

Town Board Minutes
Town of North Castle
15 Bedford Road
Armonk, New York
on
September 22, 2010

Supervisor Weaver called the meeting to order at 6:00 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 September 7, 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, approval of the request of Superintendent Futia to purchase a 2011 Chevrolet specialty vehicle, from the State bid list, which will replace a 1993 vehicle in the Sewer and Water Department.

The roll call vote was as follows:

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

Noes: None.

With respect to the proposed local law regarding the formation of a parking district in the Central Business (CB) Zoning District, Supervisor Weaver said the Board has been reviewing ways to improve parking and address issues regarding changes of use of buildings. Director of Planning Adam Kaufman added that both the Town Board and the Planning Board are interested in improved circulation and forming a better communal parking district in the Armonk hamlet. As an example of one way of implementing a new district, Mr. Kaufman noted that the building at the corner of Maple and Main Street owned by Mr. Santomero is of immediate concern due to the proposal before the Planning Board for a change of use to occupy the entire building as office space. Mr. Kaufman stated that it is his professional opinion that using the first floor as office is not the best use at the location since the first floor could be an ideal retail “anchor” tenant of the business district. He added that due to the size and shape of the location, the property can not support any use beyond office space and even this use would require a variance from the Zoning Board of Appeals without the implementation of a parking district.

Mr. Kaufman reviewed the approach previously discussed with both Boards to amend the Code to offer the incentive of a 25% reduction in off street parking requirements to property owners when a parking district is formed within the CB Zoning District. Upon further consideration, Mr. Kaufman said this approach would be difficult to implement if the Town wanted to provide parking districts on multiple lots since it would be difficult to “parse” out the parking reduction across lots. Therefore, he is recommending that the Town Board create a new Zoning District called the Central Business – Parking (CB-P) with similar use and bulk requirements as the CB Zoning District. After property owners demonstrate that the property meets the minimum requirements of the district, and the parking and circulation is given to the Town or an easement

Town Board Minutes
September 22, 2010

is granted to the Town and a parking district is formed, the off-street parking requirement for the property would be deemed to be met. Mr. Kaufman explained that prior to properties being added to the CB-P District, a CB-P map would need to be created/amended to depict an approved building area, (where buildings could be constructed or expanded), parking areas and circulation areas. All parking and circulation areas would be required to be dedicated to the Town. In addition, a maintenance agreement, to include specific design and maintenance standards such as lighting, signage, and public outdoor seating, would need to be approved by the Town.

The Board and Mr. Kaufman discussed various issues and concerns which would need to be addressed prior to the creation of a CB-P Zoning District. Town Attorney Baroni said that only the property owners in the parking district would pay for the district, not other taxpayers. Mr. Baroni said that there are two options for creating the district. The first would be for the property owners to petition it and would require a 51% vote of the assessed valuation of the property owners and the approval of the State Comptroller. The other option for the Town Board to create the district on its own motion would also require a 51% vote of the assessed valuation of the property owners.

The Board indicated their support for the revised parking district amendment and indicated that the final details of the law would be completed once property owners show an interest in forming a parking district. At this time, the Board stated that the draft law could be used as a framework for discussion at any meetings between the Town and property owners relating to the formation of a parking district.

With respect to the proposed law to amend Chapter 209, entitled Wetlands and Drainage, Mr. Kaufman reviewed his letter to the Board which included the recommendation to expand the definition of "Minor Project". Supervisor Weaver said that currently Town Board approval is needed to issue a wetlands permit, after review by the Residential Project Review Committee (RPRC). Mr. Kaufman said the amendment to the Code would move the approval authority from the Town Board to the Building Department/Town Engineer and the Conservation Board.

Councilman Kittredge moved, seconded by Councilman Schiliro, the scheduling of a public hearing for October 27, 2010.

The roll call vote was as follows:

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

Noes: None.

Supervisor Weaver said that the proposed law to eliminate basic amounts of gross floor area and gross land coverage from the Code would move the approval to the RPRC for any development under the maximum permitted amounts, unless the RPRC determines that the project requires approval by the Planning Board, Conservation Board or Architectural Review Board. Mr. Kaufman said the change would eliminate the issuance of special use permits by the Planning Board. Supervisor Weaver said this would further increase the number of projects going before the RPRC, and continue to streamline the approval process and make it easier and less expensive for residents.

Councilman Cronin asked if there could be more consistent membership on the RPRC from the Planning and Architectural Review Boards and if the members could be assigned for longer periods of time. After discussion by the Board with Mr. Kaufman, Supervisor Weaver asked Mr. Kaufman to communicate to the Chairs that the Board was looking for a more consistent membership on the RPRC.

Councilman Schiliro moved, seconded by Councilman Kittredge, that the proposed law be referred to the Planning Board for its study and report, and further moved the scheduling of a public hearing for November 9, 2010.

The roll call vote was as follows:

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

Noes: None.

Town Board Minutes
September 22, 2010

Mr. Kaufman, at the direction of the Board, drafted a proposed law to create a new Chapter 78, entitled Buildings, Vacant which would require window coverings in vacant commercial buildings. Councilman Kittredge and Schiliro expressed their opposition to the law, citing increased expenses for owners. Councilman Roth expressed her support for the change and said it would result in buildings being rented more quickly. Supervisor Weaver recommended that Richard Fon be directed to speak with the owners of vacant properties to request the interiors are kept clean, and also recommended the proposed law not be considered at the present time.

Councilman Schiliro moved, seconded by Councilman Kittredge, receipt of a joint notice from New York State Department of Environmental Conservation (NYSDEC) and New York City Department of Environmental Protection (NYSDEP) regarding the extension of public comment period until October 22, 2010 for the NYSDEC Water Supply Permit Application Decision and the NYCDEP continued funding and implementation of the NYC Watershed Land Acquisition Program.

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 a construction cost estimate for wetland mitigation plans for 114 Cox Avenue owned by Galina Feit.

The roll call vote was as follows:

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

Noes: None.

Councilman Schiliro moved, seconded by Councilman Kittredge, a letter from John Klarl with regard to the wetland remediation plan for 114 Cox Avenue owned by his client Galina Feit.

The roll call vote was as follows:

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

Noes: None.

Town Attorney Baroni said that the property owner will be coming to the Town Board for an appeal under the Wetlands Ordinance as the owner cannot meet the 2:1 mitigation ratio required. Mr. Baroni said the appeal is pending a report from the Planning Board.

Councilman Schiliro moved, seconded by Councilman Kittredge, receipt of mortgage tax update for August 2010 from Comptroller Donovan. The projection for August 2010 is \$44,000.

The roll call vote was as follows:

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

Noes: None.

Councilman Kittredge moved, seconded by Councilman Schiliro, the following:

Receipt of Workers Compensation Report for a Recreation and Parks Department employee.

Approval of the requests to place a sign at the site of the eagle as follows:

1. Byram Hills PTSA: Halloween Fun Run, October 24.
2. North Greenwich Nursery School: Apple Festival, October 23.
3. Rosenthal JCC of Northern Westchester: Mah Jong Tournament, October 22.
4. Ratify permission for Byram Hills Boosters: Homecoming, October 1-2
5. Ratify permission for Armonk Chamber of Commerce: Sidewalk Sale, September 25

Approval for Highway Department to release the following Highway Bonds:

Con Edison: To reinstate \$21,000 of the \$50,000 bond provided for Permit #: 813, 814, 895, 941, 942, 945, 980, 995

Robert Detmer	Permit #508	\$500
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Town Board Minutes
September 22, 2010

Risa Rubloff	Permit #1007	\$500
DiLuna Landscaping	Permit #996	\$500
Garson Construction	Permit #349	\$750

Approval for Armonk Nursery School to obtain traffic control for its Halloween Parade on Main Street, October 29.

The roll call vote was as follows:

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

Noes: None.

Councilman Kittredge moved, seconded by Councilman Schiliro, ratification of the permanent appointment of Susan J. Grieco to the position of Librarian I, Step 3, effective August 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 Roth, approval of the request of the Recycling Committee to place signs a sign at the site of the eagle and on the median between North Broadway and Route 22 in North White Plains to publicize Zero Waste Day, October 23.

The roll call vote was as follows:

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

Noes: None.

Councilman Kittredge moved, seconded by Councilman Cronin, approval of the request of Onion Sports Network to film at homes located on Fawn Lane.

The roll call vote was as follows:

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

Noes: None.

Pursuant to the recommendation from the Planning Board, Councilman Kittredge moved, seconded by Councilman Roth, approval of the request of Peter Waxman, Thornewood Road, for a waiver of application fees for the proposed modification to a previously approved plan.

The roll call vote was as follows:

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

Noes: None.

Councilman Schiliro moved, seconded by Councilman Kittredge, the request of Anita Tumminelli, Chairman Parks and Recreation Advisory Board, and Neal Baumann, Board member, to extend the deadline of the Parks and Recreation survey.

The roll call vote was as follows:

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

Noes: Councilman Roth.

The Town Board audited and approved payments totaling \$6,290,933.93 as indicated on Warrant #17.

After all persons were heard who desired to be heard, the Supervisor closed the meeting at 10:10 p.m.

Anne Curran, Town Clerk

Dated: October 1, 2010