



AGENDA

Ardsey Village Board of Trustees

8:00 PM - Monday, July 3, 2023

507 Ashford Avenue & Zoom Platform

The members of the Board of Trustees of the Village of Ardsley will meet in person on Monday, July 3, 2023 at 8:00 p.m. at Village Hall-Court Facility located at 507 Ashford Avenue, Ardsley, New York.

Members of the public may also join the meeting remotely by using the Zoom information below.

The meetings are conducted using hybrid format and interested parties are invited to observe a meeting either in-person or virtually through the videoconferencing service Zoom which can accessed:

Join Zoom Meeting:

<https://us02web.zoom.us/j/86192057721?pwd=bkF1N3Z3c3FabGtsVXUzc0ZnVTk5dz09>

Meeting ID: 861 9205 7721

Passcode:232360

Members of the public can listen to the meeting by dialing via phone+1 929 205 6099, Webinar ID: 861 9205 7721

Passcode:232360

****Please note that by dialing in, your phone number will be visible to the host, participants and attendees of the meeting****

BROADCAST LIVE ON VERIZON 32/35 & CABLEVISION 75

CALL IN NUMBER (914) 693-6202

Page

1. CALL TO ORDER-PLEDGE OF ALLEGIANCE-ROLL CALL

2. PUBLIC HEARING

In the Matter of Amending Chapter 173 - Articles VI and VII of the Ardsley Village Code Entitled "Street Excavations" and "Curb Cuts"

2.a

4 - 11

12 - 29

3. SWEARING IN OF SERGEANT JOHN PIGNATELLI TO LIEUTENANT

4. APPROVAL OF MINUTES:

4.a June 20, 2023 Board of Trustees Regular Meeting Minutes

5. DEPARTMENT REPORTS

5.1. LEGAL

5.1.a Village Attorney, Robert Ponzini

5.2. MANAGER

5.2.a Village Manager, Joseph Cerretani

5.3. ABSTRACT REPORT

30 - 35

5.3.a July 3, 2023 Abstract Report

5.4. MAYOR'S ANNOUNCEMENTS

5.5. COMMITTEE & BOARD REPORTS

6. OLD BUSINESS:

36 - 49

6.a Consider a Resolution to Amend Chapter 173 Articles VI and VII of the Ardsley Village Code Entitled "Street Excavations" and "Curb Cuts"

7. NEW BUSINESS:

50 - 51

7.a Consider a Resolution Declaring Lead Agency and Scheduling a Public Hearing for YC Ardsley Deli, LLC 472 Ashford Avenue

8. VISITORS

9. CALL FOR EXECUTIVE SESSION

10. ADJOURNMENT OF MEETING

11. UPCOMING EVENTS & MEETINGS

- 4th of July -All Village Offices Closed
- July 6th -Lego Party at Ardsley Public Library 5:00 pm

- July 8th- Concert in the Park -Almost Country 7:00 pm
- July 10th-MDI Committee Meeting 7:00 pm
- July 10th Planning Board Meeting 8:00 pm
- July 11th Recreation Commission Meeting 5:00 pm
- July 11th Board of Architectural Review Meeting 8:00 pm
- July 12th Board of Trustees Work Session 7:30 pm
- July 13th Paper Heart Puppets at the Ardsley Public Library 5:00 pm
- July 20th Bingo Night at the Ardsley Public Library 5:00 pm
- July 21st Concert in the Park-The Russ Davis Band 7:00 pm
- July 26th Zoning Board of Appeals Meeting 8:00 pm
- July 27th The Great Charlini at the Ardsley Public Library 5;00 pm
- July 27th Library Board Meeting 7:30 pm
- July 29th Concert in the Park-Crossfire Hurricane 7:00 pm

12. NEXT BOARD MEETING:

- Board of Trustees Work Session July 12, 2023 7:30pm
- Board of Trustees Meeting August 7, 2023

NOTICE OF PUBLIC HEARING
AMENDING CHAPTER 173 ARTICLE VI OF THE ARDSLEY VILLAGE CODE
ENTITLED STREET EXCAVATIONS

PLEASE TAKE NOTICE, that the Board of Trustees of the Village of Ardsley will hold a public hearing on Monday, July 3, 2023 at 8:00 p.m. or soon thereafter at Village Hall-Court Room, 507 Ashford Avenue, Ardsley, NY 10502 to discuss amending chapter 173-Article VI of the Ardsley Village Code entitled Street Excavations.

Please check the calendar on the village website for meeting details at: www.ardsleyvillage.com

Further details on this amendment is available at the Clerk's office, 507 Ashford Avenue, Ardsley, NY during normal office hours Monday through Friday 9:00 am-4:00 pm.

Written comments may be sent to the Village Clerk at arocco@ardsleyvillage.com or sent via regular mail to 507 Ashford Ave, Ardsley, NY 10502. All comments will be shared with the Board of Trustees and questions will be answered as quickly as possible.

All residents and taxpayers are invited to attend.

BY ORDER OF THE BOARD OF TRUSTEES OF THE
VILLAGE OF ARDSLEY, NEW YORK

Ann Marie Rocco
Village Clerk
Dated: June 23, 2023

Article VI Street Excavations

New text is in **bold underline** and deleted text is in ~~highlighted strikethrough~~

[Added 1-6-1958; amended in its entirety 6-7-2021 by L.L. No. 4-2021]

§ 173-32 **Openings on streets and sidewalks restricted.**

It shall be unlawful for any person, firm, company or corporation to make or cause to be made any excavation (hereinafter referred to as an "opening") in or under any street, sidewalk or public place or any portion thereof, whether paved or otherwise, in the Village of Ardsley, for any purpose whatsoever, except upon compliance with the provisions of this chapter and the obtaining of a permit and the payment of a fee therefor as hereinafter provided for.

§ 173-33 **Application to be filed; permit.** **[Amended 3-20-2023 by L.L. No. 2-2023]**

Except for emergencies, at least 48 business hours prior to commencement of work, any person or authorized representative of any firm, company or corporation, seeking to make any opening, shall file with the Village Clerk an application, in writing, for a permit for such opening on an application containing such information as the General Foreman shall specify. A sketch showing the location, dimensions and character of the opening shall accompany the application.

§ 173-34 **Excavations and restoration.**

A. Methods.

- (1) All excavations, including temporary and permanent work, within any street shall be performed in accordance with the specifications contained in § **173-41**, or in a manner as prescribed by the General Foreman for circumstances not covered by the specifications.
- (2) The permittee shall make every effort to keep the amount of pavement damage to a minimum. The pavement damaged in the course of performing the work shall be restored by the permittee, at its own expense, or, in the discretion of the General Foreman, by the Village at the expense of the permittee. Backfilling and compaction of excavations shall be performed by the permittee so that the least possible subsequent settling will occur and as soon as practicable. Before backfilling, the permittee shall notify the General Foreman allowing adequate time as determined by the General Foreman for inspection, particularly in the area of existing underground utilities. If, after permanent pavement restoration, settlement occurs due to failure of the backfill, the Village shall again restore the damaged areas at the expense of the permittee.
- (3) Immediately upon the completion of proper backfilling, the permittee shall construct temporary pavement. All temporary pavement shall be installed at a thickness of three inches. The surface of the temporary pavement shall not exceed above or lie below the surface of the adjacent permanent pavement and shall be reasonably smooth. The permittee shall be responsible for the proper placement and maintenance of the temporary pavement and shall keep the temporary pavement level with the surface of the surrounding permanent pavement and in proper repair and condition until such time as permanent pavement restoration is completed.
- (4) In any case, upon notice from the General Foreman, the permittee, at its expense, shall immediately make such temporary repairs and take such corrective and protective measures to the work as directed by the General Foreman.

B. Responsibilities of permittee.

- (1) It shall be the responsibility of the permittee to perform the necessary restoration beyond the limits of the pavement, which shall include but not be limited to restoration of lawns, shrubs, gardens, curbing, sidewalks, fences, walls, etc., to a condition as good or better as that which existed prior to pavement work or restoration.
 - (2) Upon completion of the permanent repairs outside the limits of the pavement, the permittee shall notify the General Foreman, in writing, that the permanent repair or replacement has been completed, setting forth the date of completion. The permittee shall, and has the duty and responsibility to, maintain the replacement area for a period of one year after completion. In any case, upon notice from the General Foreman within said one-year period, the permittee, at its expense, shall immediately make such repair or replacement and take such protective measures to the work as ordered by the General Foreman.
 - (3) The street opening permit shall be kept at the site of work at all times and exhibited whenever requested by any official or officer of the Village of Ardsley. **[Added 3-20-2023 by L.L. No. 2-2023]**
 - (4) Prior to the commencement of any work the permit holder shall make arrangements with the Chief of Police or his duly appointed designee for the coordination of all necessary public safety and traffic control measures. All safety and traffic control measures and restrictions shall be approved by the Chief of Police or his duly appointed designee who shall also determine if **Village of Ardsley** Police or **Village of Ardsley** Highway Department personnel will be required for traffic control, and the appropriate quantity of such personnel required. The estimated cost for such services shall be determined as enumerated in § 173-36C. The permit holder shall place on deposit the estimated cost for any required **Village of Ardsley** Police and **Village of Ardsley** Highway Department services. **[Added 3-20-2023 by L.L. No. 2-2023]**
 - (5) If the Chief of Police or his duly appointed designee determines that **Village of Ardsley** Police or **Village of Ardsley** Highway Department personnel are not required for traffic control, trained flag person(s) will be required in a quantity as set forth by the Chief of Police or his duly appointed designee. **[Added 3-20-2023 by L.L. No. 2-2023]**
- C. Correction by Village at expense of permittee. In any case where the permittee does not timely and properly maintain or repair any temporary or replacement pavement as provided in § 173-34, Excavations and restoration, or does not timely and properly maintain, repair or replace, restore or reestablish any nonpaved area disturbed by the excavation work or take such protective measures with respect to any pavement as required by the General Foreman, the Foreman may perform said maintenance or make said repairs or replacements or take such protective measures. The cost thereof shall be charged to the permittee by the Village, with a minimum charge of \$200 per incident. **[Amended 3-20-2023 by L.L. No. 2-2023]**

§ 173-34.1 Deposit required.
[Amended 3-20-2023 by L.L. No. 2-2023]

Prior to the issuance of a permit, the applicant shall deposit with the Village a sum of money in cash or certified check sufficient to reimburse the Village for all expenses which may be incurred by it in restoring the disturbed surface of the street or other area opened. No part of such deposit shall be returned to the applicant until at least 270 days after the final inspection prescribed by § 173-40 of this article. The amount of such deposit shall be computed as follows:

- A. Concrete, macadam, brick or other hard-surfaced road, sidewalk or public area: \$10 per square foot of opening; minimum deposit: \$1,000.
- B. Gravel, dirt or other surface: \$5 per square foot of opening; minimum deposit: \$750.
- C. In the event that more than one type of surface is to be excavated, the deposit shall be based on the

square footage of each type of surface, and the minimum deposit shall be \$1,000.

§ 173-35 Exceptions to deposit.

A public service corporation may, in lieu of making deposits required pursuant to § 173-34.1, file and keep on file with the Village:

- A. A performance bond in the amount of \$10,000, approved by the Village Attorney as to form, sufficiency and manner of execution, as security to the Village that said public service corporation shall properly restore any and all streets, sidewalks or public places in which it shall make an opening, and this shall include trees, grass, shrubbery and/or any other plantings, to a permanent condition, and shall keep every portion of such restoral work in perfect order and repair during the entire period of maintenance and shall faithfully comply with all the provisions of this article and any amendments hereto and with all the provisions of all permits issued to it under this article and any amendments hereto; and
- B. An agreement by said public service corporation, approved by the Village Attorney as to form, sufficiency and manner of execution, to indemnify and save harmless the Village from and against any and all claims, demands, suits, actions, proceedings, losses, injuries, damage and costs of every name and description in any way arising out of or resulting from any act or omission on the part of said public service corporation under any permit issued to it under this article or from any negligence or fault of said public service corporation, its contractors, agents, servants or employees, in connection with sidewalks, curb or driveway work or repairs or street openings or any work related thereto.

§ 173-36 Fees.

- A. A fee as indicated in Ch. A210, Fees, shall accompany each application for a street opening permit. This fee shall be retained by the Village to cover cost of issuing the permit and any inspections required.
- B. Any public service corporation electing pursuant to the provisions of § 173-35 to file and keep on file a performance bond and indemnity agreement, in lieu of making the deposits required pursuant to § 173-34.1, shall nevertheless pay with each application by it for a street opening permit the same fee as would be payable hereunder for such permit, if such public service corporation had elected to make the deposit required pursuant to § 173-34.1, and the fees so paid shall be retained by the Village as herein provided.
- C. The costs for all **Village of Ardsley** Police Department and **Village of Ardsley** Highway Department staff and equipment provided for a street opening project shall be calculated at the rates specified in the Police and Highway Department hourly rate reimbursement tables in effect at the time of said work and shall be reimbursed by the permit holder. [Added 3-20-2023 by L.L. No. 2-2023]

§ 173-37 Emergency street openings.

- A. Any public service corporation may be entitled to commence street opening work of an emergency nature, provided that, if the offices of the Village of Ardsley are closed, the **Village of Ardsley** Police Department shall be notified and application for such permit shall be made in the same manner outlined herein before the close of business hours for the first working day following the date of the emergency opening.
- B. Street openings for the sole purpose of making original installations or connections will under no circumstances be classed as emergency work,

§ 173-38 Expiration of permit.

Each permit, or renewal thereof, shall expire 45 days following the issuance thereof and may be renewed upon written application to the Village Clerk and payment of an additional fee in the amount prescribed by § 173-36.

§ 173-39 **Certificate of insurance.**

- A. No permit shall be issued until the applicant has filed with the Village Clerk a certificate of insurance from a company authorized to do business in the State of New York, certifying that the applicant has in full force and effect public liability insurance to indemnify and protect the Village against any loss, damage or injury which might be incurred by reason of such street excavation or performance of the work incidental thereto. Such certificates of insurance shall state that the Village of Ardsley shall be notified of any intent to cancel in any manner the policy referred to or of any change in the terms of the policy or limits thereof. Limits of liability of said insurance shall be not less than the following:
- (1) Bodily injury damage: \$1,000,000 for any one person and \$1,000,000 for any one accident.
 - (2) Property damage: \$1,000,000 for any one accident.
- B. Such insurance shall remain in force and effect and the operations covered thereunder shall not be deemed completed until at least 90 days after completion of the work hereinafter prescribed by § 173-40 of this article.
- C. A public service corporation electing, pursuant to § 173-35, to file and keep on file a performance bond and indemnity agreement may file with the Village Clerk in lieu of a certificate of insurance a certificate that such corporation is a self-insurer.

§ 173-40 **Compliance required.**

The owner(s) of the property benefited and the person, firm, company or corporation executing the work shall comply with the following:

- A. Proper lighting, barricading, reflectors, signs and watchmen shall be provided to the extent necessary to protect the public, as determined by the Chief of Police and/or General Foreman.
- B. Gutters shall be kept clear so that free flow of water is permitted.
- C. All work under the permit shall be pursued diligently and continuously until completed.
- D. Not more than 1/2 of the paved width of any street shall be closed to traffic at one time.
- E. The size of the opening shall not exceed that for which the permit was issued without first amending the permit as issued.
- F. After backfilling openings which have been sheathed, the sheathing shall be left in place and cut down one foot below grade.
- G. No tunneling or undercutting is permitted.
- H. Openings shall be carefully backfilled with clean earth deposited in four-inch layers and tamped. Frozen earth or stones over six inches shall not be used in backfill. All shall be left in condition safe for travel by the public without hazard. It shall be the responsibility of the applicant to maintain the proper amount of backfilling openings for a period of 90 days after completion of the original backfilling. **[Amended 3-20-2023 by L.L. No. 2-2023]**
- I. Pavement shall be restored or rebuilt to a permanent condition.
- J. All work done under the permit is subject to the inspection and approval of such persons as the Village Manager may from time to time appoint. The applicant shall notify the Village Clerk when all work prescribed herein is completed, and thereafter a final inspection shall be conducted by a person designated by the Village Manager.

§ 173-41 Specifications.
[Amended 3-20-2023 by L.L. No. 2-2023]

The street opening work and the final restoration shall be performed in accordance with specifications approved by the General Foreman, which shall include the following minimum specifications:

- A. The trench shall be filled with K-Krete, when beneath the paved portion of the street and must be kept in proper repair until accepted by the Village.
- B. If a new patch occurs where there is an existing patch, the entire existing patch shall be removed and replaced.
- C. The final patch shall match the existing road conditions or the existing crown as determined by the General Foreman.
- D. No digging shall start on a Saturday, Sunday or holiday, except in an emergency.
- E. Concrete. If the street is concrete, the patch shall be concrete. The concrete shall be saw-cut to establish a clean, smooth surface. The existing concrete shall be drilled and doweled to a twelve-inch depth, and the dowel shall be two feet on center. The seam between the new and existing concrete shall be tack coated with tar.
- F. Asphalt. If the street is asphalt, the patch shall be asphalt. The existing asphalt shall be saw-cut to a depth two inches and shall be 12 inches wider than the trench. A binder course of four inches and a top course of two inches shall be required. The seam between the new and existing asphalt cut tack coated shall be sealed with tar.
 - (1) Work in roadways paved more than five years prior. Single service or excavation only disturbing one lane shall be paved a minimum of five feet from the edge of the trench in each direction of the road and from the curb, or edge of road, to the center line of the roadway. Multiple services or excavations in one lane that are needed within 60 feet of each other, the restoration required shall extend five feet outside the far excavations and from the curb, or edge of road, to the center line of the roadway. Services or excavations that disturb both lanes, or extend over 50 feet in one lane, shall be paved a minimum of five feet outside the excavation on each side, and from curb to curb, or edge of road to edge of road.
 - (2) Work in roadways paved within previous five years. Single or multiple services, or excavations within 60 feet of each other, shall be paved a minimum of five feet outside the excavation on each side, and from curb to curb, or edge of road to edge of road.
 - (3) A restoration plan may be required based upon the proposed improvements. Segmenting the restoration of roadways in a noncontiguous manner should be avoided and will be at the discretion of the General Foreman.
- G. All work shall be performed in a good and workmanlike manner, satisfactory to the General Foreman.
- H. All street openings and work areas shall be provided with warning signs, barricades and lighting as necessary for public safety and in conformance with applicable provisions of the State of New York Department of Transportation Manual of Uniform Traffic Control Devices.

§ 173-42 Noncompliance.

If an applicant fails to comply with any of the provisions of § **173-40** and the Village backfills or restores the pavement to a permanent condition, the applicant shall pay for the cost of such work, such pavement to be deducted from the amount deposited pursuant to § **173-34.1** hereof, the balance, if any, being refunded to the applicant. In the case of a public service corporation which has elected, in lieu of making deposits, to file and

keep on file a bond and indemnity agreement pursuant to § 173-35, the cost of such work shall be paid directly by the corporation and, if not so paid, shall be collected under the bond.

§ 173-42.1 Penalties for offenses.
[Amended 3-20-2023 by L.L. No. 2-2023]

Any person committing an offense against any provision of this article shall, upon conviction thereof, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine of not less than \$250 and not exceeding \$2,000 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment. The continuation of an offense against the provisions of this article shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

Article VII
Curb Cuts

[Added 12-15-1986 by L.L. No. 9-1986]

§ 173-43 Legislative intent.

The Village finds it necessary to control the location and number of curb cuts. Such approval or denial will be based on such considerations as Planning Board requirements, availability of alternative access points, traffic hazards and conditions and any other factor affecting the health, safety or welfare of the public or which might be detrimental to the best interests of the Village.

§ 173-44 Permit; application; approval.

- A. All curb cuts in an existing curb or where a curb could be placed along the street-front property line shall require a permit. Such permit shall be issued by the Building Inspector after review and approval by the Planning Board and **Village of Ardslev** Police Department.
- B. An application for curb cut approval may be included in an application for new construction. However, an application for work to be performed outside a B-1 or B-2 Zone shall not exempt the curb cut from the necessary review and approval of the Planning Board or **Village of Ardslev** Police Department.
- C. All curb cuts on Route 9A must meet the approval of the State Department of Transportation.
- D. The Village may require as a condition for granting a curb cut permit that the applicant construct drainage swales, pipes or other drainage structures on his property to prevent discharge of storm drainage water onto the Village highway in a manner which may affect the health, safety or welfare of the public or which might be detrimental to the best interests of the Village. Such drainage works shall meet the approval of the Village, and the deposit of security for restoration required for issuance of a permit may include a sum of money to assure the Village that such drainage works will be built, along with appropriate fees for the curb cut.

§ 173-45 Requirements.

- A. All curb cuts for driveways shall have a curb reveal of 1 1/2 inches.
- B. Curb cuts in an existing curb shall not be made by cutting or chipping so as to reduce the height of the curb section. Existing stone curbs shall be removed, and the same stones or others of equal material and size shall be reset to the new reveal, with the contractor making such excavation as is necessary to accomplish the same. Any stone curb reset in this manner shall be set in a footing of concrete. Existing concrete curb shall be removed, and a new section poured to provide the required reveal.
- C. Where curbing is disturbed by trenching or for any reason other than the construction of a curb cut, it shall be restored by the placement of a curb of the same material and size as adjoins the disturbed area.

If the curb is concrete, it shall be cut back at least three feet from each edge of the trench or area of disturbance, and replaced by a single poured section. If these cuts are within three feet of any joint in the curb, the new curb shall extend to such joint.

- D. There shall be a limit of two curb cuts per lot and a maximum width per curb of 18 feet except in unusual circumstances at the discretion of the Planning Board. **[Amended 12-6-2021 by L.L. No. 10-2021]**
- E. Parking on shoulder areas or paving of shoulder areas to provide a parking area adjoining the traveled way, or lowering of curbs for the same purpose, will not be permitted except in unusual circumstances at the discretion of the Planning Board. A "shoulder area" shall be defined as that unpaved area that is part of the Village right-of-way.

§ 173-46 Fees.

- A. The fee for such permit shall be as listed in § **A210-3**. **[Amended 12-6-2021 by L.L. No. 10-2021]**
- B. The applicable curb cut fee shall be added to the applicable building permit fee when a request for an approval for a curb cut is included in an application for new construction.

§ 173-47 Penalties for offenses.

Any person, firm or corporation found guilty of violating the provisions of this article shall be guilty of committing a violation, the fine for which shall not exceed \$250.



MINUTES

Ardsey Village Board of Trustees

8:00 PM - Tuesday, June 20, 2023

507 Ashford Avenue & Zoom Platform

| | | |
|----------|----------------------|---------------------|
| Present: | Mayor | Nancy Kaboolian |
| | Deputy Mayor/Trustee | Andy Di Justo |
| | Trustee | Asha Bencosme |
| | Trustee | Steve Edelstein |
| | Trustee | Craig Weitz |
| | Village Manager | Joseph L. Cerretani |
| | Village Clerk | Ann Marie Rocco |
| Absent: | Trustee | Craig Weitz |
| | Village Attorney | Robert J. Ponzini |

1. CALL TO ORDER-PLEDGE OF ALLEGIANCE-ROLL CALL

- 1.1 The Regular Meeting of the Village of Ardsley Board of Trustees was held on June 20, 2023 at Village Hall, Court Facility, 507 Ashford Avenue, Ardsley, NY 10502. Mayor Kaboolian called to order the Regular Meeting at 8:00 p.m.

Members Present:

Mayor Nancy Kaboolian
Deputy Mayor/Trustee Andy Di Justo
Trustee Asha Bencosme
Trustee Steve Edelstein

Also present were: Village Manager, Joseph Cerretani, and Village Clerk, Ann Marie Rocco

Trustee Craig Weitz and Village Attorney Robert Ponzini were absent.

2. APPROVAL OF MINUTES:

2.1 June 5, 2023 Board of Trustees Regular Meeting Minutes

Moved by Trustee DiJusto, Seconded by Trustee Bencosme and passed unanimously.

RESOLVED, that the Village Board of the Village of Ardsley hereby approves the minutes of the Regular Meeting of Monday, June 5, 2023 as submitted.

Carried by the following votes:4-0-0

Ayes: Mayor Kaboolian, Trustee Di Justo, Trustee Bencosme & Trustee Edelstein

Nays: None

Abstained: None

3. DEPARTMENT REPORTS

1. LEGAL

1.a Village Attorney, Robert J. Ponzini was absent.

2. MANAGER

2.a Village Manager, Joseph L. Cerretani read the following report:

TAXES DUE: The 1st half of the 2023 Village Tax is due, without penalty, by June 30th. Payments made in person after June 30th, or that arrive via mail postmarked by the postal service after June 30th, or arrive thereafter without a postmark, will be assessed a late penalty as required by the New York State Real Property Law. Meter-mailed postmarks are not a valid proof of timely payment. Most payments made through online banking come in without dates and will not be accepted if the envelope is not postmarked by the deadline. Please bear in mind that no Village official is empowered to waive the late fee for any reason.

SANITARY SEWER PROJECT: We have finished the first phase of the Closed Circuit Television work of the sanitary sewer lines of approximately one third of the Village over the winter. We were alerted to a few minor issues, which we were able to address quickly and with precision as a result of the mapping and camera work. We are internally discussing the next phase of the CCTV work to expand to the next third of the Village. We are planning to have the CCTV done in the fall/winter months again this year.

4TH OF JULY OFFICE CLOSING: Residents are reminded that Village Hall, including the Court, Community Center, Ardsley Public Library and Highway Department will be closed on Tuesday, July 4, 2023 in observance of 4th of July.

Refuse/Recycle collection is as follows:

- Monday, July 3, 2023- Refuse Collection for everyone

- Tuesday, July 4, 2023 No Collection
- Wednesday, July 5, 2023 Newspaper, Cardboard, Bulk Metal, E-Waste
- Thursday, July 6, 2023 Commingle Glass, Plastic
- Friday, July 7, 2023-Refuse Collection for everyone

NEW DPW CONSTRUCTION PROJECT: The steel framing is continuing to be erected and the roof panels have been delivered this week. We anticipate that by the end of next week the framing of the entire building will be substantially complete. We are planning for the wall panels to be delivered tomorrow and will be installed beginning Monday next week. The roof panels have already been delivered and will be installed after the wall panels are completed. The water main has been successfully been inspected by engineers for approvals to be sent to the Westchester County Department of Health. As of now, the project remains on its revised schedule to be substantially complete by December/January. I will be following up with the Board for an informational session provide a detailed on-site walkthrough of the site.

BOARD ROOM UPGRADE: The carpet and chairs have been replaced and we are about 90% complete.

3. ABSTRACT REPORT

3.a June 20th, 2023 Abstract Report

Village Manager, Joseph Cerretani read the May 1, 2023 Abstract Report as follows: From the General Fund: \$82,005.44 from the Trust & Agency Fund:\$0.00, from the Capital Fund: \$2,999,176.80 and from the Sewer Fund: \$2,597.93.

Moved by Trustee Bencosme, Seconded by Trustee Edelstein and passed unanimously.

RESOLVED, that the Village Board of the Village of Ardsley hereby authorizes the Village Treasurer to make the following payments: From the General Fund: \$82,005.44 from the Trust & Agency Fund: \$0.00 from the Capital Fund: \$2,999,176.80 and from the Sewer Fund:\$2,597.93

Carried by the following votes: 4-0-0

Ayes: Mayor Kaboolian, Trustee DiJusto, Trustee Bencosme & Trustee Edelstein

Nays: None

Abstained: None

4. BUILDING DEPARTMENT REPORT

4.a May 2023 Building Department Report

Mayor Kaboolian accepted the following Building Department Report under submission:

13 Building permits

13 Application fees
10 Certificates of Occupancy
5 Plumbing permits
8 Electrical permits
5 Title Searches
0 Miscellaneous
Total received - \$8,221.26
Other activities:
74 Building inspections
22 Zoning inspections
0 Fire Inspections
12 Violations
7 Warnings
0 Appearance Tickets

5. POLICE

5.a May 2023 Police Department Report-Police Chief, Anthony Piccolino read the follow report:

Department Report:

Property lost or stolen -\$4,931.36
Property Recovered---- \$228.38
Court fines and fees --- \$72,025.00
Alarm fines and fees--- \$1,071.60
Meter collection-----\$3,069.00
Traffic Accidents-----16
Arrests----- 7
Calls for service-----286
Investigations-----17
Impounded vehicles----- 4
UTT summonses issued---- 60
Parking summonses issued- 71
Appearance tickets issued---2
Total summonses issued----- 133
For monthly statistics, please click [HERE](#).

May Events 2023

Training

Total training for the month of May was 144 hours which consisted of training in Radar, Lidar, Instructor development and Alert.

Community Policing (CPO)

CPO -Attended 12 hours of training in recertification for child safety seat technician.
CPO- Conducted child safety seat check event where they installed (15) child seats and issued (0)
CPO- Installed 4 child seats by appointments
CPO -Provided food and barbecued to celebrated Ardsley High School's varsity sports seniors
CPO-Participated and assisted with the 5k race event
CPO- Attended Ardsley High School Senior Breakfast event
CPO -Attended food truck Friday event
CPO- Attended the Habitat for Humanity event for the Ardsley High School
CPO -Attended Ardsley Schools District wide safety meeting
CPO -Participated in a Child Seat Health Fair Event
CPO -Conducted a bike rodeo, provided safety checks on bicycles and provided free helmets for riders
CPO -Attended Ardsley High School Safety meeting
CPO-Attended Concord Road Elementary Safety meeting.
CPO-Attended Memorial Day parade
CPO-Instructed and ran the Westchester Youth Police Academy at Pace University

Community Information

Residents are encouraged to visit the Village Website under the police banner, we have several of the known scams listed. Educating yourself on these scams can prevent you from becoming a victim.

Officers on the late tours have been finding garage doors left open and have woken up the homeowners to advise them. Residents should be aware that thieves have been entering these open or unlocked doors, burglarizing the home and stealing vehicles while the homeowners are asleep. We have not had any such cases yet however many of our surrounding jurisdictions have. So please remember to lock your doors, both home and vehicles.

Our annual Ice Cream Social will be held on June 22nd 6:00 pm at Pascone Park.

6. COUNTY EXECUTIVE GEORGE LATIMER

- 6.a County Executive, George Latimer along with Greenburgh's Councilwoman Ellen Henrickx were present to speak about the asylum seekers.
- No local government has the authority to keep out people seeking asylum.
 - There are three Westchester County locations, White Plains, Yonkers and Ardsley. The County Government is prepared to assist Ardsley.
 - Back up services may be required for the Ardsley Police. Westchester County Police is prepared to provide back up if needed.

- Wanted to ensure our residents that there is not threat of disease or illegal behavior.
- We are working with United Way Westchester & Putnam to provide a mechanism for people who would like to donate.
- County Executive Latimer summarized by saying that he recognizes that people in this society who philosophically do not believe that immigration in our country should be restricted and they fear over illegal behavior. There is no evidence of these fears in the one month of their arrival.

Mayor Kaboolian appreciates the County with helping us move forward with this and we will do the very best we can to help them achieve what they came here for.

Trustee DiJusto questioned the resources of our volunteers.

County Executive Latimer explained that the County Department of Emergency Services would be able to help with a point of contact.

Mayor Kaboolian questioned if there will children in our school system?

County Executive Latimer encouraged not to send school aged children to our schools.

Trustee Edelstein questioned when United Way will get started on the donation process?

County Executive explained that we will need to establish a centralized location and as soon as we have the information, we will share it.

7. MAYOR'S ANNOUNCEMENTS

7.a Mayor Kaboolian announced the following:

- Spoke to the County Board of Health and they are thinking about doing a mobile unit here for testing for the asylum seekers.
- Attended Juneteenth celebration.

8. COMMITTEE & BOARD REPORTS

8.a Trustee DiJusto did not have anything to report.

Trustee Bencosme did not have anything to report but thanked the Police Department/Fire Department for helping with the motorcade.

Trustee Edelstein announced the following:

- Pride event was a great collaboration.

- Juneteenth event was well attended and it was a lively and spirited event. Thanked everyone who participated in this event.
- AMDI is working on fall events such as:
 - October-Italian Heritage Restival
 - November-Diwali, Community Conversation
 - December-Hanukkah Menorah Lighting, Christmas Tree Lighting

4. OLD BUSINESS:

5. NEW BUSINESS:

5.1 Consider a Resolution Promoting Sergeant John Pignatelli to Lieutenant

Moved by Trustee Edelstein, Seconded by Trustee Bencosme and passed unanimously.

RESOLVED, that the Village Board of the Village of Ardsley hereby promotes Sergeant John Pignatelli to the position of Lieutenant, at the annual salary of \$156,627.00, effective July 1, 2023; and

BE IT FURTHER RESOLVED, that in accordance with the civil service rules of the Westchester County Department of Human Resources such appointment is subject to a probationary period of not less than 12 and not more than 52 weeks.

Carried by the following votes: 4-0-0

Ayes: Mayor Kaboolian, Trustee DiJusto, Trustee Bencosme & Trustee Edelstein

Nays: None

Abstained: None

5.2 Consider a Resolution to Schedule a Public Hearing to Discuss Amendments to Chapter 173 - Article VI of the Ardsley Village Code Entitled "Street Excavations"

Moved by Trustee Bencosme, Seconded by Trustee DiJusto and passed unanimously.

RESOLVED, that the Village Board of the Village of Ardsley hereby schedules a public hearing on Monday, July 3, 2023 at 8:00 p.m. or soon thereafter to discuss amendments to chapter 173- Article VI of the Ardsley Village code entitled Street Excavations as follows:

New text is in **bold underline** and deleted text is in **highlighted strikethrough**

Article VI

Street Excavations

[Added 1-6-1958; amended in its entirety 6-7-2021 by L.L. No. 4-2021]

§ 173-32 Openings on streets and sidewalks restricted.

It shall be unlawful for any person, firm, company or corporation to make or cause to be made any excavation (hereinafter referred to as an "opening") in or under any street, sidewalk or public place or any portion thereof, whether paved or otherwise, in the Village of Ardsley, for any purpose whatsoever, except upon compliance with the provisions of this chapter and the obtaining of a permit and the payment of a fee therefor as hereinafter provided for.

§ 173-33 Application to be filed; permit.

[Amended 3-20-2023 by L.L. No. 2-2023]

Except for emergencies, at least 48 business hours prior to commencement of work, any person or authorized representative of any firm, company or corporation, seeking to make any opening, shall file with the Village Clerk an application, in writing, for a permit for such opening on an application containing such information as the General Foreman shall specify. A sketch showing the location, dimensions and character of the opening shall accompany the application.

§ 173-34 Excavations and restoration.

A. Methods.

(1) All excavations, including temporary and permanent work, within any street shall be performed in accordance with the specifications contained in § 173-41, or in a manner as prescribed by the General Foreman for circumstances not covered by the specifications.

(2) The permittee shall make every effort to keep the amount of pavement damage to a minimum. The pavement damaged in the course of performing the work shall be restored by the permittee, at its own expense, or, in the discretion of the General Foreman, by the Village at the expense of the permittee. Backfilling and compaction of excavations shall be performed by the permittee so that the least possible subsequent settling will occur and as soon as practicable. Before backfilling, the permittee shall notify the General Foreman allowing adequate time as determined by the General Foreman for inspection, particularly in the area of existing underground utilities. If, after permanent pavement restoration, settlement occurs due to failure of the backfill, the Village shall again restore the damaged areas at the expense of the permittee.

(3) Immediately upon the completion of proper backfilling, the permittee shall construct temporary pavement. All temporary pavement shall be installed at a thickness of three inches. The surface of the temporary pavement shall not exceed above or lie below the surface of the adjacent permanent pavement and shall be reasonably smooth. The permittee shall be responsible for the proper placement and maintenance of the temporary pavement and shall keep the temporary pavement level with the surface of the surrounding permanent pavement and in proper repair and condition until such time as permanent pavement restoration is completed.

(4) In any case, upon notice from the General Foreman, the permittee, at its expense, shall immediately make such temporary repairs and take such corrective and protective measures to the work as directed by the General Foreman.

B. Responsibilities of permittee.

(1) It shall be the responsibility of the permittee to perform the necessary restoration beyond the limits of the pavement, which shall include but not be limited to restoration of lawns, shrubs, gardens, curbing, sidewalks, fences, walls, etc., to a condition as good or better as that which existed prior to pavement work or restoration.

(2) Upon completion of the permanent repairs outside the limits of the pavement, the permittee shall notify the General Foreman, in writing, that the permanent repair or replacement has been completed, setting forth the date of completion. The permittee shall, and has the duty and responsibility to, maintain the replacement area for a period of one year after completion. In any case, upon notice from the General Foreman within said one-year period, the permittee, at its expense, shall immediately make such repair or replacement and take such protective measures to the work as ordered by the General Foreman.

(3) The street opening permit shall be kept at the site of work at all times and exhibited whenever requested by any official or officer of the Village of Ardsley. [Added 3-20-2023 by L.L. No. 2-2023]

(4) Prior to the commencement of any work the permit holder shall make arrangements with the Chief of Police or his duly appointed designee for the coordination of all necessary public safety and traffic control measures. All safety and traffic control measures and restrictions shall be approved by the Chief of Police or his duly appointed designee who shall also determine if **Village of Ardsley** Police or **Village of Ardsley** Highway Department personnel will be required for traffic control, and the appropriate quantity of such personnel required. The estimated cost for such services shall be determined as enumerated in § 173-36C. The permit holder shall place on deposit the estimated cost for any required **Village of Ardsley** Police and **Village of Ardsley** Highway Department services. [Added 3-20-2023 by L.L. No. 2-2023]

(5) If the Chief of Police or his duly appointed designee determines that **Village of Ardsley** Police or **Village of Ardsley** Highway Department personnel are not required for traffic control, trained flag person(s) will be required in a quantity as set forth by the Chief of Police or his duly appointed designee. [Added 3-20-2023 by L.L. No. 2-2023]

C. Correction by Village at expense of permittee. In any case where the permittee does not timely and properly maintain or repair any temporary or replacement pavement as provided in § 173-34, Excavations and restoration, or does not timely and properly maintain, repair or replace, restore or reestablish any nonpaved area disturbed by the excavation work or take such protective measures with respect to any pavement as required by the General Foreman, the Foreman may perform said maintenance or make said repairs or replacements or take such protective measures. The cost thereof shall be charged to the permittee by the Village, with a minimum charge of \$200 per incident. [Amended 3-20-2023 by L.L. No. 2-2023]

§ 173-34.1 Deposit required.

[Amended 3-20-2023 by L.L. No. 2-2023]

Prior to the issuance of a permit, the applicant shall deposit with the Village a sum of money in cash or certified check sufficient to reimburse the Village for all expenses

which may be incurred by it in restoring the disturbed surface of the street or other area opened. No part of such deposit shall be returned to the applicant until at least 270 days after the final inspection prescribed by § 173-40 of this article. The amount of such deposit shall be computed as follows:

A. Concrete, macadam, brick or other hard-surfaced road, sidewalk or public area: \$10 per square foot of opening; minimum deposit: \$1,000.

B. Gravel, dirt or other surface: \$5 per square foot of opening; minimum deposit: \$750.

C. In the event that more than one type of surface is to be excavated, the deposit shall be based on the square footage of each type of surface, and the minimum deposit shall be \$1,000.

§ 173-35 Exceptions to deposit.

A public service corporation may, in lieu of making deposits required pursuant to § 173-34.1, file and keep on file with the Village:

A. A performance bond in the amount of \$10,000, approved by the Village Attorney as to form, sufficiency and manner of execution, as security to the Village that said public service corporation shall properly restore any and all streets, sidewalks or public places in which it shall make an opening, and this shall include trees, grass, shrubbery and/or any other plantings, to a permanent condition, and shall keep every portion of such restoral work in perfect order and repair during the entire period of maintenance and shall faithfully comply with all the provisions of this article and any amendments hereto and with all the provisions of all permits issued to it under this article and any amendments hereto; and

B. An agreement by said public service corporation, approved by the Village Attorney as to form, sufficiency and manner of execution, to indemnify and save harmless the Village from and against any and all claims, demands, suits, actions, proceedings, losses, injuries, damage and costs of every name and description in any way arising out of or resulting from any act or omission on the part of said public service corporation under any permit issued to it under this article or from any negligence or fault of said public service corporation, its contractors, agents, servants or employees, in connection with sidewalks, curb or driveway work or repairs or street openings or any work related thereto.

§ 173-36 Fees.

A. A fee as indicated in Ch. A210, Fees, shall accompany each application for a street opening permit. This fee shall be retained by the Village to cover cost of issuing the permit and any inspections required.

B. Any public service corporation electing pursuant to the provisions of § 173-35 to file and keep on file a performance bond and indemnity agreement, in lieu of making the deposits required pursuant to § 173-34.1, shall nevertheless pay with each application by it for a street opening permit the same fee as would be payable hereunder for such permit, if such public service corporation had elected to make the deposit required pursuant to § 173-34.1, and the fees so paid shall be retained by the Village as herein provided.

C. The costs for all **Village of Ardsley** Police Department and **Village of Ardsley** Highway Department staff and equipment provided for a street opening project shall

be calculated at the rates specified in the Police and Highway Department hourly rate reimbursement tables in effect at the time of said work and shall be reimbursed by the permit holder. [Added 3-20-2023 by L.L. No. 2-2023]

§ 173-37 Emergency street openings.

A. Any public service corporation may be entitled to commence street opening work of an emergency nature, provided that, if the offices of the Village of Ardsley are closed, the **Village of Ardsley** Police Department shall be notified and application for such permit shall be made in the same manner outlined herein before the close of business hours for the first working day following the date of the emergency opening.

B. Street openings for the sole purpose of making original installations or connections will under no circumstances be classed as emergency work,

§ 173-38 Expiration of permit.

Each permit, or renewal thereof, shall expire 45 days following the issuance thereof and may be renewed upon written application to the Village Clerk and payment of an additional fee in the amount prescribed by § 173-36.

§ 173-39 Certificate of insurance.

A. No permit shall be issued until the applicant has filed with the Village Clerk a certificate of insurance from a company authorized to do business in the State of New York, certifying that the applicant has in full force and effect public liability insurance to indemnify and protect the Village against any loss, damage or injury which might be incurred by reason of such street excavation or performance of the work incidental thereto. Such certificates of insurance shall state that the Village of Ardsley shall be notified of any intent to cancel in any manner the policy referred to or of any change in the terms of the policy or limits thereof. Limits of liability of said insurance shall be not less than the following:

(1) Bodily injury damage: \$1,000,000 for any one person and \$1,000,000 for any one accident.

(2) Property damage: \$1,000,000 for any one accident.

B. Such insurance shall remain in force and effect and the operations covered thereunder shall not be deemed completed until at least 90 days after completion of the work hereinafter prescribed by § 173-40 of this article.

C. A public service corporation electing, pursuant to § 173-35, to file and keep on file a performance bond and indemnity agreement may file with the Village Clerk in lieu of a certificate of insurance a certificate that such corporation is a self-insurer.

§ 173-40 Compliance required.

The owner(s) of the property benefited and the person, firm, company or corporation executing the work shall comply with the following:

A. Proper lighting, barricading, reflectors, signs and watchmen shall be provided to the extent necessary to protect the public, as determined by the Chief of Police and/or General Foreman.

B. Gutters shall be kept clear so that free flow of water is permitted.

C. All work under the permit shall be pursued diligently and continuously until completed.

D. Not more than 1/2 of the paved width of any street shall be closed to traffic at one time.

E. The size of the opening shall not exceed that for which the permit was issued without first amending the permit as issued.

F. After backfilling openings which have been sheathed, the sheathing shall be left in place and cut down one foot below grade.

G. No tunneling or undercutting is permitted.

H. Openings shall be carefully backfilled with clean earth deposited in four-inch layers and tamped. Frozen earth or stones over six inches shall not be used in backfill. All shall be left in condition safe for travel by the public without hazard. It shall be the responsibility of the applicant to maintain the proper amount of backfilling openings for a period of 90 days after completion of the original backfilling. [Amended 3-20-2023 by L.L. No. 2-2023]

I. Pavement shall be restored or rebuilt to a permanent condition.

J. All work done under the permit is subject to the inspection and approval of such persons as the Village Manager may from time to time appoint. The applicant shall notify the Village Clerk when all work prescribed herein is completed, and thereafter a final inspection shall be conducted by a person designated by the Village Manager. § 173-41 Specifications.

[Amended 3-20-2023 by L.L. No. 2-2023]

The street opening work and the final restoration shall be performed in accordance with specifications approved by the General Foreman, which shall include the following minimum specifications:

A. The trench shall be filled with K-Krete, when beneath the paved portion of the street and must be kept in proper repair until accepted by the Village.

B. If a new patch occurs where there is an existing patch, the entire existing patch shall be removed and replaced.

C. The final patch shall match the existing road conditions or the existing crown as determined by the General Foreman.

D. No digging shall start on a Saturday, Sunday or holiday, except in an emergency.

E. Concrete. If the street is concrete, the patch shall be concrete. The concrete shall be saw-cut to establish a clean, smooth surface. The existing concrete shall be drilled and doweled to a twelve-inch depth, and the dowel shall be two feet on center. The seam between the new and existing concrete shall be tack coated with tar.

F. Asphalt. If the street is asphalt, the patch shall be asphalt. The existing asphalt shall be saw-cut to a depth two inches and shall be 12 inches wider than the trench. A binder course of four inches and a top course of two inches shall be required. The seam between the new and existing asphalt cut tack coated shall be sealed with tar.

(1) Work in roadways paved more than five years prior. Single service or excavation only disturbing one lane shall be paved a minimum of five feet from the edge of the trench in each direction of the road and from the curb, or edge of road, to the center line of the roadway. Multiple services or excavations in one lane that are needed within 60 feet of each other, the restoration required shall extend five feet outside the far excavations and from the curb, or edge of road, to the center line of the

roadway. Services or excavations that disturb both lanes, or extend over 50 feet in one lane, shall be paved a minimum of five feet outside the excavation on each side, and from curb to curb, or edge of road to edge of road.

(2) Work in roadways paved within previous five years. Single or multiple services, or excavations within 60 feet of each other, shall be paved a minimum of five feet outside the excavation on each side, and from curb to curb, or edge of road to edge of road.

(3) A restoration plan may be required based upon the proposed improvements. Segmenting the restoration of roadways in a noncontiguous manner should be avoided and will be at the discretion of the General Foreman.

G. All work shall be performed in a good and workmanlike manner, satisfactory to the General Foreman.

H. All street openings and work areas shall be provided with warning signs, barricades and lighting as necessary for public safety and in conformance with applicable provisions of the State of New York Department of Transportation Manual of Uniform Traffic Control Devices.

§ 173-42 Noncompliance.

If an applicant fails to comply with any of the provisions of § 173-40 and the Village backfills or restores the pavement to a permanent condition, the applicant shall pay for the cost of such work, such pavement to be deducted from the amount deposited pursuant to § 173-34.1 hereof, the balance, if any, being refunded to the applicant. In the case of a public service corporation which has elected, in lieu of making deposits, to file and keep on file a bond and indemnity agreement pursuant to § 173-35, the cost of such work shall be paid directly by the corporation and, if not so paid, shall be collected under the bond.

§ 173-42.1 Penalties for offenses.

[Amended 3-20-2023 by L.L. No. 2-2023]

Any person committing an offense against any provision of this article shall, upon conviction thereof, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine of not less than \$250 and not exceeding \$2,000 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment. The continuation of an offense against the provisions of this article shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

Article VII

Curb Cuts

[Added 12-15-1986 by L.L. No. 9-1986]

§ 173-43 Legislative intent.

The Village finds it necessary to control the location and number of curb cuts. Such approval or denial will be based on such considerations as Planning Board requirements, availability of alternative access points, traffic hazards and conditions and any other factor affecting the health, safety or welfare of the public or which might be detrimental to the best interests of the Village.

§ 173-44 Permit; application; approval.

A. All curb cuts in an existing curb or where a curb could be placed along the street-front property line shall require a permit. Such permit shall be issued by the Building Inspector after review and approval by the Planning Board and **Village of Ardsley** Police Department.

B. An application for curb cut approval may be included in an application for new construction. However, an application for work to be performed outside a B-1 or B-2 Zone shall not exempt the curb cut from the necessary review and approval of the Planning Board or **Village of Ardsley** Police Department.

C. All curb cuts on Route 9A must meet the approval of the State Department of Transportation.

D. The Village may require as a condition for granting a curb cut permit that the applicant construct drainage swales, pipes or other drainage structures on his property to prevent discharge of storm drainage water onto the Village highway in a manner which may affect the health, safety or welfare of the public or which might be detrimental to the best interests of the Village. Such drainage works shall meet the approval of the Village, and the deposit of security for restoration required for issuance of a permit may include a sum of money to assure the Village that such drainage works will be built, along with appropriate fees for the curb cut.

§ 173-45 Requirements.

A. All curb cuts for driveways shall have a curb reveal of 1 1/2 inches.

B. Curb cuts in an existing curb shall not be made by cutting or chipping so as to reduce the height of the curb section. Existing stone curbs shall be removed, and the same stones or others of equal material and size shall be reset to the new reveal, with the contractor making such excavation as is necessary to accomplish the same. Any stone curb reset in this manner shall be set in a footing of concrete. Existing concrete curb shall be removed, and a new section poured to provide the required reveal.

C. Where curbing is disturbed by trenching or for any reason other than the construction of a curb cut, it shall be restored by the placement of a curb of the same material and size as adjoins the disturbed area. If the curb is concrete, it shall be cut back at least three feet from each edge of the trench or area of disturbance, and replaced by a single poured section. If these cuts are within three feet of any joint in the curb, the new curb shall extend to such joint.

D. There shall be a limit of two curb cuts per lot and a maximum width per curb of 18 feet except in unusual circumstances at the discretion of the Planning Board.

[Amended 12-6-2021 by L.L. No. 10-2021]

E. Parking on shoulder areas or paving of shoulder areas to provide a parking area adjoining the traveled way, or lowering of curbs for the same purpose, will not be permitted except in unusual circumstances at the discretion of the Planning Board. A "shoulder area" shall be defined as that unpaved area that is part of the Village right-of-way.

§ 173-46 Fees.

A. The fee for such permit shall be as listed in § A210-3. [Amended 12-6-2021 by L.L. No. 10-2021]

B. The applicable curb cut fee shall be added to the applicable building permit fee when a request for an approval for a curb cut is included in an application for new construction.

§ 173-47 Penalties for offenses.

Any person, firm or corporation found guilty of violating the provisions of this article shall be guilty of committing a violation, the fine for which shall not exceed \$250.

Carried by the following votes: 4-0-0

Ayes: Mayor Kaboolian, Trustee DiJusto, Trustee Bencosme & Trustee Edelstein

Nays: None

Abstained: None

5.3 Consider a Resolution Awarding Contract for 2023 Joint Curb Installation & Replacement

Moved by Trustee DiJusto, Seconded by Trustee Bencosme and passed unanimously.

WHEREAS, the Village of Ardsley in a cooperative relationship with the Villages of Dobbs Ferry, Elmsford, Hastings-on-Hudson, Irvington and Tarrytown, has solicited bids for concrete curbing in the Village of Ardsley and partner municipalities referenced above; and

WHEREAS, a public notice for this project bid was duly advertised in an official newspaper; and

WHEREAS, on May 12, 2023 at Hastings-on-Hudson Municipal Building all bids received were opened as summarized below; and

| CONTRACTOR | TOTAL BID |
|--|-----------------------|
| Paladino Concrete Creations Corp. 315 North MacQuesten Parkway Mount Vernon, NY 10550 | \$1,339,161.00 |
| Cornerstone Restoration Group 43 Roberts Rd. New City, NY 10951 | \$1,253,335.00 |
| Northbrook Contracting Corp. 7 Corporate Drive Peekskill, NY 10566 | \$2,889,994.00 |
| Tony Casale, Inc. 1185 Saw Mill River Rd. Yonkers, NY 10710 | \$1,235,236.00 |
| A.R. Brothers Construction Corp. | \$1,880,100.00 |

| | |
|--|----------------|
| 348 Ashburton Ave. Yonkers, NY 10706 | |
| JRCRUZ Corp. 33 W. Main Street Holmdel, NJ 07733 | \$2,933,476.00 |
| Gianfia Corp. 179 Brady Ave. Hawthorne, NY 10532 | \$2,257,898.00 |

WHEREAS, in accordance with the unit value bids in the contract and together with the extended totals that are based upon the Engineers revised estimate of the work to be performed in the Village of Ardsley, the value of work is \$283,760.00 as per the unit pricing with Tony Casale, Inc. bid that was opened on May 12, 2023.

WHEREAS, in accordance with the contract, each partner municipality will separately authorize the Contract and be responsible for payment of services performed within their respective municipality directly to the contractor; and

WHEREAS, after review of the bids, the Hasting's Village of Administrator and Village Engineer concluded Tony Casale Inc. submitted the lowest responsible bid for the work; and

NOW, THEREFORE, BE IT RESOLVED, that the Village Board of Trustees of the Village of Ardsley authorizes the execution of the agreed upon contract, for the work to be performed for the 2023 Replacement of Curbing on various streets in the Village of Ardsley to Tony Casale, Inc. in accordance with their Unit Prices contained in their Bid of May 12, 2023 for that work to be performed within the Village of Ardsley and the other five Villages and authorizes the Village Manager to execute said contract; and

BE IT FURTHER RESOLVED, that the foregoing contract is subject to the authorization, final approval and issuance of municipal bonds for the Ardsley portion of this Agreement.

Carried by the following votes: 4-0-0

Ayes: Mayor Kaboolian, Trustee DiJusto, Trustee Bencosme & Trustee Edelstein

Nays: None

Abstained: None

- 5.4 Consider a Resolution Authorizing the Village Manager to Submit the Application for Funding to Hire a Consultant to Create a Natural Resources Inventory

Moved by Trustee Edelstein, Seconded by Trustee Bencosme and passed unanimously.

WHEREAS, the Village of Ardsley Board of Trustees is applying for a Natural Resources Inventory (“NRI”) technical assistance opportunity from the New York State Department of Environmental Conservation (“NYSDEC”) Hudson River Estuary Program; and

WHEREAS, an NRI contains information about a municipal natural resources – groundwater, streams, mineral resources, wetlands, farmland, habitats, plants, and wildlife – that can inform land use planning and decision-making and serve as an education tool; and

WHEREAS, the NYSDEC Hudson River Estuary Program will provide guidance and facilitation on the steps to create a basic NRI, facilitate data acquisition and management, and assist a professional consultant hired by the Village to create a series of resource maps; and

WHEREAS, the professional consultant for the project and will be responsible for public outreach, local research, map review, and writing the NRI report, and

NOW, THEREFORE, BE IT RESOLVED, that the Village Board of the Village of Ardsley does hereby agree to apply for the NRI technical assistance opportunity and authorizes the Village Manager to submit the application for funding to hire a professional consultant to work with Village staff and volunteer groups, and NYSDEC to create a Natural Resources Inventory.

Carried by the following votes: 4-0-0

Ayes: Mayor Kaboolian, Trustee DiJusto, Trustee Bencosme & Trustee Edelstein

Nays: None

Abstained: None

- 6. CORRESPONDENCE**
- 7. VISITORS**
- 8. CALL FOR EXECUTIVE SESSION**
- 9. ADJOURNMENT OF MEETING-WORK SESSION**

9.1 Adjournment

Moved by Trustee DiJusto, Seconded by Trustee Bencosme and passed unanimously.

RESOLVED, that the Village Board of the Village of Ardsley Hereby adjourns the regular meeting of Monday, June 20, 2023 at 8:46 p.m to enter into Work Session -Discussion of School Resource Officer

Carried by the following votes: 4-0-0

Ayes: Mayor Kaboolian, Trustee DiJusto, Trustee Bencosme & Trustee Edelstein

Nays: None

Abstained: None

10. UPCOMING MEETINGS & EVENTS June 20th Board of Architectural Review Meeting

8:00 pm

June 21st Senior Citizens-Pizza Bingo 12:00 pm

June 22nd Ice Cream Social 6:00 pm

June 22nd Concert in the Park-The Saints 6:00 pm

June 22nd Library Board Meeting 7:30 pm

June 23rd Ardsley Youth Advocate End of Year Pizza Party 3:00pm

June 24th Friends of Ardsley Library Conversation with Literacy Specialist 11:00 am

June 24th Ardsley Library Summer Reading Club Kickoff Party 11:00 am

June 28th Zoning Board Meeting 8:00 pm

June 28th Senior Citizens-Matinee Movie 12:00 pm

June 29th Ardsley Library Live Animal Show 5:00 pm

June 30th Last Day to Pay Village Taxes 9:00 am-4:00 pm

July 1st Westchester County Shredder 10am

July 1st The Art Lillard Jazz Trio

July 4th ALL VILLAGE OFFICES CLOSED

11. NEXT BOARD MEETING:

- Monday, July 3rd Board of Trustees Regular Meeting 8:00 pm
- Wednesday, July 12th Board of Trustees Work Session 7:30 pm

Village Clerk, Ann Marie Rocco

Date:

ABSTRACT FOR VILLAGE BOARD MEETING OF JULY 3RD, 2023

| | |
|--------------------------------|---------------------|
| <u>GENERAL FUND</u> | <u>\$324,030.54</u> |
| <u>TRUST & AGENCY FUND</u> | <u>\$14,240.17</u> |
| <u>CAPITAL FUND</u> | <u>\$51,933.34</u> |
| <u>SEWER FUND</u> | <u>\$0.00</u> |

| Date | Vendor Name | Description | Amount |
|-----------|--------------------------------|---------------------------------------|-------------------|
| 8/15/2022 | PRECISE TRANSLATIONS LLC | Interpreters for Court | \$170.00 |
| 8/15/2022 | FUNDAMENTAL BUSINESS SERVICE I | Receivables | \$126.00 |
| 6/27/2023 | Atlantic A Program of De Lage | Usage for June 2023 | <u>\$174.04</u> |
| | | Ardsley Village Court Subtotal | \$470.04 |
| 6/23/2023 | VINCENT GIORDANO | Service for 6-5 to 6-16 | \$165.00 |
| 6/23/2023 | VINCENT GIORDANO | 5-29 to 6-2 | \$55.00 |
| 5/1/2023 | CARDMEMBER SERVICE | ICC Annual Membership | \$145.00 |
| 6/29/2023 | Kellard Sessions Consulting | General Engineering | \$125.00 |
| 5/31/2023 | PAUL BUNYAN TREE SERVICE | Prune Oak Tree | <u>\$900.00</u> |
| | | Building Dept. Subtotal | \$1,390.00 |
| 5/31/2023 | CARDMEMBER SERVICE | Stencil | \$22.98 |
| 6/23/2023 | VERIZON | Usage for 6-10 to 7-9 | \$56.20 |

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| 5/31/2023 | CARDMEMBER SERVICE | Senior Bingo | \$363.97 |
| 6/22/2023 | READERS HARDWARE INC | SHOAT Hog Rings | \$34.33 |
| 5/22/2023 | CARDMEMBER SERVICE | tablecloths | \$47.92 |
| 6/21/2023 | METRO SPORTS OFFICIALS | softball umps | \$270.00 |
| 6/21/2023 | US Sports Institute, Inc | multi squirts instructor | \$780.00 |
| 6/30/2023 | LORRAINE KUHN | chocolate chips | \$22.96 |
| 6/30/2023 | LORRAINE KUHN | chocolate syrup | \$35.92 |
| 6/30/2023 | LORRAINE KUHN | package of napkins | \$12.98 |
| 6/30/2023 | LORRAINE KUHN | package of spoons | \$59.92 |
| 6/30/2023 | LORRAINE KUHN | package of bowls | \$62.90 |
| 6/30/2023 | NATHANS PRINTING EXPRESS | tennis tourn reminder banner | \$210.00 |
| 6/30/2023 | ROBERT ANGELO | summer concert ice cream social | \$1,000.00 |
| 5/31/2023 | CARDMEMBER SERVICE | Recycl Cans | \$70.59 |
| 5/22/2023 | CARDMEMBER SERVICE | microphone system | \$476.00 |
| 5/31/2023 | Atlantic Tomorrows Office | Color Printing Overage Fee | \$55.21 |
| 6/23/2023 | TERMINIX PROCESSING CENTER | June 2023 Service | \$72.00 |
| 6/27/2023 | Atlantic A Program of De Lage | Usage for June 2023 | <u>\$64.42</u> |
| Community Center Subtotal | | | \$3,718.30 |
| 6/23/2023 | VERIZON | Usage for 6-10 to 7-9 | \$508.16 |
| 5/31/2023 | CARDMEMBER SERVICE | Chairs | \$259.98 |
| 5/31/2023 | AAA EMERGENCY SUPPLY CO | AAA-PACKS | \$2,292.14 |
| 5/31/2023 | CARDMEMBER SERVICE | UniFi Long Range Units | \$811.84 |
| 5/31/2023 | AAA EMERGENCY SUPPLY CO | AAA-REPAIR | \$382.31 |
| 5/31/2023 | M. Norris & Sons Inc | Striping for Chiefs Vehicle | \$2,350.00 |
| 5/31/2023 | DJ'S AUTO CLINIC NORTH INC | DJS | \$165.95 |
| 5/31/2023 | DJ'S AUTO CLINIC NORTH INC | DJS-SHOCKS | \$694.54 |
| 5/31/2023 | DJ'S AUTO CLINIC NORTH INC | DJS-WINDSHIELF | \$589.50 |
| 6/27/2023 | VERIZON | Usage for 6-22 to 7-21 | \$37.77 |
| 6/21/2023 | WESTCHESTER MANOR | Westchester Manor-Inspection | <u>\$9,350.00</u> |
| Fire Dept. Subtotal | | | \$17,442.19 |
| 5/31/2023 | CARDMEMBER SERVICE | EZPass | \$80.00 |
| 6/28/2023 | GOVCONNECTION INC | Ink Cartridge for HW DPT. | \$66.70 |
| 6/23/2023 | OPTIMUM | Usage for 6-8 to 7-7 | \$208.33 |
| 6/28/2023 | Roberts Department Stores, Inc | Uniform Purchases | \$14,244.60 |
| 5/31/2023 | TOLLS BY MAIL PAYMENT CENTER | Toll Payment | \$5.08 |
| 6/30/2023 | CURRY CHEVROLET | pump/belt | \$217.86 |
| 6/30/2023 | AIRGAS | propane tank refill | \$61.56 |

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| 6/30/2023 | DIEHL & SONS INC | clamps/filter kit | \$246.28 |
| 6/30/2023 | ARDSLEY MOTORS | repair a/c | \$990.00 |
| 6/30/2023 | ARDSLEY MOTORS | NYS Inspection | \$26.00 |
| 6/30/2023 | NATIONAL GEAR & PISTON | transmission fluid | \$249.64 |
| 6/30/2023 | NATIONAL GEAR & PISTON | 55-gallon oil | \$978.75 |
| 6/30/2023 | NATIONAL GEAR & PISTON | def fluid | \$307.45 |
| 6/30/2023 | DIEHL & SONS INC | filters/elements | \$495.98 |
| 6/30/2023 | REDICARE LLC | medical supplies | \$52.30 |
| 5/31/2023 | JAMES J HAHN ENGINEERING PC | General | \$1,143.75 |
| 5/31/2023 | CARDMEMBER SERVICE | Home Depot-Screws, Plywood | \$432.49 |
| 5/10/2023 | CARDMEMBER SERVICE | Caution Tape | \$53.94 |
| 5/17/2023 | CARDMEMBER SERVICE | Recycle Cans | \$174.79 |
| 6/30/2023 | SEA BOX INC | sea box rental | \$250.00 |
| 6/30/2023 | SAW MILL STONE & MASONRY SUPPL | sod staples/pins | \$19.96 |
| 6/22/2023 | READERS HARDWARE INC | Seat, Plant Food, Velcro | \$95.63 |
| 6/22/2023 | READERS HARDWARE INC | Screws | \$1.44 |
| 6/30/2023 | RCA ASPHALT LLC | blacktop | \$619.52 |
| 5/31/2023 | CELTIC BUILDING SUPPLY INC | Pressure Treated Wood | \$163.20 |
| 6/29/2023 | READERS HARDWARE INC | Broom, Rings | \$27.55 |
| 6/29/2023 | READERS HARDWARE INC | gloves, groundclear | \$192.75 |
| 6/23/2023 | WESTCHESTER COUNTY DEF | Tipping for May 2023 | \$6,930.85 |
| 6/30/2023 | LONG ISLAND SANITATION EQUIP. | tube/gutter brooms | \$1,090.86 |
| 6/30/2023 | PROSPERO NURSERY | mulch | \$123.00 |
| 6/30/2023 | PROSPERO NURSERY | mulch | \$205.00 |
| 6/30/2023 | PROSPERO NURSERY | plants/shrubs | \$569.90 |
| 6/30/2023 | PROSPERO NURSERY | plants/shrubs | \$226.00 |
| 6/30/2023 | SAW MILL STONE & MASONRY SUPPL | mulch/hay | \$68.99 |
| 6/30/2023 | SAW MILL STONE & MASONRY SUPPL | mulch/hay | \$251.48 |
| 5/30/2023 | CARDMEMBER SERVICE | Shade Trees | \$401.57 |
| 5/31/2023 | PAUL BUNYAN TREE SERVICE | tree work | \$0.00 |
| 5/31/2023 | PAUL BUNYAN TREE SERVICE | tree work | \$375.00 |
| 6/30/2023 | TEAMSTERS 456 -WELFARE FUND | Welfare fund contrib 2023-2024 | <u>\$2,975.00</u> |
| | | Highway Dept. Subtotal | \$34,623.20 |
| 6/23/2023 | VERIZON | Usage for 6-10 to 7-9 | \$66.51 |
| 6/27/2023 | OPTIMUM | Usage for 6-23 to 7-22 | \$16.83 |
| 6/27/2023 | VERIZON | Usage for 6-22 to 7-21 | \$40.19 |
| 6/30/2023 | SPECIALTY WARNING SYSTEMS | Outfitting new vehicle | \$7,688.64 |
| 5/8/2023 | CARDMEMBER SERVICE | replacement jump starter | \$299.95 |

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| 6/21/2023 | ARDSLEY PBA | Uniform patches | \$800.00 |
| 6/21/2023 | LEXIS NEXIS | Gray book | \$46.02 |
| 6/21/2023 | BOUND TREE MEDICAL, LLC. | Medical supplies | \$393.03 |
| 6/21/2023 | BOUND TREE MEDICAL, LLC. | freight | \$6.53 |
| 6/21/2023 | CORSI TIRE | Tires car 94 | \$671.76 |
| 6/21/2023 | ARDSLEY TIRE & AUTO CENTER | Tire balance car 80 | \$100.00 |
| 6/21/2023 | CURRY CHEVROLET | Oil change car 94 | \$85.34 |
| 6/27/2023 | Atlantic A Program of De Lage | Usage for June 2023 | \$185.02 |
| 5/18/2023 | CARDMEMBER SERVICE | Chief FBI training | \$142.16 |
| 5/22/2023 | CARDMEMBER SERVICE | International Chief's conf. | \$650.00 |
| 5/31/2023 | CARDMEMBER SERVICE | Gas Fill Up 5-2-23 | \$42.32 |
| 5/31/2023 | CARDMEMBER SERVICE | Gas Fill Up 5-3-23 | <u>\$32.89</u> |
| | | Police Dept. Subtotal | \$11,267.19 |
| 6/30/2023 | LORRAINE KUHN | whipped cream | \$27.40 |
| 6/30/2023 | LORRAINE KUHN | m & m s | \$61.12 |
| 6/30/2023 | LORRAINE KUHN | skittles | <u>\$37.92</u> |
| | | Stormwater Dept. Subtotal | \$126.44 |
| 6/21/2023 | THE RIVERTOWNS ENTERPRISE | Bond Reso fire pumpter 100k | \$174.00 |
| 3/27/2023 | CARDMEMBER SERVICE | Mayor Conference Expenses | \$648.80 |
| 5/8/2023 | CARDMEMBER SERVICE | luncheon record retention day | \$39.97 |
| 6/23/2023 | LEADERS2C, LLC | Leading with Values Workshop | \$411.86 |
| 6/28/2023 | NYSCMA | Membership Renewal -Ardsley | \$400.00 |
| 6/27/2023 | Atlantic A Program of De Lage | Usage for June 2023 | \$227.27 |
| 6/28/2023 | MURTAGH,COSSU,VENDITTI &CASTRO | May Professional Service | \$240.00 |
| 5/31/2023 | JAMES J HAHN ENGINEERING PC | Heatherdell Fence and Slope | \$225.00 |
| 5/31/2023 | CARDMEMBER SERVICE | Lockup | \$189.00 |
| 7/7/2022 | Staples | Office Supplies | \$0.00 |
| 5/31/2023 | CARDMEMBER SERVICE | Paper Goods | \$118.41 |
| 5/31/2023 | CARDMEMBER SERVICE | Cones | \$48.90 |
| 5/31/2023 | CARDMEMBER SERVICE | Office Supplies | \$48.00 |
| 6/23/2023 | OPTIMUM | Usage for 6-8 to 7-7 | \$201.44 |
| 6/28/2023 | ACME EXTERMINATING | July Service | \$79.75 |
| 6/28/2023 | GRAINGER | Courtroom Upgrades | \$24.12 |
| 6/28/2023 | GRAINGER | Courtroom Upgrades | \$296.67 |
| 5/31/2023 | CARDMEMBER SERVICE | Google | \$11.99 |
| 5/31/2023 | CARDMEMBER SERVICE | Adobe | \$22.75 |
| 6/23/2023 | ARTHUR J GALLAGHER & CO. | Policy ESL0039665190 Renewal | \$14,131.75 |

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| 6/23/2023 | ARTHUR J GALLAGHER & CO. | Policy CPO-0632521-04 Renewal | \$188,278.68 |
| 6/23/2023 | ARTHUR J GALLAGHER & CO. | Policy MLKM3EUE101252 Renewal | \$24,045.00 |
| 6/23/2023 | ARTHUR J GALLAGHER & CO. | Policy GVTEE2315650700 Renewal | \$5,239.00 |
| 6/23/2023 | ALFREDO DIVITTO | Service for 6-12 to 6-23 | \$275.00 |
| 5/12/2023 | CARDMEMBER SERVICE | Prevention Activity | \$66.15 |
| 6/20/2023 | CARDMEMBER SERVICE | CADCA Mid-Year Expense | \$1,490.00 |
| 5/31/2023 | JAMES J HAHN ENGINEERING PC | 2023 Milling & Paving | \$920.00 |
| 5/31/2023 | JAMES J HAHN ENGINEERING PC | 2022 Milling & Paving | \$7,125.00 |
| 5/31/2023 | Con Edison | Usage for 5-11 to 6-12 | \$63.21 |
| 5/22/2023 | CARDMEMBER SERVICE | Wristbands Paint Flags | \$105.61 |
| 5/22/2023 | CARDMEMBER SERVICE | Facepaint | \$42.45 |
| 5/22/2023 | CARDMEMBER SERVICE | Tri Fold Poster | \$24.99 |
| 5/22/2023 | CARDMEMBER SERVICE | Chalk | \$23.97 |
| 5/22/2023 | CARDMEMBER SERVICE | Stickers | \$15.99 |
| 6/1/2023 | CARDMEMBER SERVICE | Office Depot | \$29.63 |
| 6/1/2023 | CARDMEMBER SERVICE | Pride Event Supplies | \$12.23 |
| 6/21/2023 | GEORGE MALONE | Cable Access Broadcast/Editing | \$856.47 |
| 5/23/2023 | CARDMEMBER SERVICE | CAC-Cups, Jumbo Craft Sticks | \$44.88 |
| 5/23/2023 | CARDMEMBER SERVICE | Soil | \$21.24 |
| 5/23/2023 | CARDMEMBER SERVICE | additional Soil | \$63.72 |
| 6/23/2023 | STANDARD INSURANCE COMPANY | June 2023 Premium | \$1,046.50 |
| 6/26/2023 | EVAN KANIGHER | medicare reimburse (july-sept) | \$494.70 |
| 6/30/2023 | Robert Ponzini | July Service | \$6,312.61 |
| 6/21/2023 | George Malone | BOT 6-5-2023 Access Broadcast/Editing | <u>\$856.47</u> |
| | | Village Hall Subtotal | \$254,993.18 |
| | | General Fund Total | \$324,030.54 |
| 5/22/2023 | CARDMEMBER SERVICE | 911 Museum Memorial Event | \$48.00 |
| 6/1/2023 | CARDMEMBER SERVICE | Sam's Club PD Expense | \$144.00 |
| 6/1/2023 | CARDMEMBER SERVICE | Dom and Vinnie | \$28.00 |
| 6/1/2023 | CARDMEMBER SERVICE | Dominic's Deli | \$296.37 |
| 5/31/2023 | CARDMEMBER SERVICE | Senior BBQ expense | \$28.80 |
| 5/31/2023 | CARDMEMBER SERVICE | Senior BBQ expense | \$55.00 |
| 6/30/2023 | 15-35 Center Street LLC | Refund Street Opening Fee-Sidewalk Work | \$8,750.00 |
| 6/28/2023 | Kellard Sessions Consulting | 33 Judson Avenue | \$445.00 |
| 6/28/2023 | Kellard Sessions Consulting | 182 Heatherdell Road | \$125.00 |
| 6/28/2023 | Kellard Sessions Consulting | 13 Dellwood Road | \$145.00 |
| 6/28/2023 | Kellard Sessions Consulting | 26 Lincoln Avenue | \$250.00 |
| 6/28/2023 | Kellard Sessions Consulting | 18 Mt. View | <u>\$3,925.00</u> |

Trust & Agency Total **\$14,240.17**

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| 7/6/2022 | STL INC. | SPDES Inspections & reporting | \$2,396.05 |
| 6/23/2023 | GEORGE MALONE | Edit Footage for 2-13-2023 | \$800.00 |
| 6/29/2023 | SRI Fire Sprinkler, LLC | Application # 4 | \$574.75 |
| 6/29/2023 | TONI CASALE, INC | Application 3 Access Road | <u>\$45,362.45</u> |

New Highway Garage Project **\$49,133.25**

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| 5/15/2023 | CARDMEMBER SERVICE | Cable Room Cable Upgrade | \$26.06 |
| 5/15/2023 | CARDMEMBER SERVICE | Cable Room Cable Upgrade | \$26.10 |
| 5/15/2023 | CARDMEMBER SERVICE | Cable Room Cable Upgrade | <u>\$76.68</u> |

Cable Room Upgrade Project **\$128.84**

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| 5/31/2023 | MURTAGH,COSSU,VENDITTI &CASTRO | Summit Storm Project | \$960.00 |
| 5/31/2023 | JAMES J HAHN ENGINEERING PC | Summit Drainage | \$161.25 |
| 6/29/2023 | JAMES J HAHN ENGINEERING PC | Summit Drainage | \$650.00 |
| 6/29/2023 | JAMES J HAHN ENGINEERING PC | Summit Drainage | <u>\$900.00</u> |

Summit Drainage Project **\$2,671.25**

Capital Fund Total **\$51,933.34**

Sewer Fund Total **\$0.00**

**RESOLUTION TO AMEND CHAPTER 173 ARTICLES VI AND VII
OF THE ARDSLEY VILLAGE CODE ENTITLED “STREET
EXCAVATIONS” AND “CURB CUTS”**

RESOLVED, that the Village Board of the Village of Ardsley hereby amends Chapter 173 Article VI and VII entitled “Street Excavations” and “Curb Cuts” of the Ardsley Village Code as follows:

New text is in **bold underline** and deleted text is in **highlighted strikethrough**

Article VI

Street Excavations

[Added 1-6-1958; amended in its entirety 6-7-2021 by L.L. No. 4-2021]

§ 173-32 Openings on streets and sidewalks restricted.

It shall be unlawful for any person, firm, company or corporation to make or cause to be made any excavation (hereinafter referred to as an "opening") in or under any street, sidewalk or public place or any portion thereof, whether paved or otherwise, in the Village of Ardsley, for any purpose whatsoever, except upon compliance with the provisions of this chapter and the obtaining of a permit and the payment of a fee therefor as hereinafter provided for.

§ 173-33 Application to be filed; permit.

[Amended 3-20-2023 by L.L. No. 2-2023]

Except for emergencies, at least 48 business hours prior to commencement of work, any person or authorized representative of any firm, company or corporation, seeking to make any opening, shall file with the Village Clerk an application, in writing, for a permit for such opening on an application containing such information as the General Foreman shall specify. A sketch showing the location, dimensions and character of the opening shall accompany the application.

§ 173-34 Excavations and restoration.

A. Methods.

- (1) All excavations, including temporary and permanent work, within any street shall be performed in accordance with the specifications contained in § 173-41, or in a manner as prescribed by the General Foreman for circumstances not covered by the specifications.
- (2) The permittee shall make every effort to keep the amount of pavement damage to a minimum. The pavement damaged in the course of performing the work shall be restored by the permittee, at its own expense, or, in the discretion of the General Foreman, by the Village at the expense of the permittee. Backfilling and compaction of excavations shall be performed by the permittee so that the least possible subsequent settling will occur and as soon as practicable. Before backfilling, the permittee shall notify the General Foreman allowing adequate time as determined by the General Foreman for inspection, particularly in the area of existing underground utilities. If, after permanent pavement restoration, settlement occurs due to failure of the backfill, the Village shall again restore the damaged areas at the expense of the permittee.
- (3) Immediately upon the completion of proper backfilling, the permittee shall construct temporary pavement. All temporary pavement shall be installed at a thickness of three inches. The surface of the temporary pavement shall not exceed above or lie below the surface of the adjacent permanent pavement and shall be reasonably smooth. The permittee shall be responsible for the proper placement and maintenance of the temporary pavement and shall keep the temporary pavement level with the surface of the surrounding permanent pavement and in proper repair and condition until such time as permanent pavement restoration is completed.

(4) In any case, upon notice from the General Foreman, the permittee, at its expense, shall immediately make such temporary repairs and take such corrective and protective measures to the work as directed by the General Foreman.

B. Responsibilities of permittee.

- (1) It shall be the responsibility of the permittee to perform the necessary restoration beyond the limits of the pavement, which shall include but not be limited to restoration of lawns, shrubs, gardens, curbing, sidewalks, fences, walls, etc., to a condition as good or better as that which existed prior to pavement work or restoration.
- (2) Upon completion of the permanent repairs outside the limits of the pavement, the permittee shall notify the General Foreman, in writing, that the permanent repair or replacement has been completed, setting forth the date of completion. The permittee shall, and has the duty and responsibility to, maintain the replacement area for a period of one year after completion. In any case, upon notice from the General Foreman within said one-year period, the permittee, at its expense, shall immediately make such repair or replacement and take such protective measures to the work as ordered by the General Foreman.
- (3) The street opening permit shall be kept at the site of work at all times and exhibited whenever requested by any official or officer of the Village of Ardsley. [Added 3-20-2023 by L.L. No. 2-2023]
- (4) Prior to the commencement of any work the permit holder shall make arrangements with the Chief of Police or his duly appointed designee for the coordination of all necessary public safety and traffic control measures. All safety and traffic control measures and restrictions shall be approved by the Chief of Police or his duly appointed designee who shall also determine if **Village of Ardsley**

Police or **Village of Ardsley** Highway Department personnel will be required for traffic control, and the appropriate quantity of such personnel required. The estimated cost for such services shall be determined as enumerated in § 173-36C. The permit holder shall place on deposit the estimated cost for any required **Village of Ardsley** Police and **Village of Ardsley** Highway Department services. [Added 3-20-2023 by L.L. No. 2-2023]

- (5) If the Chief of Police or his duly appointed designee determines that **Village of Ardsley** Police or **Village of Ardsley** Highway Department personnel are not required for traffic control, trained flag person(s) will be required in a quantity as set forth by the Chief of Police or his duly appointed designee. [Added 3-20-2023 by L.L. No. 2-2023]
- C. Correction by Village at expense of permittee. In any case where the permittee does not timely and properly maintain or repair any temporary or replacement pavement as provided in § 173-34, Excavations and restoration, or does not timely and properly maintain, repair or replace, restore or reestablish any nonpaved area disturbed by the excavation work or take such protective measures with respect to any pavement as required by the General Foreman, the Foreman may perform said maintenance or make said repairs or replacements or take such protective measures. The cost thereof shall be charged to the permittee by the Village, with a minimum charge of \$200 per incident. [Amended 3-20-2023 by L.L. No. 2-2023]

§ 173-34.1 Deposit required.

[Amended 3-20-2023 by L.L. No. 2-2023]

Prior to the issuance of a permit, the applicant shall deposit with the Village a sum of money in cash or certified check sufficient to reimburse the Village for all expenses which may be incurred by it in restoring the disturbed surface of the street or other area opened. No part of such deposit shall be returned to the applicant until at least 270 days after

the final inspection prescribed by § 173-40 of this article. The amount of such deposit shall be computed as follows:

- A. Concrete, macadam, brick or other hard-surfaced road, sidewalk or public area: \$10 per square foot of opening; minimum deposit: \$1,000.
- B. Gravel, dirt or other surface: \$5 per square foot of opening; minimum deposit: \$750.
- C. In the event that more than one type of surface is to be excavated, the deposit shall be based on the square footage of each type of surface, and the minimum deposit shall be \$1,000.

§ 173-35 Exceptions to deposit.

A public service corporation may, in lieu of making deposits required pursuant to § 173-34.1, file and keep on file with the Village:

- A. A performance bond in the amount of \$10,000, approved by the Village Attorney as to form, sufficiency and manner of execution, as security to the Village that said public service corporation shall properly restore any and all streets, sidewalks or public places in which it shall make an opening, and this shall include trees, grass, shrubbery and/or any other plantings, to a permanent condition, and shall keep every portion of such restoral work in perfect order and repair during the entire period of maintenance and shall faithfully comply with all the provisions of this article and any amendments hereto and with all the provisions of all permits issued to it under this article and any amendments hereto; and
- B. An agreement by said public service corporation, approved by the Village Attorney as to form, sufficiency and manner of execution, to indemnify and save harmless the Village from and against any and all claims, demands, suits, actions, proceedings, losses, injuries, damage and costs of every name and description in any way arising out of or resulting from any act or omission on the part of said

public service corporation under any permit issued to it under this article or from any negligence or fault of said public service corporation, its contractors, agents, servants or employees, in connection with sidewalks, curb or driveway work or repairs or street openings or any work related thereto.

§ 173-36 Fees.

- A. A fee as indicated in Ch. A210, Fees, shall accompany each application for a street opening permit. This fee shall be retained by the Village to cover cost of issuing the permit and any inspections required.
- B. Any public service corporation electing pursuant to the provisions of § 173-35 to file and keep on file a performance bond and indemnity agreement, in lieu of making the deposits required pursuant to § 173-34.1, shall nevertheless pay with each application by it for a street opening permit the same fee as would be payable hereunder for such permit, if such public service corporation had elected to make the deposit required pursuant to § 173-34.1, and the fees so paid shall be retained by the Village as herein provided.
- C. The costs for all **Village of Ardsley** Police Department and **Village of Ardsley** Highway Department staff and equipment provided for a street opening project shall be calculated at the rates specified in the Police and Highway Department hourly rate reimbursement tables in effect at the time of said work and shall be reimbursed by the permit holder. [Added 3-20-2023 by L.L. No. 2-2023]

§ 173-37 Emergency street openings.

- A. Any public service corporation may be entitled to commence street opening work of an emergency nature, provided that, if the offices of the Village of Ardsley are closed, the **Village of Ardsley** Police Department shall be notified and application for such permit shall be made in the same manner outlined herein before the close of

business hours for the first working day following the date of the emergency opening.

- B. Street openings for the sole purpose of making original installations or connections will under no circumstances be classed as emergency work,

§ 173-38 Expiration of permit.

Each permit, or renewal thereof, shall expire 45 days following the issuance thereof and may be renewed upon written application to the Village Clerk and payment of an additional fee in the amount prescribed by § 173-36.

§ 173-39 Certificate of insurance.

- A. No permit shall be issued until the applicant has filed with the Village Clerk a certificate of insurance from a company authorized to do business in the State of New York, certifying that the applicant has in full force and effect public liability insurance to indemnify and protect the Village against any loss, damage or injury which might be incurred by reason of such street excavation or performance of the work incidental thereto. Such certificates of insurance shall state that the Village of Ardsley shall be notified of any intent to cancel in any manner the policy referred to or of any change in the terms of the policy or limits thereof. Limits of liability of said insurance shall be not less than the following:

- (1) Bodily injury damage: \$1,000,000 for any one person and \$1,000,000 for any one accident.

- (2) Property damage: \$1,000,000 for any one accident.

- B. Such insurance shall remain in force and effect and the operations covered thereunder shall not be deemed completed until at least 90 days after completion of the work hereinafter prescribed by § 173-40 of this article.

- C. A public service corporation electing, pursuant to § 173-35, to file and keep on file a performance bond and indemnity agreement may file with the Village Clerk in lieu of a certificate of insurance a certificate that such corporation is a self-insurer.

§ 173-40 Compliance required.

The owner(s) of the property benefited and the person, firm, company or corporation executing the work shall comply with the following:

- A. Proper lighting, barricading, reflectors, signs and watchmen shall be provided to the extent necessary to protect the public, as determined by the Chief of Police and/or General Foreman.
- B. Gutters shall be kept clear so that free flow of water is permitted.
- C. All work under the permit shall be pursued diligently and continuously until completed.
- D. Not more than 1/2 of the paved width of any street shall be closed to traffic at one time.
- E. The size of the opening shall not exceed that for which the permit was issued without first amending the permit as issued.
- F. After backfilling openings which have been sheathed, the sheathing shall be left in place and cut down one foot below grade.
- G. No tunneling or undercutting is permitted.
- H. Openings shall be carefully backfilled with clean earth deposited in four-inch layers and tamped. Frozen earth or stones over six inches shall not be used in backfill. All shall be left in condition safe for travel by the public without hazard. It shall be the responsibility of the applicant to maintain the proper amount of backfilling openings for a period of 90 days after completion of the original backfilling.
[Amended 3-20-2023 by L.L. No. 2-2023]

- I. Pavement shall be restored or rebuilt to a permanent condition.
- J. All work done under the permit is subject to the inspection and approval of such persons as the Village Manager may from time to time appoint. The applicant shall notify the Village Clerk when all work prescribed herein is completed, and thereafter a final inspection shall be conducted by a person designated by the Village Manager.

§ 173-41 Specifications.

[Amended 3-20-2023 by L.L. No. 2-2023]

The street opening work and the final restoration shall be performed in accordance with specifications approved by the General Foreman, which shall include the following minimum specifications:

- A. The trench shall be filled with K-Krete, when beneath the paved portion of the street and must be kept in proper repair until accepted by the Village.
- B. If a new patch occurs where there is an existing patch, the entire existing patch shall be removed and replaced.
- C. The final patch shall match the existing road conditions or the existing crown as determined by the General Foreman.
- D. No digging shall start on a Saturday, Sunday or holiday, except in an emergency.
- E. Concrete. If the street is concrete, the patch shall be concrete. The concrete shall be saw-cut to establish a clean, smooth surface. The existing concrete shall be drilled and doweled to a twelve-inch depth, and the dowel shall be two feet on center. The seam between the new and existing concrete shall be tack coated with tar.
- F. Asphalt. If the street is asphalt, the patch shall be asphalt. The

existing asphalt shall be saw-cut to a depth two inches and shall be 12 inches wider than the trench. A binder course of four inches and a top course of two inches shall be required. The seam between the new and existing asphalt cut tack coated shall be sealed with tar.

- (1) Work in roadways paved more than five years prior. Single service or excavation only disturbing one lane shall be paved a minimum of five feet from the edge of the trench in each direction of the road and from the curb, or edge of road, to the center line of the roadway. Multiple services or excavations in one lane that are needed within 60 feet of each other, the restoration required shall extend five feet outside the far excavations and from the curb, or edge of road, to the center line of the roadway. Services or excavations that disturb both lanes, or extend over 50 feet in one lane, shall be paved a minimum of five feet outside the excavation on each side, and from curb to curb, or edge of road to edge of road.
 - (2) Work in roadways paved within previous five years. Single or multiple services, or excavations within 60 feet of each other, shall be paved a minimum of five feet outside the excavation on each side, and from curb to curb, or edge of road to edge of road.
 - (3) A restoration plan may be required based upon the proposed improvements. Segmenting the restoration of roadways in a noncontiguous manner should be avoided and will be at the discretion of the General Foreman.
- G. All work shall be performed in a good and workmanlike manner, satisfactory to the General Foreman.
- H. All street openings and work areas shall be provided with warning signs, barricades and lighting as necessary for public safety and in conformance with applicable provisions of the State of New York Department of Transportation Manual of Uniform Traffic Control

Devices.

§ 173-42 Noncompliance.

If an applicant fails to comply with any of the provisions of § 173-40 and the Village backfills or restores the pavement to a permanent condition, the applicant shall pay for the cost of such work, such pavement to be deducted from the amount deposited pursuant to § 173-34.1 hereof, the balance, if any, being refunded to the applicant. In the case of a public service corporation which has elected, in lieu of making deposits, to file and keep on file a bond and indemnity agreement pursuant to § 173-35, the cost of such work shall be paid directly by the corporation and, if not so paid, shall be collected under the bond.

§ 173-42.1 Penalties for offenses.

[Amended 3-20-2023 by L.L. No. 2-2023]

Any person committing an offense against any provision of this article shall, upon conviction thereof, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine of not less than \$250 and not exceeding \$2,000 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment. The continuation of an offense against the provisions of this article shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

Article VII
Curb Cuts

[Added 12-15-1986 by L.L. No. 9-1986]

§ 173-43 Legislative intent.

The Village finds it necessary to control the location and number of curb cuts. Such approval or denial will be based on such considerations as Planning Board requirements, availability of alternative access points, traffic hazards and conditions and any other factor affecting the health, safety or welfare of the public or which might be detrimental to the best interests of the Village.

§ 173-44 Permit; application; approval.

- A. All curb cuts in an existing curb or where a curb could be placed along the street-front property line shall require a permit. Such permit shall be issued by the Building Inspector after review and approval by the Planning Board and **Village of Ardsley** Police Department.
- B. An application for curb cut approval may be included in an application for new construction. However, an application for work to be performed outside a B-1 or B-2 Zone shall not exempt the curb cut from the necessary review and approval of the Planning Board or **Village of Ardsley** Police Department.
- C. All curb cuts on Route 9A must meet the approval of the State Department of Transportation.
- D. The Village may require as a condition for granting a curb cut permit that the applicant construct drainage swales, pipes or other drainage structures on his property to prevent discharge of storm drainage water onto the Village highway in a manner which may affect the health, safety or welfare of the public or which might be detrimental to the best interests of the Village. Such drainage works shall meet the approval of the Village, and the deposit of security for restoration required for issuance of a permit may include a sum of money to assure the Village that such drainage works will be built, along with appropriate fees for the curb cut.

§ 173-45 Requirements.

- A. All curb cuts for driveways shall have a curb reveal of 1 1/2 inches.
- B. Curb cuts in an existing curb shall not be made by cutting or chipping so as to reduce the height of the curb section. Existing stone curbs shall be removed, and the same stones or others of equal material and size shall be reset to the new reveal, with the

contractor making such excavation as is necessary to accomplish the same. Any stone curb reset in this manner shall be set in a footing of concrete. Existing concrete curb shall be removed, and a new section poured to provide the required reveal.

- C. Where curbing is disturbed by trenching or for any reason other than the construction of a curb cut, it shall be restored by the placement of a curb of the same material and size as adjoins the disturbed area. If the curb is concrete, it shall be cut back at least three feet from each edge of the trench or area of disturbance, and replaced by a single poured section. If these cuts are within three feet of any joint in the curb, the new curb shall extend to such joint.
- D. There shall be a limit of two curb cuts per lot and a maximum width per curb of 18 feet except in unusual circumstances at the discretion of the Planning Board. [Amended 12-6-2021 by L.L. No. 10-2021]
- E. Parking on shoulder areas or paving of shoulder areas to provide a parking area adjoining the traveled way, or lowering of curbs for the same purpose, will not be permitted except in unusual circumstances at the discretion of the Planning Board. A "shoulder area" shall be defined as that unpaved area that is part of the Village right-of-way.

§ 173-46 Fees.

- A. The fee for such permit shall be as listed in § A210-3. [Amended 12-6-2021 by L.L. No. 10-2021]
- B. The applicable curb cut fee shall be added to the applicable building permit fee when a request for an approval for a curb cut is included in an application for new construction.

§ 173-47 Penalties for offenses.

Any person, firm or corporation found guilty of violating the provisions of this article shall be guilty of committing a violation, the fine for which shall not exceed \$250.

**RESOLUTION DECLARING LEAD AGENCY AND SCHEDULING A
PUBLIC HEARING FOR
YC ARDSLEY DELI, LLC, 472 ASHFORD AVENUE**


RESOLVED, that the Village Board of the Village of Ardsley hereby declares itself Lead Agency to add eleven (11) tables and two (2) counters with a total for thirty-nine (39) seats to YC Ardsley Deli, LLC. located at 472 Ashford Avenue; and

RESOLVED, that the Village Board of the Village of Ardsley hereby refers the applicant to the Zoning Board of Appeals for a variance; and

NOW THEREFORE BE IT FURTHER RESOLVED, that the Village Board of the Village of Ardsley hereby schedules a public hearing on Monday, August 7, 2023 at 8:00 p.m. or soon thereafter to discuss the proposed project.

MEMO

TO: Mayor Kaboolian
Village Board of Trustees

FROM: Larry J. Tomasso 

DATE: June 26, 2023

RE: YC Ardsley Deli, LLC 472 Ashford Ave

As you know, Craig Weitz of JC Ardsley Deli, LLC applied for and received a permit to convert two vacant stores at 472 Ashford Avenue into a deli. The last tenants in these spaces were a deli in one and a pizzeria in the other. The building is located in the B-1 General Business District and the deli is a permitted use in this district. Village Board approval was required for this change pursuant to §200-65A of the Village Code.

JC Ardsley Deli, LLC recently submitted revised plans showing the addition of 11 tables and 2 counters with a total of 39 seats. The VB had previously determined that all of the businesses in Addyman Square are “grandfathered” for parking requirements for retail and business office uses. However, the addition of the seating increases the parking requirement by 13 spaces so a parking variance will be required. Village Board approval is required for this change pursuant to §200-65A of the Village Code.

The VB should declare itself Lead Agency for this change of use, refer the applicant to the ZBA for a variance and schedule a public hearing for the 8/7/23 meeting.

Let me know if you need any additional information.

Files: VILLAGE BOARD/ashford472-YC Ardsley Deli 06/26/23