

Town Board Minutes
Town of North Castle
15 Bedford Road
Armonk, New York
on
July 24, 2013

The meeting was called to order at 6:00 p.m. at 15 Bedford Road on the duly adopted motion of Councilman D'Angelo and immediately adjourned into executive session. All Town Board members, the Town Attorney and Town Administrator were present for the executive session which closed at 7:25 p.m. The Town Clerk joined the regular meeting which reconvened at 7:30 p.m. and the following persons were present:

Supervisor	Howard B. Arden
Councilmen:	Michael J. Schiliro Diane DiDonato Roth John J. Cronin Stephen D'Angelo
Town Clerk	Anne Curran
Town Attorney	Roland A. Baroni
Town Administrator	Joan Goldberg

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, approval of the minutes from the July 10, 2013 meeting.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden
Noes: None

The minutes of the public hearing that commenced at 7:35 p.m. follow at the end of these minutes.

Councilman DiDonato Roth moved, seconded by Councilman Cronin, approval of request from Mark Real Estate, LLC (Mariani) for continuation of a public hearing on August 14, 2013.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden
Noes: None

Planning Director Kaufman and Bob Peake of John Meyer Consulting described the procedural requirements with regard to the site plan application for Outdoor Nursery Sales at 23 Bedford Banksville Road, currently before the Planning Board. Mr. Peake indicated that the application process will not be completed before the Market License expires at the end of August, and therefore, the applicant seeks an extension of the Market License.

Supervisor Arden asked that the Planning Board consider requiring site plan improvements including sidewalks and landscaping.

Councilman Schiliro moved, seconded by Councilman D'Angelo, receipt of a Planning Board memo with notification of positive recommendation to extend the market license, and further moved to extend the Market License for 23 Bedford Banksville Road until November 30, 2013.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden
Noes: None

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, approval to send Town letter of support for Westchester Solar Initiative proposal by Energy Improvement Corporation (EIC), and further agreed to set up a meeting with the EIC to explore how they could work with the different departments in Town to come up with a proposal that we could then evaluate.

The roll call vote was as follows:

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Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden
Noes: None

Councilman Schiliro moved, seconded by Councilman DiDonato Roth, receipt of proposed local law, referral of same to Planning Board, and the scheduling of a public hearing on August 14, 2013 regarding Master Fee Schedule removing all references to fees charged to applicants, including, but not limited to, any application for licenses, permits, public safety and health matters, and planning, zoning, building and construction approval. Adam Kaufman explained that the town's schedule of fees will be adopted by Town Board resolution, and subject to adoption at the organizational meeting.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden
Noes: None

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, authorization for the Town Attorney to order title insurance for a land parcel dedicated to the Town by Frederick Wyman on Meadow Hill Place in Armonk. Town Attorney Baroni explained that the title insurance is necessary to insure that the property is unencumbered.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden
Noes: None

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, receipt of Certificate of Appropriateness from the Landmarks Preservation Committee regarding external work on the Cornell Birdsell House, Town Hall Annex, 17 Bedford Road.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden
Noes: None

Sal Misiti, Director of Water & Sewer Operations reviewed the results of the RFP (request for proposals) for consulting services regarding Water District No. 2 distribution system replacement. Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, receipt of proposals for the project and the award of bid to GHD, subject to approval by the Town attorney.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden
Noes: None

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, receipt of letter from Paul Attaguile regarding proposed Conservation Easement Agreement on 3 Terrace Circle, Armonk, and approval of request to schedule a public hearing on August 14, 2013.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden
Noes: None

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, approval of request from Town Administrator Goldberg to circulate an RFP (request for proposal) for renovations to the 40 foot Bicentennial Eagle in Armonk.

The roll call vote was as follows:

Ayes: Councilman Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden
Noes: None

Councilman D'Angelo moved, seconded by Councilman DiDonato Roth, approval for the Supervisor to make the budget transfers that follow at the end of these minutes, as requested by Comptroller Berland.

The roll call vote was as follows:

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Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden
Noes: None

Councilman D'Angelo moved, seconded by Councilman DiDonato Roth, authorization to pay \$1,829.18 to Milone & MacBroom in connection with the firm's work on site investigation and schematic design to determine the feasibility of establishing a synthetic turf field at Community Park in Armonk. Councilman Cronin confirmed that the charge is an overage to Phase I expenses, authorized by the Town Board on 2-13-13, for an amount not to exceed \$8,000.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden
Noes: None

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, approval of request from G. B. Northeast, LLC, for a one-year extension of Special Use Permit through July 25, 2014, for the establishment of a CVS in Armonk.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden
Noes: None

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, a resolution rejecting bids received for roof replacement at Town Hall Annex building.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden
Noes: None

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, ratification of the appointment of Brandon Trautmann, Highway Seasonal Laborer, effective July 11, 2013.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden
Noes: None

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, the appointment of Andrew Britz, Parks Seasonal laborer, effective August 5, 2013.

The roll call vote was as follows:

Ayes: Councilman Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden
Noes: None

Councilman D'Angelo moved, seconded by Councilman DiDonato Roth, approval of request from General Foreman Norris to post a promotional opportunity for Lead Mechanic position.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden
Noes: None

The Town Board audited and approved payments totaling \$579,086.15 as indicated on Warrant #14.

After all persons were heard who desired to be heard, the Supervisor closed the meeting at 8:45 p.m.

Anne Curran, Town Clerk

Dated: August 12, 2013

PUBLIC HEARING
July 24, 2013

At 7:35 p.m. Supervisor Arden reconvened the Public Hearing which was adjourned from April 10, 2013 to consider a local law amending Chapter 213, Zoning, of the Code of the Town of North Castle, New York, so as to add standards designed to preserve the visual character and views along three of the Town's scenic and historic roadways (East Middle Patent Road, Mianus River Road, St. Mary's Church Road) through a process of site plan review and approval by the Town Planning Board.

The proposed local law is available in the Town Clerk's office during regular business hours and on the Town website. ALL PERSONS HAVING AN INTEREST IN THE MATTER ARE INVITED TO ATTEND AND BE HEARD.

The following correspondence was received since April 10, 2013:

Revised local law.

Memo from Director of Planning Adam Kaufman dated July 17, 2013 noting the Planning Board positive recommendation and its endorsement of proposed local amendments.

Letter from Kory Salomone, Veneziano & Associates, on behalf of his client, Frank Madonna, dated July 19, 2013. A portion of the letter was read aloud by Town Clerk Anne Curran.

Email from John Tiernan dated July 23, 2013 which was read aloud by Town Clerk Curran.

Director of Planning Kaufman said the proposed local law would designate three scenic roads within the Town of North Castle, specifically East Middle Patent Road, Mianus River Road and St. Mary's Church Road. Mr. Kaufman said there are no specific prohibitions regarding what would be permitted on the three scenic roads. The law creates Planning Board review and informs current and prospective property owners that the Planning Board will be reviewing certain aspects of development along the roads, with the goal of preserving their scenic character. He said the prior version of the law contained some elements which the neighbors felt were too onerous and required too much scrutiny before the Planning Board. The most recent version of the law clearly identifies which types of development would be reviewed, and would include significant amount of regrading, tree removal or development. Mr. Kaufman said it was his understanding that most of the residents in the neighborhood are satisfied with the recent revision.

Councilman Schiliro said he was glad the Board waited to make the law better. Mr. Schiliro said the revised version of the law provides provisions for homeowners for minor alterations and repairs, including driveways and additions of less than 300 square feet, and does not create undo hardships.

No other correspondence or comments were entered for the record.

After all persons were heard who desired to be heard, Councilman Schiliro moved, seconded by Councilman DiDonato Roth, that the public hearing be closed at 7:45 p.m.

The roll call was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden.

Noes: None.

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, that based upon review of the Environmental Assessment Form and all other materials, it has been determined that there will be no significant adverse environmental impact and the Town Board hereby adopts a Negative Declaration; and further moved to adopt Local Law #5

of 2013 to amend Chapter 213, Zoning, so as to add standards designed to preserve the visual character and views along three of the Town's scenic and historic roadways (East Middle Patent Road, Mianus River Road, St. Mary's Church Road) through a process of site plan review and approval by the Town Planning Board.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden
Noes: None.

Supervisor Arden said it is with great pleasure and satisfaction that he votes for North Castle's first scenic and historic legislation. Mr. Arden said that few areas in Westchester, let alone North Castle, deserve this special designation more than the area known as the Peaceful Kingdom. Mr. Arden added, in his opinion, few neighborhoods have residents who understand, appreciate and value the special character of their area more than the members of the Middle Patent Association.

The local law follows at the end of these minutes.

Anne Curran, Town Clerk

Dated: August 12, 2013

TOWN OF NORTH CASTLE

Local Law No. 5 for the Year 2013 Adopted July 24, 2013

A local law amending Chapter 213, Zoning, of the Code of the Town of North Castle, New York, so as to add standards designed to preserve the visual character and views along three of the Town's scenic roadways through a process of site plan review and approval by the Town Planning Board.

Section 1. Amend Article V "Supplementary Regulations" of Chapter 213 "Zoning" of the Code of the Town of North Castle, New York by adding the following new section in its proper numerical order:

§213-17.1. Scenic Roadscape Preservation

A. Findings and legislative intent.

The attractive visual character of the Town of North Castle is in significant measure attributable to the views from along its public roadways. For that reason, as well as for purposes of preservation of scenic character and protection of property values, the Town of North Castle desires to preserve the historic, cultural and natural resources, including stone walls, significant vegetation and scenic vistas, which are located along, or are visible from, its scenic roadways.

Specifically, the Town finds that:

- (1) The natural scenic character along the Town's scenic roadways is a critical element of the unique attractiveness and heritage of the Town of North Castle, the preservation of which enriches and benefits both residents and visitors;
- (2) North Castle's scenic roadways are, for the most part, historically traditional routes which are bordered with stone walls, mature trees, woodlands, meadows, water bodies, scenic vistas and historic structures, all of which contribute to the overall scenic, historic and semirural character of the Town;
- (3) The preservation of these features, consistent with the protection of private property rights, can best be achieved by requiring Planning Board review and approval of any new development or other changes proposed in such areas.

B. Scenic Roadways.

In furtherance of the above stated legislative intent, the Town Board specifically identifies the following as scenic roadways:

- (1) East Middle Patent Road.
- (2) Mianus River Road.
- (3) St. Mary's Church Road.

With respect to properties located on such scenic roadways, the types of construction, alterations or disturbances referred to in subsection D(1) below shall be subject to Planning Board review and approval if they take place within the scenic roadscape area as defined in subsection D(2).

Notwithstanding the foregoing, neither this subsection nor any portion of this section shall be construed as prohibiting the activities referenced herein or abridging the rights of owners of property along the designated scenic roadways to develop their properties subject, where applicable, to the provisions of section 213-22.2H.

C. Future Scenic Roadway Designation.

From time to time the Town Board of the Town of North Castle shall, on its own motion, or upon recommendation of any Town board, committee or other organization or group, identify and designate roadways within the Town of North Castle as scenic roadways. The procedure for designation shall be as follows:

- (1) Designation by the Town Board. The Town Board shall identify a scenic roadway within the Town of North Castle. The Town Board, where appropriate, shall seek the advice and counsel of other boards, officials or consultants in furtherance of the designation process.
- (2) Petition by a majority of interested landowners. As an alternative to designation by the Town Board, the owners of lot frontage abutting both sides of a roadway or portion of a roadway [the "petitioner(s)"] may apply to the Town Board for designation of a roadway or a portion thereof as a scenic roadway.
- (3) Public hearing required. As soon as practicable, but no later than 120 days after its own identification of a roadway or upon receipt of an application for designation, the Town Board shall hold a public hearing regarding the designation of such roadway as a scenic roadway, at which time the public, parties in interest, and the owners of property abutting the scenic roadway shall have the opportunity to be heard regarding the proposed designation.
- (4) Notice required. After the Town Board identifies a roadway as being worthy of scenic roadway designation or receives an application from members of the public for designation, it shall notify all owners of property adjacent to and within 500 feet of the roadway section proposed for designation of the intent to designate the roadway as a scenic roadway. Such notice to the adjacent property owners shall be sent no less than 10 days prior to the scheduled date of the public hearing, and the notice shall state the intent to designate the roadway as a scenic roadway. In addition, notice of the public hearing shall be published in the Town's official newspaper no less than 10 days in advance of the scheduled date of the public hearing.
- (5) Town Board action. After conducting the public hearing on the intent to designate a scenic roadway, the Town Board shall approve or disapprove the designation according to its regular voting procedures, in accordance with the criteria set forth in Section 213-17.1.C(6) below.
- (6) Scenic Roadway Selection Criteria. A scenic roadway shall be found to possess one or more significant scenic, recreational, cultural, natural or historic features that, once altered, are irreplaceable. Examples of these features include, but are not limited to:
 - (a) Memorable or unusual landscape elements or viewscapes bordering the roadway;
 - (b) A roadway that is particularly appealing to cyclists and hikers for its specific characteristics;

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- (c) A roadway that passes through or abuts upon a traditional working landscape, i.e., horse farm, farming, orchards, etc., where alteration of the roadway would diminish the significance of the landscape;
- (d) A roadway that passes through or abuts upon unusual geologic formations, topography, water resources, wetlands or habitats for rare or endangered wildlife;
- (e) A roadway that passes through or abuts a site or sites of historical importance where altering the roadway would diminish the impact of historical reference;
- (f) The roadway possesses a unique overall quality of scenic beauty, scale, texture, and form.

D. Site plan approval.

(1) Site plan review and approval by the Planning Board within the scenic roadscape area as defined below shall be required prior to:

- (a) the construction of any new structure or reconstruction of any existing structure, except the reconstruction of an existing structure in place and in like manner as existing such as the reconstruction of a damaged structure;
- (b) the alteration of an existing structure, where the area of such alteration exceeds 300 square feet;
- (c) the construction of any new driveway or relocation of an existing driveway but specifically excluding the repair or replacement of any part of an existing driveway;
- (d) the disturbance of more than 1500 square feet of land;
- (e) the removal of ten (10) or more trees of 8 inch DBH or greater or the removal of one (1) or more significant tree as defined by Chapter 192 of the Code;

(2) The term “scenic roadscape area” as used herein shall mean the area between the centerline of the scenic roadway and the rear wall of the principal residential structure on the property, but not to exceed a distance of 500 feet from the centerline of the scenic roadway. Where an activity taking place within the scenic roadscape area presents minimal impacts, the Planning Board shall consider waiving some of the formal requirements for site plan approval as provided for in section 213-22.2H(1).

Where an activity referenced above is proposed to take place beyond the scenic roadscape area but within 500 feet of the centerline of the scenic roadway, the Residential Project Review Committee shall review any application for approval of any such activity giving due consideration to the provisions of this legislation.

Procedure: Where site plan review by the Planning Board is required under the terms hereof, the procedures set forth in section 213-22.2(H)(1) and (2) shall apply.

F.. Standards and Decision: in reviewing any site plan submitted pursuant to this section and issuing its decision in connection therewith, the provisions of section 213-22(H)(3) and (4) shall apply and the Planning Board shall also take into consideration the following:

- (1) Any necessary intrusions within the scenic roadscape area shall be reduced to the maximum extent practicable by such measures as common driveways, shared utility services or other such techniques.
- (2) The Planning Board is hereby encouraged to utilize its authority to approve conservation subdivisions pursuant to Section 213-25 of this Chapter where said Board determines that such is necessary or appropriate in order to help achieve the purposes of this section.
- (3) The Planning Board, in granting site plan approval along scenic roadways as identified herein, shall determine that the construction or site alteration approved will be compatible with the legislative intent of this section.
- (4) All other procedures and requirements for site plan approval along scenic

roadways shall be as set forth in Article VIII of this Chapter.

Section 2. 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 of other applicable rules or regulations, the requirements of this Local Law shall prevail.

Section 3. Severability.

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this Local Law shall not affect the validity of any other part of this Local Law which can be given effect without such invalid part of parts.

Section 4. Effective Date.

This Local Law shall take effect immediately upon its adoption and filing with the Office of the Secretary of State.

Budget Transfers follow on next page.

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Budget Transfers July 24, 2013

General Fund from:

A.1010.0840.000	Retiree Health Insurance	(47.60)
A.1110.0432	Cont Professional Services	(401.25)
A.1110.0830	Workers Comp	(30.28)
A.1220.0432	Cont Professional Services	(2,000.00)
A.1220.0431	Cont Equip Repair and Rent	(150.00)
A.1230.0443	Prof Exp Dues	(724.85)
A.1310.0441	Prof Exp Ed & Seminars	(77.00)
A.1330.0431	Cont Equip Repair and Rent	(352.00)
A.1355.0443	Prof Exp Dues	(119.75)
A.1420.0470	Cont. Legal Exp	(3,844.58)
A.1480.0432	Cont Professional Services	(2,500.00)
A.1480.0432	Cont Professional Services	(1,028.10)
A.1620.0214	Equip Other	(39.87)
A.1620.0434.001	Cont Maint & Rep	(2,231.11)
A.3120.0211	Equip Office & Furn	(1,447.32)
A.3120.0850	Dental Vision & Life	(7.88)
A.3620.0411	Supplies & Exp	(53.19)
A.0000.0410	Increase Due From State/Fed - FEN	27,500.00
A.8710.0432	Cont Professional Services	(1,570.32)
A.9060.0840	Health Insurance	(50.00)

Highway from:

DA.5130.0411	Supplies & Expenses	(500.00)
DA.5132.0441	Prof Exp Ed & Seminars	(331.38)
DA.5140.0110	Salaries	(10,000.00)

Library from:

L.7410.0413.0012	Library Other Serials	(609.46)
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Street Light from:

SL1.5181.0432	Cont Professional Services	(388.59)
SL2.5181.0432	Cont Professional Services	(1,454.81)

General Fund to:

A.1010.0840	Health Insurance	47.60
A.1110.0420	Insurance	401.25
A.1110.0870	Disability Insurance	30.28
A.1220.0840	Health Insurance	2,150.00
A.1230.0441	Prof Exp Ed & Seminars	724.85
A.1310.0443	Prof Exp Dues	77.00
A.1330.0432	Cont Prof Services	352.00
A.1355.0441	Prof Exp Ed & Seminars	119.75
A.1420.0432	Cont Prof Services	3,844.58
A.1480.0120	Sal Part Time	2,500.00
A.1480.0820	Social Security	1,028.10
A.1620.0130	Sal Overtime	39.87
A.1620.0431	Cont Equip Repair and Rent	2,231.11
A.3120.0212	Equip New Vehicles	1,447.32
A.3120.0850.0101	Retiree Dental Vision & Life	7.88
A.3620.0413	Uniforms	53.19
A.8560.0432.0101	Shade Trees	27,500.00
A.8710.0850	Dental Vision & Life	1,570.32
A.9000.0812	Misc Personnel Fees	50.00

Highway to:

DA.8130.0451.0101	Utility Water	500.00
DA.5132.0432	Cont Prof Services	331.38
DA.5140.0120	Sal Part Time	10,000.00

Library to:

L.7410.0413.0012.0	Library - Periodicals	609.46
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Street Light to:

SL1.5181.0411	Supplies & Expenses	388.59
SL2.5181.0411	Supplies & Expenses	1,454.81