

Town Board Minutes
Town of North Castle
15 Bedford Road
Armonk, New York
on
September 26, 2007

Supervisor Berman called the meeting to order at 5:30 p.m. and the following persons were present:

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| Supervisor | Reese Berman |
| Councilmen | Rebecca A. Kittredge |
| | Gerald K. Geist |
| | William H. McClure |
| Town Counsel | Roland A. Baroni |
| Town Clerk | Ann Leber |

Councilman William Weaver was absent.

Councilman McClure moved, seconded by Councilman Kittredge, that the meeting be adjourned into Executive Session to discuss a personnel matter.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Geist and McClure, Supervisor Berman.

Noes: None.

The regular meeting was reconvened at 7:30 p.m.

Councilman Kittredge moved, seconded by Councilman Geist, approval of the minutes of the September 10, 2007 work session and regular meeting, and the September 12, 2007 Special Meeting.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Geist and McClure, Supervisor Berman.

Noes: None.

The minutes of the Public Hearing which commenced at 7:40 p.m. follow at the end of these minutes.

Supervisor Berman made the following announcements:

Councilman Weaver's absence is due to a business trip.

The Westchester County Shredmobile and Mobile Outreach Van will be stationed in front of Town Hall on September 27 and the North Castle Community Center on October 18 from 11 a.m. to 2 p.m.

The Art After Dark preview party will be held on September 27, followed by the Armonk Annual Art Show on September 29-30.

The Planning Board has scheduled a public hearing on October 1 at Crittenden Middle School to consider the Armonk Square site plan.

An informational session on the Croton Watershed Protection Plan has been scheduled for October 4 in Yorktown.

A new edition of the Town newsletter was mailed to residents last week. Supervisor Berman thanked Deputy Town Clerk Anne Curran for her efforts.

The Town web site has a new Green Page, dedicated to environmental and conservation news.

Applications for STAR rebates should have arrived in the mail.

As of November 19, 2007, Westchester County requires private wells to be tested prior to sale of a house.

The Town Board will hold a work session on October 3 at the Town Hall Annex to meet with department heads regarding their 2008 budget requests.

Supervisor Berman then introduced and presented Certificates of Appreciation to the

volunteer staff at the Elijah Miller House in North White Plains: Fred Feit, Joan Solazzo, Mary Lou Birns and Richard Nardi. (Kate Hohl and Maureen Keller were not present at the meeting.) Mrs. Birns said that on October 28 there will be a celebration of the 90th anniversary of the purchase of the Miller House by Westchester County.

Information Technology Consultant Glenn Sullivan of Sullivan Data Management, presented his and Building Inspector Richard Fon's review and recommendation of the proposals solicited and received for a document imaging and management system for the Building Department files. Councilman Kittredge moved, seconded by Councilman Geist acceptance of the proposal from General Code Publishers. The Town had budgeted and bonded for a maximum expenditure of \$231,151, but Mr. Sullivan said he expects that the final costs will come in under that amount.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Geist and McClure, Supervisor Berman.

Noes: None.

Michael Galante of Frederick P. Clark Associates presented a Traffic and Safety Analysis for Broadway (Route 22 Corridor) in the North White Plains section of the Town. He reviewed the data, illustrated with charts of traffic counts, patterns and speeds. The findings of the analysis include:

- Consider restricting turns at certain intersections and gas station driveways and modifying the traffic control at these driveways.
- Consider improvements to the signalized intersection of Broadway/North Broadway/Sir John's Shopping Center access drive.
- Continue discussions with NYS Department of Transportation to modify the above-referenced intersection to accommodate the change in traffic patterns and increased volume due to the closure of the Kensico Dam roadway.

Resident Jill Greto expressed her concerns about the inadequate and outdated connection between Interstate 287 and the Bronx River Parkway. Councilman Geist said northbound motorists use the right lane to make a left turn at the Sir John's Plaza intersection. Ed Lobermann stated his concern about people making illegal left turns at Hillandale Avenue, calling for more vigorous enforcement. Supervisor Berman said she will schedule a meeting the NYSDOT at which anyone is welcome to participate.

Councilman Kittredge moved, seconded by Councilman Geist, receipt of the Traffic and Safety Analysis for the Route 22 corridor in North White Plains.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Geist and McClure, Supervisor Berman.

Noes: None.

The Town Board received and the Town Clerk read aloud e-mails from Lou Birns and Ed Lobermann regarding safety concerns at the Kensico Dam plaza. Mr. Lobermann asked the Board to do what it can to ensure the safety of motorists and suggested writing letters urging the installation of a traffic signal at the Plaza. Supervisor Berman asked Lt. Peter Simonson to investigate and then report back to the Board so that the Town can petition support from Westchester County to get DOT approval for the traffic light.

Supervisor Berman thanked the members of the Approvals Review Task Force for the time and effort they spent on studying the approvals process and making recommendations that will result in expediting minor and uncomplicated projects while enabling the Town to retain the necessary regulatory control over the review process. Director of Planning and Task Force Co-chair Adam Kaufman said the group took a global approach to individual issues. He recommended that the Town Board hold a work session to discuss in detail the Task Force's recommendations. Supervisor Berman said a work session has been scheduled for October 17 at 5 p.m. in Town Hall.

Mr. Kaufman summarized the common themes reflected in the Task Forces's report:

- Ensure that all review processes are designed to minimize the length of review time while maintaining high quality development and an appropriate level of regulatory control.

- Protect North Castle's environment and community character which are critical to maintaining an attractive business climate and a high quality of life for North Castle citizens.
- Long-range planning and interdepartmental cooperation with public involvement are essential for efficient and proper review of projects.
- All arms of local government must work together in a coordinated manner to ensure an efficient review of projects.

Mr. Kaufman then summarized the most substantive of the 19 recommendations included in the Task Force report as follows:

- Create a Project Review Committee consisting of the Director of Planning, Building Inspector, Town Engineer and a rotating member from the Planning Board and the ARB.
- Revise Town Code to eliminate certain requirements regarding Planning Board and ARB review and to amend other sections of the Code with regard to steep slopes, trees and gross land coverage.
- Revise certain policies of the Planning Board and ARB to make the review process more efficient.

The Approvals Review Task Force's report will be available on the Town web site.

With regard to the problems of parking and littering on Gressel Place, Lt. Simonson and Director of Planning Kaufman reported that they had met with Virginia Gressel, spoken with the owner of the Dairy Mart, and made a recommendation to revise Town Code to indicate "No Parking or Standing Any Time" on the east side of Gressel Place. Supervisor Berman asked Assistant Building Inspector Michael Cromwell to periodically check the cleanliness of the Dairy Mart property and requested that Lt. Simonson arrange for strict enforcement of the "No Parking" regulation, should it be adopted.

Councilman Kittredge moved, seconded by Councilman Geist, that a public hearing be scheduled for October 17 to consider an amendment to Town Code, Chapter 196 to establish "No Parking or Standing Any Time" on the east side of Gressel Place.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Geist and McClure, Supervisor Berman.

Noes: None.

Councilman Kittredge moved, seconded by Councilman Geist, approval of Payment No. 5 in the amount of \$51,490 to Natgun Corporation in connection with the Windmill Farms water storage tank project.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Geist and McClure, Supervisor Berman.

Noes: None.

Councilman Geist moved, seconded by Councilman Kittredge, receipt of an application from Aerotech Realty Corp. to amend Town Code to permit structured garage parking as a permitted principal use in the IND-AA zone. The property is located at 11 New King Street and owned by Jan Endresen. He and the project architect, Eric Kaeyer, discussed the proposed plan with the Town Board. Supervisor Berman asked what the County's reaction has been to the project; Mr. Endresen answered "mixed." Town Attorney Baroni advised Mr. Endresen that tonight's submission will be considered an introduction and that the Board will not pre-judge a project but once a complete application is submitted, it will be referred to all appropriate agencies with the Town Board acting as lead agency.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Geist and McClure, Supervisor Berman.

Noes: None.

Councilman Geist moved, seconded by Councilman Kittredge, receipt of an application from Fordham University to amend Town Code to allow residential housing for up to 35 graduate students at the Louis Calder Biological Field Station located at 53 Whipoorwill Road. David Rigney and Dr. John Wehr, representing Fordham University, discussed the application with the Board. Director of Planning Kaufman said the current special use permit under which the field station is operating allows short term guests and would have to be amended to allow the requested minimal student housing. Town Attorney Baroni advised that the applicant will need to submit an Environmental Assessment Form and other documentation.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Geist and McClure, Supervisor Berman.

Noes: None.

Councilman McClure moved, seconded by Councilman Kittredge, receipt of correspondence from residents John Tiernan and Ed Berman regarding an FAA ruling affecting air traffic patterns in our area. The letters were read aloud by Town Clerk Leber. A memo from Airport Advisory Committee Chair Richard Conrad with respect to the FAA airspace redesign was also received and read aloud.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Geist and McClure, Supervisor Berman.

Noes: None.

Councilman Geist moved, seconded by Councilman Kittredge, receipt of a letter from Snyder & Snyder, LLP, requesting the Supervisor to sign Verizon's NYSDEC wetlands permit application to install a generator at its existing wireless communication facility at 115 Business Park Drive, Armonk. Subsequent to Supervisor Berman's saying that before executing the document she would need input from the Planning Board, Councilman Geist moved, seconded by Councilman Kittredge, that Verizon's wetlands permit application be received and forwarded to the Planning Board for its study and report.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Geist and McClure, Supervisor Berman.

Noes: None.

Councilman Geist moved, seconded by Councilman Kittredge, acceptance of a donation from Drs. Sergai and Patricia Dela mora to the North Castle Public Library in memory of Dr. Gerald Reinersman.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Geist and McClure, Supervisor Berman.

Noes: None.

Councilman Geist moved, seconded by Councilman Kittredge, approval of the request of General Foreman Useted for the release of highway bonds in the amount of \$750 to S. Wang, Permit #334; and to Legacy Development, Permit #337.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Geist and McClure, Supervisor Berman.

Noes: None.

Councilman Geist moved, Councilman Kittredge, receipt of a mortgage tax update from Director of Finance Donovan.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Geist and McClure, Supervisor Berman.

Noes: None.

Councilman Geist moved, seconded by Councilman Kittredge, receipt of a letter from the Green Acres Garden Club regarding seven missing "Market Day" signs which had been removed by the Town and authorization for Director of Finance Donovan to reimburse the club in the amount of \$520.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Geist and McClure, Supervisor Berman.

Noes: None.

Councilman Geist moved, seconded by Councilman Kittredge, approval of the request of the Hillside Church to erect a sign at the site of the "eagle" to publicize its Community Tag Sale on September 29, 2007.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Geist and McClure, Supervisor Berman.

Noes: None.

Councilman Kittredge moved, seconded by Councilman Geist, receipt of a letter, read aloud by Town Clerk Leber, from Richard Panetta with regard to the function of the Planning Board.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Geist and McClure, Supervisor Berman.

Noes: None.

Pursuant to letters from Tax Receiver Colombo regarding Orders of Judgment, Councilman Geist moved, seconded by Councilman Kittredge, that Finance Director Donovan be authorized to issue refunds as follows:
To Armonk 80 Associates for 80 Business Park Drive (Section 2 Block 16, Lot 11.B.10) for tax year 1995 in the amount of \$7,529.99.
To 84 Business Park Drive Associates for 84 Business Park Drive (Section 2, Block 16, Lot 11.B7 for tax year 1995 in the amount of \$13,605.12.
To M J Lacav, LLC, for 125 Business Park Drive (Section 2, Block 16, Lot 11.B5) for tax year 1995 in the amount of \$473.60.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Geist and McClure, Supervisor Berman.

Noes: None.

Councilman Geist moved, seconded by Councilman Kittredge, that the Town Attorneys be authorized to execute the Consent Judgment in 200 Business Park Associates, LLC, vs. Town of North Castle, Index No. 17262/96 to 19126/06.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Geist and McClure, Supervisor Berman.

Noes: None.

Councilman Geist moved, seconded by Councilman Kittredge, receipt of a notice announcing the award of a \$20,000 grant from New England Brokerage Corp. and Fireman's Fund Insurance Company to the Banksville Independent Fire Company, Inc. to purchase rescue tools for its new engine.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Geist and McClure, Supervisor Berman.

Noes: None.

Councilman Geist moved, seconded by Councilman Kittredge, 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, Geist and McClure, Supervisor Berman.

Noes: None.

Councilman Kittredge moved, seconded by Councilman Geist, the probationary promotional appointment of Barbara Pesquera, Town Clerk's office, to Senior Office Assistant – Comptroller, effective October 1, 2007.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Geist and McClure, Supervisor Berman.

Noes: None.

Councilman Kittredge moved, seconded by Councilman Geist, the appointment of Ava Zukowsky to the Airport Advisory Committee, to serve at the pleasure of the Board.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Geist and McClure, Supervisor Berman.

Noes: None.

In response to the request of Supt. Anthony Futia, Supervisor Berman asked Town Attorney Baroni to follow up his letter to the NYS Tax Commission regarding Mr. Futia's request to the Town to discontinue withholding his taxes. Mr. Baroni will also seek an opinion from the Town's auditors, and Councilman Geist will make a call to the Association of Towns legal counsel regarding this matter

The Town Board audited and approved payment totaling \$9,992,939.87 as indicated on Warrant #16.

After all persons were heard who desired to be heard, the Supervisor closed the meeting at 10:06 p.m. in memory of Lorraine Cornetz.

Ann Leber, Town Clerk

Dated: October 10, 2007

PUBLIC HEARING

September 26, 2007

At 7:40 p.m. Supervisor Berman stated that a Public Hearing would be held in accordance with the Public Hearing that follows;

NOTICE IS HEREBY GIVEN THAT the North Castle Town Board will hold a Public Hearing on September 26, 2007, at 7:30 p.m., or as soon thereafter, at Town Hall, 15 Bedford Road, Armonk, New York 10504, to consider Amendment No. 1 to the Grant of Conservation Easement and Declaration of Restrictive Covenants affecting certain parcels in the Sands Mill Community Park, Inc. Subdivision, Armonk, New York.

By Order of the Town Board
Ann Leber, Town Clerk

Dated: September 12, 2007
Armonk, New York

The Public Notice read by the Town Clerk was marked Exhibit AA@ for the record.

The Affidavit of Posting calling the Public Hearing was marked Exhibit AB@ for the record.

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

Town Attorney Roland Baroni explained that, when the Sands Mill subdivision occurred, there was a blanket conservation easement over the rear portions of several lots including Lot 14. Since the portion of Lot 14 encumbered by the easement is not the most sensitive part, it will be exchanged with a larger piece on the same lot. All the other affected property owners signed off on the amendment. When the Supervisor is authorized to sign the amendment, it will be filed with Westchester County.

Scott Harrison, owner of Lot 14 on Wrights Mill Road thanked the Town for its responsiveness.

No other correspondence or comments were entered for the record.

After all persons were heard who desired to be heard, Councilman Geist moved, seconded by Councilman Kittredge, that the Public Hearing be closed at 7:45 p.m.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Geist and McClure, Supervisor Berman.

Noes: None.

Councilman Geist moved, seconded by Councilman Kittredge, authorized Supervisor Berman to execute Amendment No. 1 to the Grant of Conservation Easement and Declaration of Restrictive Covenants affecting certain parcels in the Sands Mill Community Park, Inc. Subdivision, Armonk, New York.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Geist and McClure, Supervisor Berman.

Noes: None.

Ann Leber, Town Clerk

Dated: October 10, 2007