

**VILLAGE OF ARDSLEY  
BOARD OF TRUSTEES  
REGULAR MEETING  
MONDAY, APRIL 15, 2013**

Present:	Mayor	Peter Porcino
	Deputy Mayor/Trustee	Gary Malone
	Trustee	Larry J. Nardecchia
	Trustee	Nicole Minore
	Trustee	Nancy Kaboolian
	Village Manager	George Calvi
	Village Clerk	Barbara Berardi
	Village Attorney	Robert J. Ponzini
	Recording Secretary	Anne Hohlweck

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

**I. ANNOUNCEMENT OF EXIT SIGNS**

**II. PLEDGE OF ALLEGIANCE**

***MOMENT OF SILENCE – RITA NORMAN, RETIRED LIBRARIAN, FRIENDS OF THE ARDSLEY PUBLIC LIBRARY; AND THE VICTIMS OF THE BOSTON BOMBING***

Mayor Porcino acknowledged Rita Norman for her excellence as a librarian and her dedication to those she served.

**FIRE DEPARTMENT REPORT:**

Fire Chief Mark Florkowski reported the following activities for March:

- 19 Calls
- 260 hours of training
- March 22 – Officers and firefighters participated at the Concord Road Health Fair
- March 26 - United Water came for their semi-annual review of hydrants

**POLICE DEPARTMENT REPORT:**

Police Chief Emil Califano reported the following activities for March:

- Lost or stolen property \$10,000
- Recovered property \$10,000
- Court fines and fees collected \$27,570
- 273 summons issued
- 13 reported arrests
- 9 reported traffic accidents
- SWAT officers trained for 32 hours

The following events were attended:

- Ardsley High School spring dance
- Youth Council meeting
- Westchester County Juvenile Association meeting
- Ardsley Middle School 5<sup>th</sup> Grade Activity night
- SAYF Coalition meeting

- NIXLE is on the Village website; residents can log in and add their contact information for emergency and Village notices

- March 29 bank robbery – Officers located the suspects who were apprehended and turned over to the FBI and charged federally for bank robbery

### **III. APPROVAL OF MINUTES:** Regular Meeting – April 1, 2013

**Trustee Malone: RESOLVED**, that the Village Board of the Village of Ardsley hereby approves the minutes of the Regular Meeting of April 1, 2013 as submitted. **Seconded by Trustee Kaboolian and passed unanimously.**

### **IV. DEPARTMENT REPORTS:**

#### **LEGAL REPORT:**

Judge Ponzini reported that all petitions with stipulations were submitted regarding taking of public properties needed for the 9A renovations. This was accomplished without having to litigate the compensation issue. Judge Ponzini requested an Executive Session.

#### **MANAGER'S REPORT:**

VILAGE MANAGER REPORT  
PREPARED BY GEORGE F. CALVI  
FOR MONDAY, APRIL 15, 2013

**1. ANONYMOUS LETTERS:** To all of our residents who send our offices anonymous letters, I thank you for your concern. Unfortunately, very few of these well-meaning letters can be acted on, and end up in the recycle bin. Without any contact information there is no means of securing additional vital details, or a means to respond to advise that the concern has been addressed. Any letters which show up that are criminal in nature, or threatening, are automatically forwarded to the Police Department for review and/or action. For those of you willing to provide your contact information for non-criminal matters, kindly address them to our Village Clerk's office. And for those of you who need to have something addressed of a criminal matter, you must visit the Police Department in person and file a formal written complaint.

**2. CHARLES ENGELMAN:** In case anyone has noticed, the monument in honor of longtime merchant, Charles Engelman, is no longer located in the flowerbed between the Legion Park parking lot and the former Westchester Garage. And in response to at least one inquiry today, no, it has not been stolen. At the request of Mr. Engelman's son, Marty, and granddaughter, Sharon Colabello, the monument has been relocated to Pascone Park temporarily between the Honor Roll and the Legion building for safekeeping. Later this spring, the DPW will create a proper setting for the monument in the same vicinity. The request was timely in as much as the original flowerbed will be eliminated when the widening of Route 9A comes to pass later this year.

**3. A SPECIAL MESSAGE FROM AMERICAN LEGION POST 458:** Ardsley's Memorial Day Ceremony and Parade will takes place Monday, May 27<sup>th</sup>. The parade steps off at 10AM sharp from Park Avenue and heads east on Ashford Avenue to Pascone Park where the ceremonies will take place. Veterans and citizens will spend a few moments remembering the 14 young graduates of Ardsley High School who made the supreme sacrifice. Ardsley's fire department will again be cooking breakfast for all veterans from 8:30 to 9:30AM at the firehouse located at 505 Ashford Avenue. In case of rain and the parade is cancelled, the ceremony will go on and be held at the firehouse at 10 A.M. Lastly, if you have a convertible car and would like to drive a veteran in the parade, please call 693-3943.

**4. PERSONNEL MATTERS:** 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, at the recommendation of our volunteer Skate Park Recreation Assistant Lorraine Kuhn hereby appoints the following individuals to the part-time position of skate park attendants for the period April 1 through December 1, 2013 at the hourly salary of \$7.25 (minimum wage). Of the ten, nine are current students at Ardsley High School, and one is now a college student.

- a) Josh Eng Morris, 35 Boulder Ridge Road, Scarsdale NY 10583
- b) George Constantinides; 338 Sprain Road, Scarsdale NY 10583
- c) Ben Lau, 45 Briary Road, Dobbs Ferry NY 10522
- d) Harley deLange. 15 Orlando Ave, Ardsley NY 10502

- e) Cody Stern, 100 Woodlands Ave, White Plains NY 10607
- f) Gabriel Natale, 87 Bellewood Ave, Dobbs Ferry NY 10522
- g) Jordan Oglesby, 63 Secor Road, Ardsley NY 10502
- h) Melvin Ward-Johns, 288 Ashford Ave, Dobbs Ferry NY 10522
- i) Justin Rabadi, 140 Huntley Dr, Ardsley NY 10502
- j) Alex Figueroa, 18 Broadway, Tarrytown NY 10591

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

Mr. Calvi stated that the bills for the past two weeks totaled as follows: General Fund: \$60,587.47; Trust & Agency Fund: -0-; and from the Capital Fund: \$164.80.

**Trustee Nardecchia: RESOLVED**, that the Village Board of the Village of Ardsley hereby authorizes the Village Treasurer to make the following payments: From the General Fund: \$60,587.47; and from the Capital Fund: \$164.80. **Seconded by Trustee Minore and passed unanimously.**

#### **MAYOR'S ANNOUNCEMENTS:**

- Three budget work sessions remaining
- Attended Ridge Hill Committee meeting
- Three petition signoffs were filed for the three properties relating to the 9A renovations
- April 13 - attended the Little League Parade
- Attended Fireman's Installation Dinner – Chief Florkowski re-elected for one year
- Received a complaint from a resident on Heatherdell Road regarding someone putting their garbage into the owner's containers after their garbage was picked up. Police will keep a look out for this activity
- Village of Ardsley was recognized by County Executive, Rob Astorino, and will receive a 2013 Earth Day award that was based on a high rate of recycling. Award ceremony – April 21

#### **COMMITTEE & BOARD REPORTS:**

##### **TRUSTEE NARDECCHIA:**

- Attended budget sessions
- Attended the Little League parade
- Fire Chief's Installation dinner
- April 30 - Hastings Senior Program at their Center - Sinatra concert
- Garden Club preparing for the Garden Show next month
- This week Senior's will have a Surprise Swap meet; each participant will bring a new item to swap with another

**TRUSTEE MINORE:**

- Attended Little League parade
- April 24 – For parents, topics on alcohol, drugs, health and the law; and relevant topics for teens heading off to college, to be held at Ardsley High School cafeteria from 7:30 to 9:00 p.m.
- April 27 – ‘Prescription Drug Give Back’ at Ardsley Village Hall

**TRUSTEE MALONE:**

- Swore in the Fire Department Chiefs; attended the Fire Department Installation dinner
- Attended budget meetings
- Marched in the Little League parade

**TRUSTEE KABOOLIAN:**

- Walked in the Little League parade
- May 8 - Garden Club Annual Flower Show at St. Barnabas from 2:00 to 8:00 p.m.
- ASVAC Report: 65 emergency calls

**BUILDING DEPARTMENT REPORT:**

Building Inspector, Larry Tomasso, reported the following for March:

- 9 Building Permits issued
- 19 new Application received
- 2 Certificates of Occupancy
- 8 Plumbing Permits
- 7 Electrical Permits
- 46 building inspections
- 8 Violation notices issued
- Total income \$4,365.00
- Attended one day of in-service training

**V. VISITORS:**

Armen Boyajian, resident, inquired if there is a specific line item in the budget for park maintenance and improvements. Mayor Porcino responded yes but not specifically for Silliman Park.

Mr. Boyajian inquired if the budget is available on-line. Mayor Porcino responded that it is on the Village website.

## **VI. OLD BUSINESS:**

**8:00 P.M. – PUBLIC HEARING** – To consider the proposed budget for the fiscal year 6/1/2013 to 5/31/2014

Mayor Porcino read the notice into the record. The public hearing remained opened for questions and calls.

There were no questions from the public, and no in-coming calls.

1. Resolution to close the Public Hearing on the 2013-2014 Tentative Village Budget

### **RESOLUTION TO CLOSE THE PUBLIC HEARING ON THE 2013-2014 TENTATIVE VILLAGE BUDGET**

**Trustee Minore: RESOLVED**, that the Village Board of the Village of Ardsley hereby closes the Public Hearing regarding the 2013-2014 Tentative Village Budget. **Seconded by Trustee Nardecchia and passed unanimously.**

2. Resolution granting permission to convert the vacant retail space at 721 Saw Mill River Road into a dine-in/take-out restaurant

**8:30 P.M. – PUBLIC HEARING** – To consider a change of use permit request from Wings on 9A, Inc., d/b/a Planet Wings into a combination restaurant retail establishment located at 721 Saw Mill River Road

Mayor Porcino read the notice into the record.

Mr. Anthony Federico, architect, appeared for the applicant and gave business plan details.

Mayor Porcino said for zoning purposes, this business is classified as a retail establishment. The building inspector has determined that twenty parking spaces are required, and there are fifty-six off street parking spaces available for the entire strip mall.

Mr. Tom Bennett, an owner, said the signage is small with red lettering and will blend in. They are going before the Board of Architectural Review on the proposed signage. He mentioned that their franchise agreement does not allow for double branding.

Mr. Bennett said that there will be an annual inspection on the cooking units to ensure Fire Code compliance. The hood will be steam cleaned twice a year.

The business will close on Sunday through Thursday at 10:30 p.m. and on Friday and Saturday at 11:30 p.m.

**RESOLUTION GRANTING PERMISSION TO CONVERT THE VACANT RETAIL SPACE AT 721 SAW MILL RIVER ROAD, FORMER SUNNYDALE INTO A DINE-IN/TAKE-OUT RESTAURANT**

**Trustee Malone: RESOLVED**, that the Village Board of the Village of Ardsley, hereby closes the public hearing. **Seconded by Trustee Kaboolian and passed unanimously.**

**Trustee Malone: RESOLVED**, that the Village of Ardsley hereby grants permission to convert the vacant retail space at 721 Saw Mill River Road, formerly occupied by Sunnydale, into a dine-in/take-out restaurant to be known as Wings on 9A, Inc., d/b/a Planet Wings with the following conditions: **Seconded by Trustee Kaboolian and passed unanimously.**

1. The applicant must provide plans showing compliance with the NYS Building Code for the interior alterations.
2. The applicant must obtain a building permit prior to the commencement of work.
3. The applicant must obtain a separate sign permit for all proposed signage.
4. All deliveries should take place at the side entrance on Center Street
5. The hours of operation should be limited as determined by the Village Board
6. All employees must obtain parking permits
7. Any conditions deemed appropriate by the Village Attorney & Village Manager
8. Any conditions deemed appropriate by the Village Board.
9. The operation will close on Sunday through Thursday at 10:30 p.m. and on Friday and Saturday at 11:30 p.m.

3. Resolution granting permission to install a propane exchange cage and an ice chest located at Food & Gas of Ardsley (Shell Gas Station) 730 Saw Mill River Road

**9:00 P.M. – PUBLIC HEARING** – To discuss the request for a permit to install a propane exchange cage and an ice chest on the property next to the building located at Food & Gas of Ardsley (Shell Gas Station) 730 Saw Mill River Road

Mayor Porcino read the notice into the record.

Mr. Bryan Orser, supervisor for the Shell gas station, stated an aluminum propane exchange cage will be installed on the south side of the building. The locked cage will hold 36 twenty-

pound containers which is the maximum allowed by Code. Propane containers will not be filled on site. Mr. Orser said an ice chest is located off the walkway that was installed five years ago. He noted the ice machine will screen the propane cage.

**RESOLUTION GRANTING PERMISSION TO INSTALL A PROPANE EXCHANGE  
CAGE AND AN ICE CHEST ON THE PROPERTY NEXT TO THE BUILDING  
LOCATED AT FOOD & GAS OF ARDSLEY (SHELL GAS STATION)  
730 SAW MILL RIVER ROAD, ARDSLEY, NEW YORK**

**Trustee Kaboolian: RESOLVED**, that the Village Board of the Village of Ardsley hereby closes the Public Hearing. **Seconded by Trustee Malone and passed unanimously.**

**Trustee Kaboolian: RESOLVED**, that the Village of Ardsley hereby grants permission to install a propane exchange cage and an ice chest on the property next to the building located at Food & Gas of Ardsley (Shell Gas Station) 730 Saw Mill River Road, Ardsley, New York with the following conditions: **Seconded by Trustee Malone and passed unanimously.**

1. A building permit will not be issued until compliance with the New York State Uniform Fire Prevention and Building Code is verified.
2. Annual inspection and certification by the Fire Inspector is required.
3. The facility must be maintained and operated in compliance with all applicable codes and NFPA guidelines.
4. Limit the number of full and empty tanks on the premises to a total of 36.
5. No filling or repairing of the tanks on the premises.
6. All signage must be approved by the BAR. No banners, flags, freestanding signs, window signs or temporary signs will be permitted.

4. Resolution Authorizing Village Manager to sign Sanitary Sewer IMA with Town of Greenburgh – Chauncey Estates Subdivision Sanitary Sewer System Tie-in

**RESOLUTION AUTHORIZING VILLAGE MANAGER TO EXECUTE IMA WITH  
TOWN OF GREENBURGH FOR CHAUNCEY ESTATES SUBDIVISION SANITARY  
SEWER SYSTEM TIE-IN**

**Trustee Minore: RESOLVED**, that the Village Board of the Village of Ardsley hereby authorizes the Village Manager to sign an inter-municipal agreement with the Town of Greenburgh so that the Chauncey Estates Subdivision sanitary sewer system may be connected to the Village of Ardsley's sanitary sewer system. **Seconded by Trustee Nardecchia and passed unanimously.**



## **VII. NEW BUSINESS:**

1. Resolution Appointing New Zoning Board Member – Ellen Slipp

### **RESOLUTION APPOINTING NEW ZONING BOARD MEMBER – ELLEN SLIPP**

**RESOLVED**, that the Mayor of the Village of Ardsley hereby makes the interim appointment of Ellen Slipp, residing at 12 Abington Avenue, to the Zoning Board of Appeals, effective immediately through December 1, 2014.

[Interim appointments of the Mayor require neither a motion from another member of the Board nor the approval of the other Board members. – gfc, vm]

2. Resolution regarding Fire Fighter Attendance at Baltimore Fire Expo 2013

### **RESOLUTION REGARDING FIRE FIGHTER ATTENDANCE AT BALTIMORE FIRE EXPO 2013**

**Trustee Kaboolian: RESOLVED**, that the Village Board of the Village of Ardsley hereby approves the attendance of six volunteer fire fighters at the annual Fire Expo held this year in Baltimore, Maryland for the period July 25<sup>th</sup>-28<sup>th</sup>, 2013 for an amount not to exceed \$4,000 for lodging.

**BE IT FURTHER RESOLVED**, that the following six fire fighters shall each be provided with a meal allowance of \$200: **Seconded by Trustee Malone and passed unanimously.**

Fire Chief Mark Florkowski  
First Assistant Fire Chief Stephen Kaskawits  
Second Assistant Fire Chief T.J.Knoesel  
Ex-Chief Rick Thompson  
Captain P.J. Murray  
Captain Robert Mancini

3. Resolution to Modify the 2012-2013 Village Budget regarding Playground Improvements

### **RESOLUTION TO MODIFY THE 2012-2013 VILLAGE BUDGET REGARDING PLAYGROUND IMPROVEMENTS**

**Trustee Nardecchia: RESOLVED**, that the Village Board of the Village of Ardsley hereby authorizes the Village Treasurer to modify the 2012-2013 Village Budget by increasing revenue line item A-2860 and Parks Improvement appropriation line item 7110.452 in the

amount of \$2,775 to recognize the receipt of an insurance check for replacement of the green and gold McDowell Park sign damaged in an automobile accident last August;

**BE IT FURTHER RESOLVED**, that the Village Board increases revenue line item A-2860 and appropriation Parks Improvement line item 7110.452 in the amount of \$1,900 to recognize the anticipated receipt of a legislative member item from Assemblyman Thomas Abinanti towards the purchase of new durable plastic railroad ties in the swing set area of Pascone Park.

**BE IT FINALLY RESOLVED**, that the aggregate amount of \$4,675 for the above referenced items will be an offset to the total cost of \$8,115 for the purchase and installation of the plastic rail road ties and the addition of wood fiber chips, as recommended by the Ardsley Parks & Recreation Commission. **Seconded by Trustee Minore and passed unanimously.**

4. Resolution Authorizing Mayor to sign agreement with Sive, Paget & Riesel to provide legal counsel on Rivertowns Square Development

Mayor Porcino stated that the Dobbs Ferry Planning Board is keeping the public hearing open on the Rivertowns Square Development. The Village of Ardsley is assessing the matter. They hired legal counsel to determine if the Village should take any action. Judge Ponzini suggested amending the retainer letter to include a deadline date for any report they prepare for the Village of Ardsley.

**RESOLUTION AUTHORIZING MAYOR TO SIGN AGREEMENT WITH SIVE,  
PAGET, & RIESEL TO PROVIDE LEGAL COUNSEL ON RIVERTOWNS SQUARE  
DEVELOPMENT**

**Trustee Kaboolian: RESOLVED**, that the Village Board of the Village of Ardsley hereby authorizes the Mayor to sign an agreement with Sive, Paget, & Riesel, P.C. located at 460 Park Avenue, 10th Floor, New York, New York 10022 to provide legal counsel to the Village in connection with the proposed Rivertowns Square mixed-use development in the Village of Dobbs Ferry including advice with regard to the review of the proposed development pursuant to the New York State Environmental Quality Review Act (SEQRA) and the applications for site plan and special permit approval from the Dobbs Ferry Village Board and the application for re-subdivision from the Dobbs Ferry Planning Board site plan review.

**BE IT FURTHER RESOLVED**, that the work described above will not exceed \$15,000 (exclusive of disbursements and other out of pocket costs) without the written approval of the Village of Ardsley. **Seconded by Trustee Malone and passed unanimously.**

5. Resolution considering request to erect temporary signs for Memorial Day

## **RESOLUTION CONSIDERING REQUEST TO ERECT TEMPORARY SIGNS FOR MEMORIAL DAY**

**Trustee Nardecchia: RESOLVED**, that the Village Board of the Village of Ardsley hereby approves a request from Ardsley American Legion Post 458 to erect two 4' x 8' signs with information regarding the Memorial Day ceremony and parade; one sign to be placed at the southwest corner of the intersection of Route 9A and Ashford Avenue, and the other to be placed at the entrance to Pascone Park on Ashford Avenue. The signs will be erected approximately May 17<sup>th</sup> and will be removed on May 28<sup>th</sup>. **Seconded by Trustee Minore and passed unanimously.**

6. Resolution Scheduling a Public Hearing for 2013 Annual Stormwater Report

## **RESOLUTION SCHEDULING PUBLIC HEARING FOR 2013 ANNUAL STORMWATER REPORT**

**Trustee Minore: RESOLVED**, that the Village Board of the Village of Ardsley hereby schedules a public hearing on Monday, May 6, 2013 at 8:30 p.m. for the purpose of receiving comments regarding the 2013 Village Stormwater Annual Report. **Seconded by Trustee Nardecchia and passed unanimously.**

7. Discussion/Call for Public Hearing Re: Amendments to Chapter 109 Filming

Mayor Porcino stated the Code is being corrected and updated.

## **DISCUSSION / CALL FOR PUBLIC HEARING RE: AMENDMENTS TO CHAPTER 109 FILMING**

**Trustee Malone: RESOLVED**, that the Village Board of the Village of Ardsley hereby authorizes the Village Clerk to schedule a public hearing for Monday, May 6, 2013 at 8:45 p.m. to consider various amendments to Chapter 109 Filming of the Ardsley Village Code. **Seconded by Trustee Kaboolian and passed unanimously.**

**VIII. CALL FOR EXECUTIVE SESSION.** Executive Session to follow the meeting.

## **IX. ADJOURNMENT OF MEETING**

There being no other business, the meeting was adjourned.

**Trustee Nardecchia: RESOLVED**, that the Village Board of the Village of Ardsley hereby adjourns the regular meeting of Monday, April 15, 2013 at 9:23 p.m. **Seconded by Trustee Minore and passed unanimously.**

**X. NEXT VILLAGE BOARD MEETING:** Monday, May 6, 2013 at 8:00 p.m.

Respectfully submitted,  
Anne Hohlweck, Recording Secretary