

Town Board Minutes
Town of North Castle
15 Bedford Road
Armonk, New York
on
October 27, 2010

Supervisor Weaver called the meeting to order at 6:30 p.m. and the following persons were present:

Supervisor	William R. Weaver
Councilmen	Rebecca A. Kittredge
	Michael J. Schiliro
	Diane Roth
	John J. Cronin
Town Clerk	Anne Curran
Town Attorney	Roland A. Baroni

The meeting was immediately adjourned into executive session, which was then closed at 7:30 p.m. The regular meeting was reconvened at 7:35 p.m.

Councilman Roth moved, seconded by Councilman Kittredge, approval of the minutes of the regular meeting of October 5, 2010.

The minutes of the Public Hearings which commenced at 8:05 p.m. follow at the end of these minutes.

Councilman Kittredge moved, seconded by Councilman Schiliro, receipt of a cash bond, in the amount of \$500, from Haunted Dead End Productions to guarantee cleanup for the special event to take place at the Rocky Ledge Swim Club on Fridays, Saturdays and Sundays during the last three weeks of October, 2010.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver.

Noes: None.

Councilman Kittredge moved, seconded by Councilman Schiliro, receipt of a letter from Reginald Lafayette, Commissioner, Westchester Board of Elections affirming that all Town Clerks act on behalf of the Board of Elections as liaisons for elections matters. Supervisor Weaver read the letter aloud.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver.

Noes: None.

Councilman Kittredge moved, seconded by Councilman Roth, approval of the request from Jamie Norris, Street Light Coordinator, to renew the street light contract with Skyline Electric for the year 2011 at the 2009 contract price of \$24,000.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver.

Noes: None.

Councilman Roth moved, seconded by Councilman Schiliro, approval of an extension of a market license to George Bridge to sell plant materials at 23 Bedford-Banksville Road for a term beginning November 1, 2010 and ending November 30, 2010, subject to the conditions in the resolution. The resolution follows at the end of these minutes.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver.

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Noes: None.

Councilman Kittredge moved, seconded by Councilman Roth, receipt of letter from New York City Department of Environmental Protection (NYCDEP) regarding the request to extend Water District No. 6 at Old Orchard Street and a new connection to the property located at 1523 Old Orchard Street with the Westchester Joint Water Works (WJWW).

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver.

Noes: None.

Councilman Kittredge moved, seconded by Councilman Roth, receipt of a letter from John Klarl, Wood & Klarl representing American Building Technologies, Inc. and its President Galena Feit regarding their request to pursue the off-site 2:1 wetland mitigation for the property at 114 Cox Avenue, Armonk, as required by Town Code. Also received were:

- 1) A letter from Director of Planning Adam Kaufman dated October 14, 2010.
- 2) Memos dated October 21 and 25, 2010 from North Castle Conservation Board Chair John Fava.

The Town Board gave its approval for the applicant to work with John Fava and Adam Kaufman to ensure the off site project is comparable in scope to the balance of the mitigation plan that cannot be provided on site.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver.

Noes: None.

Councilman Kittredge moved, seconded by Councilman Roth, receipt of memos from Comptroller Donovan pertaining as described below. Ms. Donovan presented an overview.

- 1) Third Quarter, 2010 financial highlights
- 2) Auditor's contract revision
- 3) Updated insurance requirements
- 4) Mortgage tax update for September, 2010
- 5) Third Quarter, 2010 sales tax

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver.

Noes: None.

Tony Veneziano, Veneziano & Associates, representing Engel Burman at Armonk, LLC, contract vendee at the property located at 90 Business Park Drive, presented a petition to amend the zoning ordinance to allow assisted living communities as a special permit use within the Planned Light Industry (PLI) Zoning District.

Councilman Kittredge moved, seconded by Councilman Roth, that the petition to amend the zoning ordinance to allow assisted living communities in the PLI zoning district be received and referred to the Planning Board; and further moved that the Planning Board declare its intent to be Lead Agency.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver.

Noes: None.

Upon the recommendation of the North Castle Budget and Finance Advisory Task Force, Councilman Schiliro moved, seconded by Councilman Roth, approval to accept the proposal of International City/ County Management Association (ICMA) to conduct an Operations Review of the North Castle Police Department in the amount of \$34,612.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, Roth, Cronin, Supervisor Weaver.

Noes: Councilman Kittredge

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Councilman Roth moved, seconded by Councilman Schiliro, receipt of an email from Town Clerk Curran advising that effective January 1, 2011, NYS Department of Agriculture and Markets will no longer provide dog license renewals and tags, nor maintain license data for local municipalities. As a result, the Town is required to examine the Town's dog license fees and adopt a local law. The Board further moved the scheduling of a public hearing for November 30, 2010.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver.

Noes: None.

Councilman Kittredge moved, seconded by Councilman Schiliro, receipt of a letter from Kellard Sessions Consulting, P.C. regarding the Town's ratification of the agreement with Suburban Carting Corp. to provide assistance to the Town's volunteers during the Zero Waste Day event on October 23, 2010, in the amount of \$1,500, including six containers and twelve workers to assist Town volunteers with movement of waste between vehicles and containers at no cost to the Town.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver.

Noes: None.

Councilman Schiliro moved, seconded by Councilman Roth, receipt of a letter from Tax Receiver Colombo regarding Small Claims Assessment Review Settlements and the Board approved refunds as follows:

Laurence London	\$ 179.88
Mr. & Mrs. Kao Liu	\$ 2,131.04
Mr. & Mrs. Jerome Ginsberg	\$ 1,266.70
Michael Tauber	\$ 945.10
Mr. & Mrs. Deppak Tadani	\$ 2,253.11
Adam Miller	\$ 685.51
Guilio Monaco	\$ 712.19
William Gaudiano	\$ 253.34
Thomas Muska	\$ 653.95

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver.

Noes: None.

Councilman Kittredge moved, seconded by Councilman Schiliro, receipt of a request from Stephen Brennan for a special use permit to sell Christmas trees and wreaths at 825 North Broadway, North White Plains, and directed Director of Planning Kaufman to advise the applicant that the Board did not view the request as a compatible use at the gas station location.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver.

Noes: None.

Councilman Kittredge moved, seconded by Councilman Schiliro, that the Supervisor be, and hereby is, authorized to make the Budget Transfers that follow at the end of these minutes.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver.

Noes: None.

Councilman Kittredge moved, seconded by Councilman Roth, the following requests from Cuddy & Fedder LLP, on behalf of MetroPCS New York LLC:

- 1) Waiver of Planning Board's condition for a 2:1 wetland mitigation for the MetroPCS collocated wireless telecommunications facility at 15 Business Park Drive, Armonk.

RESOLUTION

Action: Market License
Application Name: Bridge Market License
Owner: Banmonk Realty, LLC
Applicant: George Bridge
Designation: Section 1, Block 11, Lot 9C-24-A
Zone: CB-B
Acreage: Approx. 4-acres
Location: 23 Bedford Banksville Road
Date of Approval: October 27, 2010
Term of License: November 1–November 30, 2010

WHEREAS, an application dated January 4, 2010 was previously submitted by George Bridge to operate a market at 23 Bedford Banksville Road pursuant to Chapter 131 of the Town Code; and

WHEREAS, the Town Board previously approved a market license operate a license at 23 Bedford Banksville Road on January 27, 2010, June 23, 2010 and July 28, 2010; and

WHEREAS, Mr. Bridge is seeking a one month extension beginning November 1, 2010 and ending November 30, 2010 to sell plant material out of doors in the parking lot of the former Banksville Hardware store; and

WHEREAS, the operation of the market would not require any construction since the sales area will occur in the former hardware store's parking lot; and

WHEREAS, the site plan was previously forwarded to the Chief of Police, Fire Inspector and the Banksville Fire Chief so that they may make any pertinent recommendations to the Planning Board including, but not limited to, the designation of no-parking zones, emergency vehicle access or any other issues deemed important to providing emergency services; and

WHEREAS, the Police Department indicated that they did not have any issues of concern with the operation of the market; and

WHEREAS, the 4-acre property is located in the CB-B Zoning District and is designated on the Tax Maps of the Town of North Castle as Section 1, Block 11, Lot 9C-24-A; and

WHEREAS, the Town Board is familiar with the nature of the site and surrounding area;

WHEREAS, the Town Board has previously requested, received and considered comments from the Town Attorney, the Town Engineer and Town Planner regarding the development; and

WHEREAS, the proposed action is a Type II Action which has been determined not to have a significant impact on the environment and are otherwise precluded from environmental review under Environmental Conservation Law, article 8 under the State Environmental Quality Review Act (SEQR); and

NOW, THEREFORE, BE IT RESOLVED, that the market license is approved for a one month extension beginning November 1, 2010 and ending November 30, 2010, subject to the conditions identified below; and

BE IT FURTHER RESOLVED, that this license shall be deemed to authorize only the particular use or uses specified, and shall expire if the site is not maintained and if all conditions and standards are not complied with throughout the duration of the use.

Prior to the Issuance of the Market License:

(The Town Clerk's initials and date shall be placed in the space below to indicate that the condition has been satisfied.)

_____ 1. Pursuant to Section 131-8 of the Town Code, the applicant is required to furnish a comprehensive general liability insurance policy to the town, or evidence thereof, in an amount of not less than \$1,000,000 combined single limit coverage for bodily injury or property damage liability, which also names the Town of North Castle as an additional insured landlord.

_____ 2. Pursuant to Section 131-10 of the Town Code, the Town Clerk shall collect a fee in the amount of \$500 for each calendar year or \$50 for a monthly license or any part thereof.

_____ 3. The applicant is required to provide written approval from property owner for use of the property to sell plant material beginning November 1, 2010 and ending November 30, 2010.

Other Conditions:

1. No sales shall be conducted after sunset.
2. Parking of motor vehicles for patrons attending the said business shall be maintained off-street only. Traffic shall be regulated in the area immediately adjacent to the premises, and parking must be maintained in good order with adequate supervision thereof at the expense of the licensee as prescribed by the Chief of Police.
3. The regulations of the Police Department, local Fire Department and Building Inspector must be adhered to.
4. All rubbish from the premises where business is conducted, and from any parking area used by said licensee in connection therewith, must be gathered and deposited in closed containers by no later than 6:00 p.m. of the day following and removed from the premises by 6:00 p.m. of the next day following.
5. Concessions serving food or drink for human consumption shall not be permitted.

The licensee shall not permit any unnecessary or unreasonable noise by means of loudspeakers, power amplifier devices or any other means which would create or tend to create a public nuisance.

Each vendor shall have a sign conspicuously placed where same may be visible, containing the name and address of the person conducting said concession.

Compliance with all applicable local laws and ordinances of the Town of North Castle and any conditions attached to permits issued thereunder.

PUBLIC HEARING

October 27, 2010

At 8:06 p.m. Supervisor Weaver reconvened the Public Hearing which was adjourned from September 29, 2010 for the purpose of considering the Special Use Permit application for North Castle Landscaping & Tree Service, Inc., 7 Round House Road, Banksville, for storage of contractor's equipment (Section 1, Block 12, Lot 8).

Councilman Diane Roth recused herself and, therefore, did not attend the Public Hearing.

E-mails were received since the last Public Hearing from Steve Gage and Maggie Pack.

No other correspondence or comments were entered for the record.

After all persons were heard who desired to be heard, Councilman Kittredge moved, seconded by Councilman Cronin, that the Public Hearing be closed at 8:10 p.m.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver.

Noes: None.

Supervisor Weaver stated that the Board will receive written public comments for a three week period, ending November 17, 2010.

Anne Curran, Town Clerk

Dated: October 28, 2010

Note: Public Hearing: May 4, 2010 Adjourned to June 15, 2010
Reconvened Public Hearing: June 15, 2010 Meeting adjourned
Reconvened Public Hearing: September 29, 2010
Closing of Public Hearing: October 27, 2010

PUBLIC HEARING

October 27, 2010

At 8:10 p.m. Supervisor Weaver stated that a Public Hearing would be held in accordance with the Public Notice that follows:

NOTICE IS HEREBY GIVEN THAT the North Castle Town Board will hold a Public Hearing on October 27, 2010 at 7:30 p.m., or as soon thereafter, at North Castle Town Hall, 15 Bedford Road, Armonk, New York for the purpose of considering the adoption of a Local Law to amend Chapter 209 entitled Wetlands and Drainage to expand the definition of a 'Minor Project'.

By Order of the Town Board
Anne Curran, Town Clerk

Dated: October 8, 2010
Armonk, New York

The Public Notice was marked Exhibit "A" for the record.

The Affidavit of Posting calling the Public Hearing was marked Exhibit "B" for the record.

The Affidavit of Publication from The Journal News calling the Public Hearing was marked Exhibit "C" for the record.

Full Environmental Assessment Form dated September 13, 2010 was marked Exhibit "D" for the record.

Director of Planning Adam Kaufman provided a summary of the proposed amendments to the law.

No other correspondence or comments were entered for the record.

After all persons were heard who desired to be heard, Councilman Kittredge moved, seconded by Councilman Schiliro, that the Public Hearing be adjourned at 8:12 p.m.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver
Noes: None.

Councilman Schiliro moved, seconded by Councilman Roth, that based upon review of the Environmental Assessment Form and all other materials, it has been determined that there will be no significant adverse environmental impact and the Town Board hereby adopts a Negative Declaration.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver
Noes: None.

Councilman Roth moved, seconded by Councilman Schiliro, the adoption of Local Law 8 of the year 2010 to amend the Town Code, Chapter 209 entitled Wetlands and Drainage to expand the definition of a 'Minor Project'.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver.
Noes: None.

The Local Law follows at the end of these minutes.

Anne Curran, Town Clerk

Dated: November 5, 2010

TOWN OF NORTH CASTLE

Local Law No. 8 For The Year 2010 Adopted October 27, 2010

A local law to Amend Chapter 209 (Wetlands and Drainage) to expand the definition of a "Minor Project"

Section 1. Amend the Definition of MAJOR AND MINOR PROJECTS in Section 209-5 of the Town Code as follows:

MINOR AND MAJOR PROJECTS

- (1) MINOR PROJECT(S) -- Any activity requiring a wetlands permit where the approval authority is the Building Inspector in consultation with the Town Engineer and where this activity is to be performed on an individual residential single-family or two family building lot, for which the use of mechanical earthmoving equipment may be permitted.
- (2) MAJOR PROJECT(S) -- Any activity that does not qualify as a minor project or which requires a wetlands permit where the approval authority is either the Planning Board or the Town Board. Where multiple applications for a specific project are involved, if at least one activity constitutes a major project as defined herein, each proposed activity shall be treated as a major project, notwithstanding anything contained herein to the contrary.

Section 2. Amend the Definition of MINOR PROJECT in Section 209-20 of the Town Code as follows:

MINOR PROJECT -- Any activity requiring a wetlands permit where the approval authority is the Building Inspector in consultation with the Town Engineer and where this activity is to be performed on an individual residential single-family or two family building lot, for which the use of mechanical earthmoving equipment may be permitted.

Section 3. Conflicting Standards.

Where the requirements of this Local Law impose a different restriction or requirement than imposed by other sections of the Code of the Town of North Castle, the Town Law of the State of New York or other applicable rules or regulations, the requirements of this Local Law shall prevail.

Section 4. Severability.

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this local law shall not affect the validity of any other part of this local law that can be given effect without such invalid part or parts.

Section 5. Effective Date.

This Local Law shall take effect immediately upon its adoption and filing with the Secretary of State.

Dated: October 27, 2010