

Town Board Minutes
Regular Meeting
Town of North Castle
15 Bedford Road
Armonk, New York
on
June 28, 2017

The Town Board meeting was called to order at 5:06 p.m. at Town Hall and immediately adjourned to a Work Session on the duly adopted motion of Councilman D'Angelo. All Town Board members, the Town Administrator and the Town Clerk were present for the Work Session. The Work Session adjourned to an Executive Session at 6:18 p.m. All Town Board members, the Town Attorney and the Town Administrator were present for the Executive Session. The regular meeting reconvened at 7:37 p.m. and the following persons were present:

Supervisor:	Michael J. Schiliro
Councilmen:	Stephen D'Angelo
	Barbara W. DiGiacinto
	Barry S. Reiter
	José L. Berra

Town Clerk	Alison Simon
Town Attorney	Roland A. Baroni
Town Administrator	Joan Goldberg

Michelle Katz spoke about her experiences as a Byram Hills High School intern in the Town Clerk's Office from May 1, 2017 to June 9, 2017.

The minutes of the Public Hearing that commenced at 8:02 p.m. follow at the end of these minutes.

Councilman D'Angelo moved, seconded by Councilman Reiter, approval of Town Board Minutes of the June 14, 2017 meeting.

Vote: Unanimous

Regarding the Zoning Text Amendment for Park Place, 11 New King Street, Armonk for an Automated Parking Structure as a Principal Use subject to Special Permit, Councilman Berra moved, seconded by Councilman D'Angelo, receipt of letter from Albert J. Pirro Jr., dated June 19, 2017.

Vote: Unanimous

Regarding the Zoning Text Amendment for Park Park, 11 New King Street, Armonk, for an Automated Parking Structure as a Principal Use subject to Special Permit, Councilman D'Angelo moved, seconded by Councilman Berra, Adoption of Statement of Environmental Findings; and further moved adoption of the Resolution to adopt the Local Law to amend Sections 355-4, 355-23 (Part 2) and 355-40 of the Town of North Castle Town Code to allow parking structures in the Industrial AA (IND-AA) zoning district as a principal use subject to issuance of a special permit, as amended.

The Resolution and Local Law 3 of 2017 follow at the end of these minutes.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman Reiter, receipt of Petition regarding a Zoning Text Amendment for Pleasant Grooming Armonk, at 1 Labriola Court, Armonk, and further moved Declaration of Intent of the Town Board to act as Lead Agency, and referral to Planning Board to consider specific standards and to consider the requirement of a Special Use Permit.

Vote: Unanimous

Councilman DiGiacinto moved, seconded by Councilman Berra, receipt of a JMC Supplemental Traffic Submission, dated June 7, 2017, regarding the Soul Cycle Application at Mariani Gardens for Amendment to Zoning Chapter in Nursery Business District to add indoor cycling and fitness studios as a special use permit and to add specific off-street parking requirements.

Vote: Unanimous

Regarding the Soul Cycle Application at Mariani Gardens for Amendment to Zoning Chapter in Nursery Business District to add indoor cycling and fitness studios as a special use permit and to add specific off-street parking requirements, the Town Board determined that it will not move forward with the Zoning Petition. At the request of P. Daniel Hollis, Esq., Shamberg Marwell Hollis Andreyck & Laidlaw, who was present at the meeting, the Petition will be returned to the applicant.

Councilman Berra moved, seconded by Councilman Reiter, receipt of proposed local law entitled Application Processing Restrictive Law; and further moved the scheduling of a Public Hearing on July 26, 2017.

Vote: Unanimous

Councilman Reiter moved, seconded by Councilman Berra, receipt of proposed local law to amend Section 355-22 of the Town Code to eliminate multifamily dwellings located on the first floor within the CB-A Zoning District and to prohibit residential units in the CB-B Zoning District on the first floor; and further moved Declaration of Intent of the Town Board to act as Lead Agency and referral to Planning Board and County Planning Board.

Vote: Unanimous

Councilman Reiter moved, seconded by Councilman Berra, receipt of Landmarks Preservation Committee Certificate of Appropriateness regarding Improvements to Legion Field (ball field behind Town Hall).

Vote: Unanimous

Councilman Reiter moved, seconded by Councilman DiGiacinto, receipt of reports prepared by GEA Engineering, P.C. regarding Long Pond Dam Slope Stability Analysis, and the GEA Engineering, P.C. response letter to NYSDEC, dated May 8, 2017.

Councilman Berra recused himself from the vote.

Ayes: Councilmen D'Angelo, DiGiacinto, Reiter, Supervisor Schiliro

Nos: None

Abstained: Councilman Berra

At the request of Long Pond Park District Advisory Committee member Steven Berman, an open meeting will be scheduled with the Long Pond Park District Advisory Committee; representatives from GEA; Kellard Sessions Town Engineers; Town Administrator Joan Goldberg; and a Town Board Member, regarding reports prepared by GEA Engineering, P.C. concerning Long Pond Dam Slope Stability Analysis, and the GEA Engineering, P.C. response letter to NYSDEC.

Councilman Berra moved, seconded by Councilman D'Angelo, receipt of a letter and petition from concerned neighbors regarding safety issues along Whippoorwill Road East, Armonk.

Vote: Unanimous

Councilman Reiter moved, seconded by Councilman Berra, receipt of Special Event Permit application from Haunted Dead End for a Halloween event; and further moved the scheduling of a Public Hearing on July 26, 2017

Vote: Unanimous

Councilman Reiter moved, seconded by Councilman DiGiacinto, approval for the Armonk Chamber of Commerce to hold Armonk Fall Festival featuring Jamie's 5k Run for Love on Saturday, September 17, 2017.

Vote: Unanimous

Councilman DiGiacinto moved, seconded by Councilman Reiter, authorization for the Town's Attorneys to execute a Consent Judgment in the following Tax Certiorari matter: North White Properties, LLC. vs. Town of North Castle, et al. Index Nos. 22100/09 et al.

Vote: Unanimous

Councilman DiGiacinto moved, seconded by Councilman Reiter, authorization for the Town's Attorneys to execute a Consent Judgment in the following Tax Certiorari matter: Marquis Associates vs. Town of North Castle - Index Nos. 66843/12 et al.

Vote: Unanimous

Councilman DiGiacinto moved, seconded by Councilman Reiter, authorization for the Town's Attorneys to execute a Consent Judgment in the following Tax Certiorari matter: 901 Properties, LLC vs. Town of North Castle - Index Nos. 24015/10 et al.

Vote: Unanimous

Councilman Reiter moved, seconded by Councilman DiGiacinto, receipt of Building Inspector Property Maintenance Report and recommendation of scope of work required to clean up abandoned property at 23 Custis Avenue, 61 High Street, 722 Bedford Road, 82 Whippoorwill Road E, and 5 Hopes Farm Lane.

Vote: Unanimous

Councilman Reiter moved, seconded by Councilman Berra, acceptance of 2017 Property Maintenance Proposals and award of work to North Castle Tree and Landscape, Inc., the lowest bidder, for 23 Custis Avenue, 61 High Street, 722 Bedford Road, 82 Whippoorwill Road East, and 5 Hopes Farm Lane.

Vote: Unanimous

Councilman Reiter moved, seconded by Councilman DiGiacinto, authorization for the Supervisor to sign the summer camp bus lease agreement with the Byram Hills Central School District (BHCS) for summer camp transportation from June 27, 2017 through August 4, 2017. The Town agrees to pay BHCS as rental for the use of school busses, \$1.95 per mile for busses, and \$1.25 per mile for vans, plus fuel.

Vote: Unanimous

Councilman Reiter moved, seconded by Councilman DiGiacinto, acceptance of the State Insurance Fund proposal for Workers Compensation Insurance Coverage for the period of July 1, 2017 through June 30, 2018.

Vote: Unanimous

Councilman DiGiacinto moved, seconded by Councilman Reiter, authorization for the renewal of Emergency Generator Maintenance Service Agreement with Peak Power Systems in the amount of \$3,923.57 through August 1, 2018.

Vote: Unanimous

Councilman DiGiacinto moved, seconded by Councilman Reiter, authorization for the Supervisor to sign a proposal with Frederick P. Clark and Associates for Traffic Evaluation - Traffic Signal Operations - NYS Route 22 at Maple Avenue/Business Park Drive for a fee of \$4,800, plus any out-of-pocket expenses and all meetings.

Vote: Unanimous

Councilman DiGiacinto moved, seconded by Councilman D'Angelo, appointment of Joseph Montalegre as Full-Time Probationary Laborer, Highway Department, effective 7/3/17.

Vote: Unanimous

Councilman DiGiacinto moved, seconded by Councilman D'Angelo, appointment of Michael Ross as Full-Time Probationary Laborer, Highway Department, effective 7/3/17.

Vote: Unanimous

Councilman DiGiacinto moved, seconded by Councilman D'Angelo, appointment of Joshua Orr as Seasonal Laborer, Parks and Recreation Department, effective June 26, 2017 at a rate of \$15.00 per hour.

Vote: Unanimous

Councilman DiGiacinto moved, seconded by Councilman D'Angelo, approval of extension of unpaid medical leave for employee # 2791.

Vote: Unanimous

Councilman Berra moved, seconded by Councilman DiGiacinto, reappointment of Larry Ruisi to the Budget and Finance Advisory Committee for a three year term to expire September 30, 2020.

Vote: Unanimous

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Councilman DiGiacinto moved, seconded by Councilman Berra, reappointment of Janet Morley to the Budget and Finance Advisory Committee for a three year term to expire May 31, 2020.

Vote: Unanimous

Councilman DiGiacinto moved, seconded by Councilman D'Angelo, appointment of Christopher Carthy as Chairman of the Planning Board, to serve at the pleasure of the Town Board.

Vote: Unanimous

Councilman DiGiacinto moved, seconded by Councilman D'Angelo, appointment of Gideon Hirschmann to the Planning Board to fill the vacated seat of John Delano for a term to expire 12/31/2018.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, approval of the consensus agenda as follows:

- Receipt of Summons and Complaint: Michael Fareri vs. Michael J. Schiliro, and referral to Town Attorneys.
- Approval of the request from General Foreman Norris for release of the following highway bonds:
 - McKenna Custom Homes – Permit 0929 for driveway alteration at 25 Thornwood Drive in the amount of \$500.
 - Paval Corp. #1 – Permit 0931 for driveway alteration at 6 Sterling Rd. South in the amount of \$500.
 - Jeffrey Spinelli – Permit 0920 for driveway alteration at 50 Nethermont Avenue in the amount of \$500.
 - Angel's Contracting – Permit 0909 for double driveway alteration at 485 Main Street in the amount of \$1,000.

Vote: Unanimous

The Town Board audited and approved payments of \$484,552.67 as indicated on Warrant #12 dated 6/28/17.

After all persons were heard who desired to be heard, the Supervisor closed the regular meeting 9:34 p.m. in memory of resident David Flynn.

Alison Simon, Town Clerk

Dated: July 10, 2017

RESOLUTION

Action: A local law entitled: “A Local Law to Amend Chapter 355 of the Town Code, “Zoning” to allow structured parking as a special permit use in the Industrial AA (IND-AA) Zoning District.

Application Name: Park Place at Westchester County Airport

Date of Approval: June 28, 2017

WHEREAS, 11 New King Street, LLC (the “applicant”) proposes to construct a multi-level automated parking structure at 11 New King Street (the “project site”) in the Town of North Castle, Westchester County to provide additional parking capacity at Westchester County Airport for users of both commercial and private air carriers; and

WHEREAS, the applicant has submitted a zoning petition to amend the Town of North Castle zoning code to allow parking structures in the Industrial AA (IND-AA) zoning district as a principal use subject to issuance of a special permit; and

WHEREAS, currently, the IND-AA zoning district permits parking structures as an accessory use (rather than a principal use); and

WHEREAS, the Applicant is also seeking Planning Board approval to construct a 31,493 square foot footprint parking garage that contains 850 parking spaces; and

WHEREAS, the Planning Board, in September of 2009, declared its intent to act as Lead Agency in connection with the proposed action and circulated such Notice of Intent and the EAF to all involved and interested agencies as required under SEQRA; and

WHEREAS, the proposed action was classified as a Type I Action, the Lead Agency adopted a Positive Declaration and required the preparation of an Environmental Impact Statement; and

WHEREAS, on June 5, 2017, the North Castle Planning Board, acting as Lead Agency, adopted a statement of findings; and

WHEREAS, the Planning Board statement of findings indicated that the proposed project and proposed local law are not anticipated to have any significant adverse impacts to land use, zoning and public policy that have not been mitigated to the maximum extent practicable or inconsistent with the Comprehensive Plan; and

WHEREAS, the Town Board conducted a public hearing on June 14, 2017 to receive comments regarding the proposed amendments to the Town of North Castle Zoning Code; and

WHEREAS, the Town Board has requested, received and considered comments from the Town Attorney, the Consulting Town Engineer and Consulting Town Planner regarding the proposed development.

WHEREAS, on June 28, 2017, the North Castle Town Board adopted a statement of findings; and

NOW, THEREFORE, BE IT RESOLVED, that the Town of North Castle Town Board does hereby adopt the proposed local law entitled “A Local Law to Amend Chapter 355 of the Town Code, “Zoning” to allow structured parking as a special permit use in the Industrial AA (IND-AA) Zoning District.

**Town of North Castle
Local Law No. 3 of 2017
Adopted June 28, 2017**

A LOCAL LAW entitled: “A Local Law to Amend Chapter 355 of the Town Code, “Zoning.”

Be it enacted by the Town Board of the Town of North Castle, Westchester County, New York, as follows:

SECTION 1: LEGISLATIVE INTENT

The Town of North Castle proposes to allow structured parking as a special permit use in the Industrial AA (IND-AA) Zoning District to address insufficient parking conditions at Westchester County Airport (HPN). Existing parking demand far exceeds the existing parking supply at HPN. The construction of new structured parking pursuant to the proposed special permit conditions would alleviate existing parking deficiencies. In addition, improved parking conditions at HPN could reduce the number of vehicular trips to and from the airport, as area residents may choose to drive instead of engaging taxis or private car services for transportation. A reduction of vehicular trips would have beneficial implications for both the environment, particularly air quality, and traffic.

The proposed special permit conditions include standards to maintain community character and minimize potential traffic impacts to local roadways. Therefore, the proposed special permit use would accommodate existing parking demand while maintaining the existing development pattern surrounding HPN.

By permitting structured parking as a special permit use, it is not the intent (or the authority) of the Town to promote greater frequency of commercial flights at HPN. Flight schedules are regulated by the Federal Aviation Administration (FAA).

SECTION 2: PROPERTY AFFECTED

The proposed zoning amendment would affect parcels of land located in the IND-AA Zoning District. In the Town of North Castle, the IND-AA district is limited to the Westchester County Airport and several adjacent or nearby parcels. This area is generally bounded by NYS Route 120, and the Town borders with Greenwich, CT; Harrison, NY; and Rye Brook, NY.

SECTION 3: AMENDMENTS TO ARTICLE II, “DEFINITIONS AND WORD USAGE”

Section 355-4, “Definitions” of the Code of the Town of North Castle is hereby amended as follows:

PARKING STRUCTURE, SHORT TERM

Any structure or portion of a structure which is used solely as a place to park automobiles as an accessory use in a nonresidential district.

PARKING STRUCTURE, LONG TERM

Any structure or portion of a structure which is used as a place to park automobiles in excess of 12 hours, or for airport parking, as a primary use in an industrial district, with or without valet parking services on the site.

SECTION 4: AMENDMENTS TO ARTICLE VI, “DISTRICT REGULATIONS”

Section 355-23, “Schedule of Office and Industrial District Regulations, Part 2” of the Code of the Town of North Castle is hereby amended to include structured parking as a Permitted Principal use in the IND-AA Zoning District and subject to conformance to additional standards as set forth in Article VII. This shall be identified column 2, “Permitted Principal Uses,” of the “Schedule of Office and Industrial District Regulations, Part 2” as follows:

*8. Long term parking structure pursuant to §355-40W of the Town Code.

SECTION 5: AMENDMENTS TO ARTICLE VII, “SPECIAL PERMIT USES”

Section 355-40, “Individual Standards and Regulations” of the Code of the Town of North Castle is hereby amended to add the following:

W. Long term parking structures. In the IND-AA Zoning District, long term parking structures shall be permitted, subject to Town Board approval and subject to the following special conditions. Notwithstanding any other provisions of this Zoning

Ordinance, the Town Board, by special permit, may modify certain physical dimensional requirements for properties in the IND-AA Zoning District as specified below.

- (1) Purpose. It is the purpose and intent of this subsection to permit, subject to the limitations set forth below, long term parking structures in the IND-AA Zone.
- (2) Use. Long term parking structures shall be privately operated and are intended for use by Westchester County Airport (HPN) users. Valet parking services are permitted as accessory uses to the primary long term parking structure use.
- (3) Location. Long term parking structures shall be located on parcels of not less than two acres in area. Such long term parking structures shall neither adjoin (i.e., share a common property line) nor be located within 50 feet from any residentially zoned land. Frontage shall be on a state or county highway, or on New King Street.
- (4) Setbacks. Long term parking structures shall maintain the following setbacks from adjoining properties in an industrial district:
 - (a) Minimum front yard setback: 50 feet
 - (b) Minimum side yard setback: 10 feet
 - (c) Minimum rear yard setback: 50 feet

Where a long term parking structure adjoins property in a residential district, the minimum set back from that property line shall be as follows:

- (a) Minimum front yard setback: 100 feet
 - (b) Minimum side yard setback: 50 feet
 - (c) Minimum rear yard setback: 100 feet
- (5) Height. Long term parking structures shall have a maximum height of 55 feet.
- (6) Gross Land Coverage. The maximum gross land coverage shall be 60% of the total lot area.
- (7) Number of parking spaces. The maximum number of parked vehicles permitted in a long term parking structure shall be 850. Where parking stackers are used only a maximum of 50% of the parking spaces may utilize parking stackers. Parking stackers shall not hold more than two vehicles.
- (8) Size of parking spaces. Each self-park parking space shall be at least nine feet wide and 18 feet long. Each valet parking space shall be at least eight feet wide and 15 feet long.
- (9) Buffer area. A landscaped buffer area shall be required along all street frontages.
- (10) Lighting. All exterior lighting shall be located so that the source of the light and any objectionable glare there from is not visible from any neighboring property. The height, intensity, spacing and design of all exterior lighting fixtures shall be such that they will be in character with the area in which they are located. The level of lighting shall be limited to that necessary for safety and security purposes.

SECTION 6: 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 7: SEVERABILITY

If a court of competent jurisdiction declares any portion of this local law illegal or unconstitutional such a declaration shall not prevent the enforcement of any other portion of this local law.

SECTION 8: EFFECTIVE DATE

This local law shall become effective immediately upon filing with the New York Secretary of State.

Dated: June 28, 2107