

Town Board Minutes
Town of North Castle
Whippoorwill Hall
19 Whippoorwill Road East
Armonk, New York
on
April 27, 2011

Supervisor Weaver called the meeting to order at 5:30 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 7:20 p.m. The regular meeting was reconvened at 7:40 p.m.

Councilman Kittredge moved, seconded by Councilman Roth, approval of the minutes of the Town Board meeting April 13, 2011.

The roll call vote was as follows:

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

Noes: None

The minutes of the Public Hearing which commenced at 7:53 p.m. follow at the end of these minutes.

Councilman Kittredge moved, seconded by Councilman Schiliro, receipt of letter of resignation from William Potvin as Chairman of the Budget and Finance Advisory Task Force, effective April 18, 2011.

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 an e-mail from the following members of the Budget and Finance Advisory Task Force: Alex Greene, David Grove, Janet Morley, Lawrence Ruisi, Chris Tuzzo and Dennis Vanson. Town Clerk Curran read the email aloud which clarified that the group had asked Mr. Potvin to resign from the Budget and Financial Review Task Force as the group felt that Mr. Potvin was unable to operate objectively and without political allegiance. Further, the email stated that the Task Force values a constructive relationship with Supervisor Weaver and the Town Board and they are committed to working closely and cooperatively with all Town representatives in the months ahead.

The roll call vote was as follows:

Ayes: Councilman Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver

Noes: None

Councilman Kittredge moved, seconded by Councilman Schiliro, the appointment of Lee Wagner to the Conservation Board for a term to expire April 8, 2012.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Cronin, Supervisor Weaver

Noes: Councilman Roth

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Regarding the public hearing for a zoning petition submitted by 99 Business Park Drive, LLC, to permit Supermarket as a permitted principal special permit use within the PLI Zoning District, Councilman Roth moved and Councilman Schiliro seconded that the public hearing be rescheduled to May 11, 2011, per the applicant's request.

The roll call vote was as follows:

Ayes: Councilman Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver
Noes: None

Councilman Kittredge moved, seconded by Councilman Cronin, receipt of letter from Veneziano & Associates, granting a further extension, through May 11, 2011, for the Board to render a decision on the special use permit application for 7 Round House Road.

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 for the Highway Department to purchase Hot Box road repair equipment, at a cost of \$26,200.

The roll call vote was as follows:

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

Supervisor Weaver said he has been very concerned about the outcome of the A&P Shopping Center project for a long time, ever since A&P filed for bankruptcy. Mr. Weaver said he has kept in contact with representatives from A&P and Eden Enterprises. He said he discussed with them that a renovated supermarket on this site was the best solution. At a meeting with Eden Enterprises he was informed that they would not re-sign with A&P and he asked them to reconsider their decision. In response to a follow up call, Mr. Weaver was informed that they would not continue discussions with A&P.

Mr. Weaver said that the Town Board has received a proposal for a supermarket in Business Park Drive and there has been public opposition to that proposal. The Town Board could have told the developer there was not any interest in the proposal, but due to the bankruptcy situation with A&P, the Town Board referred the proposal to the Planning Board and scheduled a public hearing which was scheduled for tonight's meeting. The developer has requested that the public hearing be rescheduled.

Mr. Weaver said that the Town Board will continue to look at any possible location for a supermarket in the Armonk hamlet for the best interest of the community. He said there were representatives in attendance from CVS, A&P and Eden Enterprises and that it was important for people to let them know their thoughts and concerns.

Councilman Schiliro stated that he had voted in support of the scheduling of a public hearing for the application for a supermarket in Business Park Drive, as documented in the Town Board minutes.

Supervisor Weaver said that CVS would not need to come before the Town Board for a special use permit. Town Attorney Baroni explained that the requirement for a special use permit for stores in excess of 5,000 square feet was added to the Town Code in 2002, after the A&P Shopping Center was developed. Mr. Baroni said a special use permit would be necessary only if CVS were to take more space in addition to what A&P currently has, if new construction were to be done or if the green grocer planned at the location was in excess of 5,000 square feet. An application to the Planning Board for site plan approval would be needed for improvements to the parking lot, lighting and landscaping. Architectural Review Board approval would be needed for improvements to the facade and for signage.

Armonk merchants, property owners and Town residents spoke in opposition to CVS leasing the A&P store. Charlene Jacobi read a statement that criticized Mr. Fareri for coming to her store and presenting the news of the CVS lease to her and she reiterated her dedication to residents and patrons of her Town Center Pharmacy family-run business. Barbara DiGiacinto read a statement

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suggesting that major changes to the character and stability of local business on Main Street be considered carefully. She implored CVS to reconsider the move to Armonk. She stated that commercial property owners and retailers are a cohesive group that now display NO CVS signs in store windows and that the public does not need or want a CVS in the downtown area.

Councilman Kittredge moved, seconded by Councilman Schiliro, receipt of mortgage tax update through March 31, 2011 from Comptroller Diane Jacobson. The projection for March 2011 is \$72,000. The total for the first six months of the fiscal year is \$368,000.

The roll call vote was as follows:

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

Noes: None

Councilman Schiliro moved, seconded by Councilman Kittredge, receipt of memo from Comptroller Jacobson explaining the sale of a Bond Anticipation Note in the amount of \$1,671,501 to Wells Fargo Bank. The BAN includes rollover of a prior year BAN, Water District No. 1 and No. 2 Improvements and a settlement of a legal claim.

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 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

Pursuant to a letter from Tax Receiver Colombo to Fire Commissioners of North White Plains Fire Company, District #1 regarding a Consent Judgment for 121 Lafayette Avenue Associates, 121 Lafayette Avenue, Section 6, Block 09, Lot 22, Councilman Kittredge moved, seconded by Councilman Schiliro, authorization for the refund in the amount of \$755.39.

The roll call vote was as follows:

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

Noes: None

Pursuant to a letter from Tax Receiver Colombo to the Town Board regarding a Consent, Judgment and Settlement for 121 Lafayette Avenue Associates, 121 Lafayette Avenue, Section 6, Block 09, Lot 22, Councilman Kittredge moved, seconded by Councilman Schiliro, authorization for the refund in the amount of \$4,333.21.

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 to re-award the bid for the purchase of snow plow and grader blades to the next lowest bidder, Chemung Supply Company. As no bid bond was provided by Expanded Supply Products, the bid was re-awarded to Chemung.

The roll call vote was as follows:

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

Noes: None

Councilman Kittredge moved, seconded by Councilman Schiliro, authorization for the Supervisor to sign the agreement with Westchester County for STOP-DWI Patrol/Datamaster Project for the period of January 1, 2011 through December 31, 2015.

The roll call vote was as follows:

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

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Noes: None

Councilman Schiliro moved, seconded by Councilman Kittredge, authorization for the Supervisor to sign the agreement with Software Consulting Associates, Inc. for the purchase of the SQL Tax and Lien collection systems upgrade in the amount of \$17,400.

The roll call vote was as follows:

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

Noes: None

Councilman Schiliro moved, seconded by Councilman Kittredge, authorization for the Supervisor to sign the agreement with Kellard Sessions Consulting for the preparation and filing of the MS4 Stormwater Management Program Annual Report and the Municipal Compliance Certification Form (MCC) in the amount of \$4,500.

The roll call vote was as follows:

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

Noes: None

The request to consider the formation of the Hamlet Design Study Committee and appointment of committee members was tabled per the request of Supervisor Weaver.

A letter from John Weyhausen complimenting the Highway Department on snow removal was read aloud by Town Clerk Curran.

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

Receipt of Workers Compensation Report for a Recreation worker.

Approval of the request by Assistant General Foreman, Norris, for release of bonds:

- Adam Stobsky – Permit 885 for street opening at 20 Sterling Road South, in the amount of \$1,000.
- Con Edison – Permits 325, 413, 728, 826, 843, 925, 948, 978 and 1010 for street openings at various locations in the amount of \$9,000 to be reinstated to the \$50,000 bond.

Receipt of Notice of Claim from Henry Beck and referral to the Town Attorney.

The roll call vote was as follows:

Ayes: Councilman Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver

Noes: None

Councilman Kittredge moved, seconded by Councilman Schiliro, approval to award bid for highway materials (aggregates) to Peckham Materials Corp, the sole bidder, as follows:

403.198302M Top Course, Type 7F3	\$80.00 per ton delivered
403.178302M Top Course, Type 6F	\$75.00 per ton delivered
403.13 Binder, Type 3	\$75.00 per ton delivered
714.06 Asphaltic Concrete Curb	\$85.00 per ton delivered

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 a land bank parking agreement with Olive Branch Plaza in connection with Restaurant North.

The roll call vote was as follows:

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

Noes: None

The Town Board audited and approved payments totaling \$4,502,594.16 as indicated on Warrant #7.

After all persons were heard who desired to be heard, the Supervisor closed the meeting at 9:40 p.m. in memory of Margaret Cancro, mother of Charles Cancro, and Marietta Cole.

Anne Curran, Town Clerk

Dated: May 5, 2011

PUBLIC HEARING

April 27, 2011

At 7:53 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 April 27, 2011, at 7:30 PM, or as soon thereafter, at Town Hall, 15 Bedford Road, Armonk NY, 10504, for the purpose of considering a local law to adopt an assessment ordinance to benefit owners preserving their historic properties.

By Order of the Town Board
Anne Curran, Town Clerk

Dated: April 15, 2011
Armonk, NY

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.

An e-mail from Susan Shimer, Chairman of the Landmarks Preservation Committee, dated February 5, 2011 was marked Exhibit "D" for the record.

Susan Shimer stated that the Town has been in the forefront in historic preservation and had adopted a Landmarks Preservation ordinance prior to the adoption of an ordinance by New York State. The intent of the proposed ordinance is to encourage property owners to preserve historic properties by freezing an increase in assessment based upon improvements, alterations or rehabilitation for the purpose of historic preservation. As allowed by New York State law, adoption of a local ordinance would permit property owners to be exempt from taxation of any increased value of their property for five years with a gradually reduced increase over the next four years.

Supervisor Weaver said the adoption of the ordinance would hopefully encourage owners to upkeep older buildings, such as barns and accessory structures, on their property.

Councilman Roth said she was in support of the proposed ordinance to help preserve the charm and character of the Town.

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 Roth, that the Public Hearing be closed at 7:58 p.m.

The roll call vote was as follows:

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

Noes: None.

Councilman Kittredge moved, seconded by Councilman Roth, adoption of Local Law 3 of the year 2011, to adopt an assessment ordinance to benefit owners preserving their historic properties.

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The Local Law follows at the end of these minutes.

The roll call vote was as follows:

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

Noes: None.

Anne Curran, Town Clerk

Dated: May 5, 2011

TOWN OF NORTH CASTLE
Local Law No. 3 For the Year 2011
(Adopted April 27, 2011)

A Local Law to amend Chapter 183 entitled Taxation of the Code of the Town of North Castle.

Be It Enacted by the Town Board of the Town of North Castle as follows:

A. Article VII entitled Historic Property Exemption is hereby added to Chapter 183 to read as follows:

1. (a) Historic property shall be exempt from taxation to the extent of any increase in value attributable to alteration or rehabilitation, pursuant to the following schedule:

<u>Year of Exemption</u>	<u>Percent of Exemption</u>
1	100
2	100
3	100
4	100
5	100
6	80
7	60
8	40
9	20
10	0

(b) No such exemption shall be granted for such alterations or rehabilitation unless:

(i) Such property has been designated as a landmark, or is a property that contributes to the character of an historic district, created by Chapter 126 of the Code of the Town of North Castle;

(ii) Alterations or rehabilitation must be made for means of historic preservation;

(iii) Such alterations or rehabilitation of historic property meet guidelines and review standards in Chapter 126 of the Code of the Town of North Castle;

(iv) Such alterations or rehabilitation of historic property are approved by the Landmarks Preservation Committee of the Town of North Castle prior to commencement of work;

(v) Alterations or rehabilitation are commenced subsequent to the effective date of this local law.

2. Such exemption shall be granted only by application of the owner or owners of such historic real property on a form prescribed by the state board. The application shall be filed with the assessor of the County of Westchester and the Town of North Castle on or before the appropriate taxable status date of such county and town.

3. Such exemption shall be granted where the assessor is satisfied that the applicant is entitled to an exemption pursuant to this section. The assessor shall approve such application and such property shall thereafter be exempt from taxation and special *ad valorem* levies as herein provided commencing with the assessment roll prepared on the basis of the taxable status date referred to in subdivision two of this section. The assessed value of any exemption granted pursuant to this section shall be entered by the assessor on the assessment roll with the taxable property, with the amount of the exemption shown in a separate column.

4. Effective Date: This Local Law shall be effective immediately upon filing of same with the Secretary of State of the State of New York.