

Town Board Minutes
Town of North Castle
Town Hall
15 Bedford Road
Armonk, New York
on
June 8, 2011

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 an executive session, which was then closed at 7:30 p.m. The regular meeting was reconvened at 7:45 p.m.

Councilman Roth moved, seconded by Councilman Kittredge, approval of the minutes of the May 24, 2011 meeting.

The roll call vote was as follows:

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

Noes: None.

With regard to a request presented at the previous meeting by The Concerns Citizens of Armonk, that the Board schedule a public hearing to consider a moratorium in the Armonk Commercial Business District for retail or commercial use of 8,000 square feet or greater of retail floor area, Supervisor Weaver said he has spoken to each of the Town Board members and the Board is not interested at the present time in holding a public hearing concerning a commercial moratorium.

Several residents expressed their concerns about the leasing of the A&P Shopping Center property to CVS and the future development of the Armonk commercial district. Kristen Wilson, Harris Beach PLLC, representing The Concerned Citizens group, asked the Board to consider holding a public meeting to discuss the future of Armonk and to hear residents' concerns. Ms. Wilson said that zone text amendments could be drafted to address the size of retail stores and include specific criteria for pharmacies or similar businesses.

Supervisor Weaver 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, but that this requirement does not apply to the building where A&P is located which is over fifty years old and therefore grandfathered. Mr. Weaver said that a special use permit would be necessary if the property were to be divided into stores of over 5,000 square feet. He said that enacting a moratorium would not result in any significant change with regard to the A&P building nor affect what is planned for the property. When asked if the Town had a policy regarding chain stores, Mr. Weaver said the legislation which was enacted addresses the size of stores, but does not prohibit chain stores.

Ms. Wilson said that even without a moratorium, zone text amendments could be used to control the types of pharmacies or convenience stores. She said there is no vested or constitutional right for any district to stay the same.

Supervisor Weaver said an architectural firm has been contracted to work with a new Town committee to create design standards for the three downtown hamlets. Mr. Weaver said committee meetings have already been held, and in response to an inquiry, confirmed that the meetings are open to the public.

Dale Hisiger asked the Board if they would hold a public meeting to discuss the economic viability of Armonk.

Councilman Schiliro said there have been many previous discussions among the Board and others regarding updating the Comprehensive Plan and it would need to be determined if it should be updated and why. He said that updating it would not prevent a particular store from coming into Town.

Director of Planning Adam Kaufman concurred that the Comprehensive Plan would not address specifics on how to regulate businesses. However, other mechanisms could be examined regarding regulating formula businesses.

Councilman Cronin expressed concerns that holding a work session could set expectations as to an outcome. Mr. Cronin said issues regarding the Town's development are raised at almost every Board meeting and agreed that input should be welcomed from the community.

Town Attorney Baroni said that the more adversarial the community becomes about CVS leasing the shopping center property, the less attractive a situation the Town could end up with. Mr. Baroni said the property owner has advised that he is not sure he wants to go forward with a site plan application to improve the parking lot, sidewalks and lighting; redesign the landscaping; and make a more attractive façade. He said the owner is not required to come before the Planning Board for site plan approval, but had previously expressed interest in improving the property. Mr. Baroni said the Board has to balance many factors to ensure a favorable situation for the Town.

In response to an inquiry from Councilman Schiliro, Mr. Baroni stated that the Comprehensive Plan completed in 1996 has been amended, and the plan is updated when many changes are needed.

Supervisor Weaver said that the Board would provide a response at the next meeting to the request for a public work session, but reiterated that if any meeting were to be held it would not prevent CVS from leasing the property and there is no need for CVS to come before the Town Board for approval.

April Paresi and Beth Pollack, members of the North Castle Recycling Committee (NCRC), presented an update to the Town Board on the success of the Zero Waste Day in April 30, 2011. Ms. Paresi reported that all material collections were increased and community donations in the amount of \$1,449.85 will be used to purchase an additional recycling bin. Beth Pollack presented a sample of website updates that NCRC has been working on, including "Recyclopedica" which will provide a full resource of how to responsibly dispose of household items.

With regard to the request from the applicant to reschedule the public hearing previously scheduled for June 8, 2011, Councilman Kittredge moved, seconded by Councilman Schiliro, that the public hearing be rescheduled to July 13, 2011, to consider amendments to the Zoning Code to permit assisted living communities as a special permit use within the PLI zoning district.

The roll call vote was as follows:

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

Noes: None

Anthony Veneziano, Veneziano & Associates, appeared before the Board regarding a revised proposal for the Armonk Square project which had previously received site plan approval. The revisions include a reduction from twenty-one to ten residential units, an addition of .41 acres due to the acquisition of the former Beascakes property, and a 25,000 square foot grocery store at the site. Mr. Veneziano said that due to the impending loss of the A&P at the Armonk Shopping Center, his clients have been approached by store owners, property owners and residents regarding the possibility of including a grocery store at the Armonk Square site. He said the grocery store would front on Maple Avenue; Main Street development would remain as currently planned. He added that the changes to the project would jumpstart the project as well as Main Street; and the banks would fund the revised project.

Councilman Kittredge requested that A&P be considered as a possible tenant for the grocery store as many of current A&P employees are Town residents. Mr. Veneziano said input from the Board and others with regard to tenants at Armonk Square would be welcome.

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Mr. Veneziano said his clients would update any studies at the Town Board's request. He said they have phased approval at the Planning Board and would be asking the Planning Board for a one year extension. He asked for the Town Board's support of the revised proposal which would require a zone text change including an amendment to allow the parking requirement of one parking space per 200 square feet of gross floor area, the same as the Stop & Shop Shopping Center in North White Plains.

Subsequent to Mr. Veneziano's appearance, Councilman Schiliro moved, seconded by Councilman Kittredge, that the Supervisor request that the applicant submit a zoning petition to the Board at the next meeting for amendments to the zoning code to permit a grocery store at Armonk Square.

Supervisor Weaver said that it was very important to have a grocery store in Armonk, make a decision on the best location and be proactive to get it completed in the fastest time possible, with the Town Board acting as Lead Agency conducting joint work sessions with the Planning Board.

The roll call vote was as follows:

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

Noes: None

The request by the applicant to reschedule a public hearing for July 27, 2011 to consider Zoning Petition submitted by 99 Business Park Drive, LLC, to permit supermarket as a permitted principal special permit use within the PLI Zoning District was tabled. Town Attorney Baroni noted that the applicant is currently in the middle of environmental review process and has not been before the Planning Board for several months.

The roll call vote was as follows:

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

Noes: None

Councilman Roth moved, seconded by Councilman Schiliro, receipt of the following regarding the proposed Park Place parking garage at Westchester County Airport:

- 1) Letter from US DOT Federal Aviation Association which states that the proposed project site is within the runway protection zone (RPZ) which ensures objects on the ground are compatible with normal airport operations, protecting people and property. Based on this, the FAA recommends that the county (as airport sponsor) takes action to the extent reasonable to discourage this development within the RPZ.
- 2) Letter from Westchester County Planning Board re: a Draft Environmental Impact Statement (EIS) prepared pursuant to the NYS Environmental Quality Review Act (SEQR) which states they have identified significant concerns about the compatibility of the proposed development with the need to protect people and property on the ground within certain zones around the airport.
- 3) Letter from Zarin & Steinmetz commenting on the Draft Environmental Impact Statement. It states the Project conflicts with multiple layers of established planning and regulatory principles in the Town, specifically the area of noncompliance in protecting the wetlands.

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 a reimbursement grant for expenditures made by the Town during the period 2003 through 2006 for Municipal Waste Reduction and Recycling (Project No. 3-MSWSS-213, Contract No. C304191), and authorization to empower the Supervisor to sign for the reimbursement funds.

The roll call vote was as follows:

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

Noes: None

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Councilman Schiliro moved, seconded by Councilman Roth, receipt of letters from Tax Receiver Colombo regarding the following:

- Small Claims Assessment Review Settlements and the Board approved refunds as follows:

<u>Property Owner</u>	<u>Refund Amount</u>
Lorberbaum	\$ 74.34
Cramer	1,850.47
Zung	106.19
Greenberg	427.81
Nagura	1,127.46
Milito	392.80
Majidi	599.24
Brois	788.87
Hochman	1,293.30
Madris	1,592.91
Sirkin	164.16
Yale	1,963.74
Sadan	1,549.51
Tuzzo	1,488.15
Costa	1,610.88
Deutsch	242.73
Greco	376.23
Fernandes	118.33
Weisbrich	560.40
Miller	212.39
Roslin	987.91
Santomero	129.36
Merritt	673.58
Colabello	598.32
LaBella	471.17
Czoch	154.53
Basile	381.94
Balascio	155.64
Malescio	414.06

- Authorization to issue a refund in the amount of \$47,110.54 regarding a Consent Judgment and Settlement in the matter of CMI Realty Corp., 100 Business Park Drive, Parcel I.D. 2-16-11.B04 for tax years 2009-2011.

- Authorization to issue a refund in the amount of \$535.43 regarding a Consent Judgment and Settlement in the matter of Jodi Ettlinger, property address 36 Washington Place East, Parcel I.D.: 6-05-17.-A8 for tax year 2011.

The roll call vote was as follows:

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

Noes: None

Councilman Schiliro moved, seconded by Councilman Kittredge, approval to start the bid and borrowing process for two highway vehicles at an estimated cost of \$197,000 each.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Supervisor Weaver

Noes: Councilman Cronin

Councilman Schiliro moved, seconded by Councilman Roth, approval for Town Clerk Curran, to close her office at noon on Friday, July 1 for most public transactions and telephone communications for records management in connection with the Clerk's project to create and catalogue digital records.

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 Schiliro, receipt of the Town Clerk's report for the month of May, 2011.

The roll call vote was as follows:

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

Noes: None

Councilman Schiliro moved, seconded by Councilman Kittredge, authorization for the Supervisor to sign an agreement with Sullivan Architecture regarding the preparation of a Hamlets Design Reference Manual to be used by property owners and applicants who are planning to improve and/or develop properties and/or buildings within the three hamlets. The fees for providing the professional services for the creation of this manual shall be in accordance with the schedule of hourly rates as follows:

	<u>Hourly Rate</u>
Principal	\$275.00
Associate	200.00
Project Manager	175.00
Sr Draftsperson/CAD Operator	120.00
Jr Draftsperson/CAD Operator	105.00
Clerical	50.00

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 items on the consensus agenda:

- Receipt of Verizon franchise fee payment for first quarter 2011 in the amount of \$18,830.98;
- Approval of the request by Assistant General Foreman, Norris, for release of bonds to Con Edison – Permits 646 and 648 for street opening at various locations in the amount of \$1,750 to be reinstated to the \$50,000 bond;
- Approval of request from Dolph Rotfeld Engineering to release retainage of \$3,238.93 to Joken Development Corp. who has completed the remaining work under Quarry Heights contract.
- Receipt of Workers Compensation Report.

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 thank you letter from Kate Bialo, Executive Director of the Furniture Sharehouse, for inviting the organization to participate in the Town's Zero Waste Day during which 294 furniture items were donated.

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 \$500 donation from the Byram Hills PTSA to the Police Department DARE Program.

The roll call vote was as follows:

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

Noes: None

Councilman Schiliro moved, seconded by Councilman Cronin, receipt of a letter from Alfred DelBello on behalf of Eden Enterprises, LLC. stating that Eden will take all steps necessary to

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protect their property and civil rights if the moratorium currently being considered by the Town Board were to be issued.

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 \$689,525.21 as indicated on Warrant #10.

After all persons were heard who desired to be heard, the Supervisor closed the meeting at 10:25 p.m. in memory of Gladys Moger, former resident, and Charles W. Brown, local businessman,

Anne Curran, Town Clerk

Dated: June 17, 2011