.
17. The hours of construction activity shall take place in conformance with the applicable Village Regulations.
18. Permission shall be obtained from the Village Board, in a form found suitable to the Village Attorney, to allow for the use of parking spaces #35, 36 & 37, which are located in the Elm Street right-of-way, to be used exclusively by this Project.
19. An erosion and sediment control plan is hereby made part of this approval (drawing 7/7), which shall be in conformance with both the Village of Ardsley requirements and the New York State DEC Stormwater Management Design Manual (April, 2008). In addition, practices may be employed that are based on the DEC New York State Standards and Specifications for Erosion and Sediment Control (August, 2005).
20. 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.
21. The Applicant's construction management plans will be utilized to define the limits of the construction activity including:
  1. Temporary fencing would be installed to isolate the construction zone from the site;
  2. Dumpster locations will be identified to efficiently manage the removal of debris from the site;
  3. Construction vehicles will be limited to designated entrances/exits, roadways and temporary access roads;
  4. Temporary control measures will be used to manage stormwater as required during the work;
  5. Temporary pollution prevention measures will be used to control litter and construction debris on site.
  6. Temporary control facilities will be implemented to control on-site erosion and sediment transfer;
  7. Interceptor swales, if required, will be used to direct stormwater runoff to temporary sediment basins for settlement.
  8. The sediment traps, if required, will be constructed as part of this project to serve as temporary sediment basins to remove sediment and pollutants from the stormwater runoff produced during construction.

9. The Applicant shall implement appropriate practicable measures to reduce carbon footprint of the Site.
10. All site utilities shall be installed underground.
11. The Applicant shall, working in cooperation with the Village and the NYSDOT, re-stripe the inbound right turn lane at the Elm Street/Saw Mill River Road intersection to more effectively define the vehicle turning movement.
12. The emergency generator located adjacent to Elm Street shall be screened and enclosed with a sound attenuating structure.
13. To the extent feasible without interfering with the proper operation of the facility, the Applicant shall screen the loading dock.
14. The Applicant shall undertake the following remediation measures on the land leased from the NYSDOT on the east side of Elm Street:

- Remove abandoned automobile
- Remove dumped material and other debris
- Prevent illegal parking of trucks
- Regrade the site
- Remove weeds
- Provide new landscaping

15. 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.
16. 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.
17. The final lighting plan shall include measures such as automatic controls to turn off exterior lighting when sufficient daylight is available and when lighting is not required during nighttime hours, fixture integrated lighting controls such as motion sensors to reduce light levels, cut-off and shielded luminaries to prevent light trespass beyond property lines and unnecessary glare, among others.
18. The Applicant hereby agrees that the finance and marketing personnel for this facility will not be housed at the Site, but rather will be housed at the Applicant's corporate offices currently located at 631 Saw Mill River Road.
19. Staff members shall be required to park at the northern end of the Site, thereby allowing customers to utilize the parking spaces located closest to the building.

20. The Applicant shall guarantee that the Village shall have full access through the property for vehicles during storm events when Elm St is flooded.
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:*

1. 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.
2. The Applicant shall obtain all other necessary permits and approvals, and shall pay all other fees as may be required by other applicable agencies, including among others, the Village of Dobbs Ferry.
3. 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.

**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 November 7, 2012, unless construction is commenced pursuant to an authorized Building Permit.

**BE IT FINALLY RESOLVED**, that this Site Plan Approval resolution shall have an effective date of November 7, 2011. **Seconded by Trustee Levine and passed unanimously.**

**RESOLUTION TO ADJOURN THE PUBLIC HEARING FOR APPROVAL TO  
CONVERT THE EXISTING VACANT OFFICE/RETAIL SPACE INTO TWO  
RESIDENTIAL DWELLINGS LOCATED AT  
609 SAW MILL RIVER ROAD**

**Trustee Malone: RESOLVED**, that the Village Board of the Village of Ardsley hereby adjourns the Public Hearing to convert the existing vacant office/retail space into two residential dwellings located at 609 Saw Mill River Road, Ardsley, New York to Monday, December 5, 2011 at 8:45p.m. **Seconded by Trustee Levine and passed unanimously.**

**A RESOLUTION OF THE VILLAGE OF ARDSLEY OF THE BOARD OF  
TRUSTEES  
AUTHORIZING THE ADOPTION OF THE  
GREATER GREENBURGH PLANNING AREA  
ALL HAZARDS MITIGATION PLAN**

**Trustee Porcino: WHEREAS**, the Town of Greenburgh (Unincorporated Greenburgh and the Villages of Ardsley, Dobbs Ferry, Elmsford, Hastings-On-Hudson, Irvington and Tarrytown) has exposure to natural hazards that increase the risk to life, property, environment and the County's economy; and

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

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

**WHEREAS**; a coalition of Greenburgh municipalities with like planning objectives has been formed to pool resources and create consistent mitigation strategies within Greater Greenburgh Planning Area; and

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

**NOW, THEREFORE, BE IT RESOLVED** that the **Village Board of Trustees:**

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

**Seconded by Trustee Levine, Trustee Malone, Trustee Nardecchia voted aye.  
Mayor Leon abstained.**

#### **VIII. NEW BUSINESS**

##### **RESOLUTION TO MODIFY 2011-2012 VILLAGE BUDGET TO RECOGNIZE STATE AWARD OF TRAFFIC SAFETY GRANT**

**Trustee Malone:** Resolved, that the Village Board of the Village of Ardsley hereby authorizes the Village Treasurer to modify the 2011-2012 Village Budget by increasing revenue code A-3989 by \$4,200.00 and increasing appropriations line item 3120.200 by \$4,200.00 to recognize the receipt of a grant from the Governor’s Traffic Safety Committee to participate in the statewide “Buckle Up New York” campaign. **Seconded by Trustee Levine and passed unanimously.**

##### **RESOLUTION TO MODIFY 2011-2012 VILLAGE BUDGET TO RECOGNIZE FEDERAL AWARD OF SAYF COALITION GRANT**

**Trustee Levine:** Resolved, that the Village Board of the Village of Ardsley hereby authorizes the Village Treasurer to modify the 2011-2012 Village Budget by increasing revenue code A-4989 by \$125,000.00 and increasing appropriations line item 4210.485 by \$125,000.00 to recognize the receipt of a grant from the Department of Health & Human Services (HHS) to fund the activities of the SAYF Coalition including the salary of the SAYF Coalition Coordinator Theresa Del Grosso. **Seconded by Trustee Malone and passed unanimously.**

**RESOLUTION TO MODIFY 2011-2012 VILLAGE BUDGET  
TO RECOGNIZE STATE AWARD OF CHILD PASSENGER SAFETY  
PROGRAM GRANT**

**Trustee Nardecchia:** Resolved, that the Village Board of the Village of Ardsley hereby authorizes the Village Treasurer to modify the 2011-2012 Village Budget by increasing revenue code A-3989 by \$4,500.00 and increasing appropriations line item 3120.201 by \$4,500.00 to recognize the receipt of a grant from the Governor's Traffic Safety Committee to participate in the statewide "Child Passenger Safety" program. **Seconded by Trustee Porcino and passed unanimously.**

**RESOLUTION SCHEDULING PUBLIC HEARING REGARDING RESIDENCY  
FOR NONJUDICIAL TITLES IN THE ARDSLEY VILLAGE JUSTICE COURT**

**Trustee Malone:** Resolved, that the Village Board of the Village of Ardsley hereby schedules a public hearing for 8:20 pm, Monday, November 21, 2011 for the purpose of enacting New Chapter 39 – Residency Requirements in an attempt to broaden the talent pool for prospective nonjudicial job candidates in the Ardsley Village Justice Court. **Seconded by Trustee Levine and passed unanimously.**

**RESOLUTION GRANTING TAX REFUNDS RE SCAR PROCEEDINGS**

Mayor Leon expressed his thanks to retiring assessor, Gerry Iagallo, and requested Mr. Calvi obtain a plaque in Mr. Iagallo's honor.

**Trustee Levine: RESOLVED,** that the Village Board of the Village of Ardsley hereby authorizes the Village Treasurer to refund a portion of Village tax payments on one residential property as the result of a Small Claims Assessment Review proceeding settlement for tax year 2011-2012 in the aggregate amount of \$467.76 assuming that taxes based on the over assessment were in fact actually paid. **Seconded by Trustee Malone and passed unanimously.**

Ann Marie Giampiccolo 16-03B-0002-6 \$467.76

**RESOLUTION REGARDING REQUEST TO ERECT VETERAN DAY SIGN**

**Trustee Malone: RESOLVED,** that the Village Board of the Village of Ardsley hereby grants permission to the American Legion Post #458 to erect a 4' x 8' sign at the southwest corner of Ashford Avenue and Route 9A in conjunction with the Veteran's Day Holiday from November 8 through November 15, 2011. **Seconded by Trustee Malone and passed unanimously.**

**ADJOURNMENT OF MEETING:**

**Tr. Nardecchia: Resolved,** that the Village Board of the Village of Ardsley hereby adjourns the regular meeting of November 7, 2011 at 9:42 p.m. to retire to Executive Session to discuss litigation matters and not to return. **Seconded by Tr. Porcino and passed unanimously.**

Respectfully submitted,

Lorraine McSpedon, Recording Secretary