

Town Board Minutes
Town of North Castle
15 Bedford Road
Armonk, New York
on
September 11, 2013

The meeting was called to order at 6:15 p.m. at 15 Bedford Road on the duly adopted motion of Councilman D'Angelo and immediately adjourned into executive session. Four Town Board members (Diane DiDonato Roth did not attend), 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 August 14, 2013 meeting.

The roll call vote was as follows:

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

Noes: None

Comptroller Berland introduced Tim Doyle of the Bonadio Group who reported on the summary results of the 2012 audit. Mr. Doyle summarized the audit items as follows:

- 2012 CAFR Report: Included an unqualified opinion, the highest level of assurance concerning the Town's financials.
- Internal Controls: No material misstatements were noted.
- Required communication to the Town Board: Two significant deficiencies were noted regarding timeliness of bank reconciliations and performance bond reconciliations.
- Justice Account Review: No non-compliance issues.

The minutes of the public hearings that commenced at 7:50 p.m. follow at the end of these minutes. Councilman Cronin excused himself at 8:30 after all Public Hearings were closed.

Councilman Schiliro moved, seconded by Councilman DiDonato Roth, receipt of GHD Report: Sewer Capacity Sewer District No. 2. Supervisor Arden stated that the report will be available to the public and also announced a work session with the consultant and the Planning Board will take place at 5:00 p.m. on September 23, 2013 to review the report

The roll call vote was as follows:

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

Noes: None

Absent: Councilman Cronin

Councilman Schiliro moved, seconded by Councilman DiDonato Roth, approval of the budget transfers that follow at the end of these minutes, as requested by Comptroller Berland.

The roll call vote was as follows:

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

Noes: None

Absent: Councilman Cronin

Councilman D'Angelo moved, seconded by Councilman DiDonato Roth, authorization for the Town's Attorneys to execute a Consent Judgment in the matter of Thomas Bottiglieri vs. Town of North Castle – Index No. 15840/10, et al.

The roll call vote was as follows:

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

Noes: None

Absent: Councilman Cronin

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, approval of the cost estimate and bond for G.B. Northeast 2, LLC, regarding improvements to property at 450 Main Street (CVS Pharmacy), as previously approved by the Planning Board.

The roll call vote was as follows:

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

Noes: None

Absent: Councilman Cronin

Pursuant to a letter from Kellard Sessions Consulting, Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, authorization to pay \$258,765.82 for Requisition #12 to Bilotta Construction Corp. for work completed to repair town roadways through the period ending August 30, 2013.

The roll call vote was as follows:

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

Noes: None

Absent: Councilman Cronin

Supervisor Arden stated that he had been approached by a neighbor of Kevin Cumming, former resident of North White Plains, and a U.S. soldier killed in the line of duty in Iraq on August 21, 2004. The Supervisor presented the road sign and thanked the Westchester County sign shop that created the sign.

Councilman Schiliro moved, seconded by Councilman D'Angelo, to adopt the following resolution: The Town Board of North Castle hereby dedicates Lakeview Drive North as SPC. Kevin Cuming Memorial Drive, in honor of a U.S. soldier from North White Plains killed in the line of duty on August 21, 2004. The official name of the road will remain Lakeview Drive North.

The roll call vote was as follows:

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

Noes: None

Absent: Councilman Cronin

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, acceptance of deed of recreation parcel known as 22 Meadow Hill Place, Section 2, Block 2, Lot 3.D19 from Whippoorwill Woods Corp.

The roll call vote was as follows:

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

Noes: None

Absent: Councilman Cronin

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, approval of refuse bid specifications and authorization for Town Administrator to go out for bids.

The roll call vote was as follows:

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

Noes: None

Absent: Councilman Cronin

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, authorization for the Supervisor to sign an agreement with Key Merchant Services, LLC to provide credit card payment payments via the internet for property tax payments, for the period August 14, 2013 through August 2, 2017.

The roll call vote was as follow:

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

Councilman D'Angelo moved, seconded by Councilman DiDonato Roth, authorization for the Supervisor to sign a lease agreement with Big Truck Rental for collection of bagged leaves for the two-month period of October 15, 2013 through December 9, 2013, at a total cost of \$13,000 (\$6,500 per month).

The roll call vote was as follows:

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

Councilman D'Angelo moved, seconded by Councilman DiDonato Roth, authorization for the Supervisor to sign an agreement with Michael Piccirillo Architecture PLLC for consulting services for repair of three Windmills in Water District No. 2, for a total cost of \$11,115.

The roll call vote was as follows:

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

Councilman D'Angelo moved, seconded by Councilman DiDonato Roth, authorization for the Supervisor to sign an agreement with Lothrop Associates regarding architectural sketches for the renovation of the facilities building in North Castle Community Park, not to exceed \$2,000.

The roll call vote was as follows:

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

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, authorization for the Supervisor to sign an agreement with Lightpath regarding phone/internet services at a cost of \$2,600 year for 3 years. Town Administrator Goldberg explained that fiber optic cable will be installed from Town Hall and the Annex building to connect to Hergenhan Recreation Center. The purpose is for three buildings to operate as one unit to reduce costs and to proceed with necessary wiring required for on-line registration for recreation programs.

The roll call vote was as follows:

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

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, authorization for the Supervisor to sign an agreement with Environmental Capital for financial advisory services in completing the Town's Continuing Disclosure Agreement to the Municipal Securities Reserve Board for fiscal year 2012 for \$1,500. This agreement will renew annually unless notice is given by either party.

The roll call vote was as follows:

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

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, receipt of notification of resignation from Ashley Hoffman, part-time Librarian, effective September 28, 2013.

The roll call vote was as follows:

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

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, ratification of Joann Vasi as part-time clerical worker in Tax Receiver's office, effective September 4, 2013.

The roll call vote was as follows:

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

Noes: None

Absent: Councilman Cronin

Councilman D'Angelo moved, seconded by Councilman Schiliro, approval of request from Conservation Board Chair Fava to attend the 2013 NYS Conference on the Environment from October 3 through October 5, 2013, in Buffalo, NY.

The roll call vote was as follows:

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

Noes: None

Absent: Councilman Cronin

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, the consensus agenda as follows:

- Approval of request from General Foreman Norris for release of bonds as follows:
 - o Joseph Tassone – Permit 0801 in the amount of \$500 for driveway alteration at 48 Rock Cliff Place, Section 5, Block 24, Lot 1.
 - o Beth Metzger – Permit 0795 in the amount of \$500 for driveway alteration at 179 East Middle Patent, Section 1, Block 05, Lot 23.
 - o Glendale Subdivision – Permit 0785 in the amount of \$1,000 for street opening at 26 Glendale Ave., Section 2, Block 13, Lot 17.-18.A.
 - o Jean Paul Valles – Permit 0804 in the amount of \$500 for driveway alteration at 78 East Middle Patent Road, Section 1, Block 07, Lot 15.-2.
 - o Joseph Mottola – Permit 0807 in the amount of \$500 for driveway alteration at 41 Palmer Avenue, Section 7, Block 05, Lot 1.C.
 - o Beat Ammon – Permit 0799 in the amount of \$500 for driveway alteration at 6 Quarter Mile Road, Section 2, Block 11A, Lot 15.
 - o John Heimerdinger – Permit 0803 in the amount of \$500 for driveway alteration at 13 Thornwood Road, Section 1, Block 04, Lot 10.-468.
- Receipt of Town Clerk's monthly report for August, 2013
- Approval of alcohol permit for AMKAI Solutions event on September 26, 2013 at North Castle Community Park.
- Receipt of Cablevision Franchise fee payments for 2nd Qtr ending June 30, 2013 as follows:
 - o \$26,206 for Cablevision system
 - o \$7,698 for the Southern Westchester system

The roll call vote was as follows:

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

Noes: None

Absent: Councilman Cronin

The Town Board audited and approved payments totaling \$736,887.08 as indicated on Warrant #16.

After all persons were heard who desired to be heard, the Supervisor closed the meeting at 8:55 p.m. in memory of resident Pierre Jean Dupuy, Rebecca Kittredge-past Town Board member and Deputy Supervisor, Mildred Wago-past Receiver of Taxes, Melissa Taylor White-daughter of late Erling (Bumpy) Taylor, and resident Joseph A. Macellaro.

Anne Curran, Town Clerk

Dated: September 16, 2013

PUBLIC HEARING
September 11, 2013

At 7:49 p.m. Supervisor Arden stated that a Public Hearing would reconvene the Public Hearing which was opened in accordance with the Public Notice that follows:

NOTICE IS HEREBY GIVEN, that the North Castle Town Board will reconvene a Public Hearing in Town Hall, 15 Bedford Road, Armonk, NY, 10504, on September 11, 2013 at 7:30 p.m. or as soon thereafter, for the purpose of considering a local law to amend Chapter 213, Zoning, of the Code of the Town of North Castle, New York, so as to rezone an area of approximately 14.7 acres located along the northerly side of Banksville Avenue, adjacent to the Town of Greenwich, Connecticut, from its present GB General Business District classification to RC Residential Commercial District and to amend Chapter 213, Zoning, of the Code of the Town of North Castle, New York, so as to rezone an area of approximately 1.0 acres located at the northeasterly corner of the intersection of Bedford-Banksville Road and Banksville Avenue from its present GB General Business District classification to CB-B Central Business B District.

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.

By Order of the Town Board
Anne Curran, Town Clerk

Dated: August 26, 2013
Armonk, NY

The following correspondence was received since June 11, 2013:

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.

Letter from Director of Planning Kaufman to the Town Board dated August 7, 2013 was marked Exhibit "D" for the record.

Letter from Westchester County Planning Board to Planning Director Kaufman dated September 5, 2013 stating that the matter is for local determination in accordance with the Town's planning and zoning policies was marked Exhibit "E" for the record.

Letter from Director of Planning Kaufman to Town Board dated September 10, 2013 with Planning Board recommendation to approve proposed zoning amendments was marked Exhibit "F" for the record.

Full Environment Assessment Form

The revised local law.

Director of Planning Adam Kaufman said the revised local law would permit those uses permitted in the R-1/2A Zoning District in the proposed RC Residential Commercial District, with the primary use being single family residential dwelling. Also permitted, Mr. Kaufman said, is a residential dwelling with an accessory commercial use, as detailed in the Section 213-19 Residential District Regulations table, of at least 900 square feet in size along with a business and professional office and studio, retail use, carry-out restaurant, fine arts instruction school or recreation center. The total of all such permitted non-residential uses cannot occupy more than 1,500 square feet.

Charles Banks, legal counsel to commercial property owners, thanked all the parties involved for their cooperation, including the Town and Planning Boards, Mr. Kaufman's office, and Steve and Denise O'Connor. Mr. Banks said that the revised version of the zoning proposal is acceptable overall to the majority of his clients; and he urged the Town Board to adopt the proposal in its current form.

Councilman D'Angelo said he was pleased that the parties have been able to come to an agreement.

Steve O'Connor, Round House Court, thanked the Town and Planning Boards and Mr. Banks. Mr. O'Connor said it was the two parties involved who worked out a compromise for the Banksville community.

Councilman DiDonato Roth said communications were kept open and she appreciated everyone's efforts.

Supervisor Arden said he was pleased a reasonable solution to the issue has been reached and that something has been accomplished.

Councilman Schiliro thanked everyone for their cooperation to reach a good solution that removes heavy uses to help protect the environment and groundwater, and to retain rights of business owners to operate their business.

No other correspondence or comments were entered for the record.

After all persons were heard who desired to be heard, Councilman DiDonato Roth moved, seconded by Councilman Schiliro, that the Public Hearing be closed at 8:00 p.m.

The roll call was as follows:

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

Noes: None.

Councilman D'Angelo moved, seconded by Councilman D' DiDonato Roth, 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.

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, adoption of Local Law 8 of the year 2013, to amend Chapter 213, Zoning, to rezone an area of approximately 14.7 acres located along the northerly side of Banksville Avenue, adjacent to the Town of Greenwich, Connecticut, from its present GB General Business District classification to RC Residential Commercial District and to rezone an area of approximately 1.0 acres located at the northeasterly corner of the intersection of Bedford Banksville Road and Banksville Avenue from its present GB General Business District classification to CB-B Central Business B District.

The roll call was as follows:

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

Noes: None.

The local law follows at the end of these minutes.

Anne Curran, Town Clerk

Dated: September 24, 2013

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

XXXXXX
XXXX
of North Castle
Town
XXXXXXXX

Local Law No. 8 of the year 2013 Adopted September 11, 2013

A Local Law to amend Chapter 213, Zoning, of the Code of the Town of North Castle, New York, so as to rezone an area of approximately 14.7 acres located along the northerly side of Banksville Avenue, adjacent to the Town of Greenwich, Connecticut, from its present GB General Business District classification to RC Residential Commercial District and to amend Chapter 213, Zoning, of the Code of the Town of North Castle, New York, so as to rezone an area of approximately 1.0 acres located at the northeasterly corner of the intersection of Bedford-Banksville Road and Banksville Avenue from its present GB General Business District classification to CB-B Central Business B District.

Be it enacted by the Town Board of the
(Name of Legislative Body)

XXXXXX
XXXX
of North Castle as follows:
Town
XXXXXXXX

Section 1. Amend Section 213-4 of the Town Code to add RC Residential Commercial below the R-MF-SCH entry.

Section 2. Amend Section 213-19 Schedule of Residential District Regulations to include the following new Zoning District information:

District	Permitted Principal Uses	Permitted Accessory Uses	Minimum Lot Size				Minimum Yards			Maximum Building Height (f)		Maximum Building Coverage @ (s)	Minimum Swelling Unit Size	Refer also to these pertinent sections
			Area	Frontage (feet) (a)	Width (feet) (b)	Depth (feet)	Front (feet)	Side (feet)	Rear (feet)	Stories	Feet	Lot Area (percent)	In Square Feet (refer also to § 213-57)	
RC	1. Any uses permitted in an R-½A District, as permitted and regulated therein. 2. Residential dwelling unit, at least 900 square feet in size along with a Business and professional office and studio, retail use, carry-out restaurant, fine arts instruction school or recreation center. The total of all such permitted non-residential uses shall not occupy more than 1,500 square feet.	1. Accessory uses associated with principal use 1: accessory uses as permitted in an R-1/2A District. 2. Accessory uses associated with principal use 2: accessory uses as permitted in a CB-B District, except uses 6 & 7. 3. Accessory to a non-residential use, a garage which shall accommodate not more than two, two-axle commercial vehicles, each associated with a permitted principal use and each with a GVWR no to exceed 14,000 lbs. Outdoor storage of commercial vehicles shall be prohibited. The Outdoor storage of any materials or equipment shall be prohibited.	½ acre	125	125	100	40	20	30	2½	30	15	900	Articles IV through X

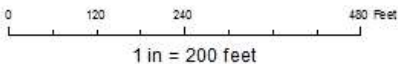
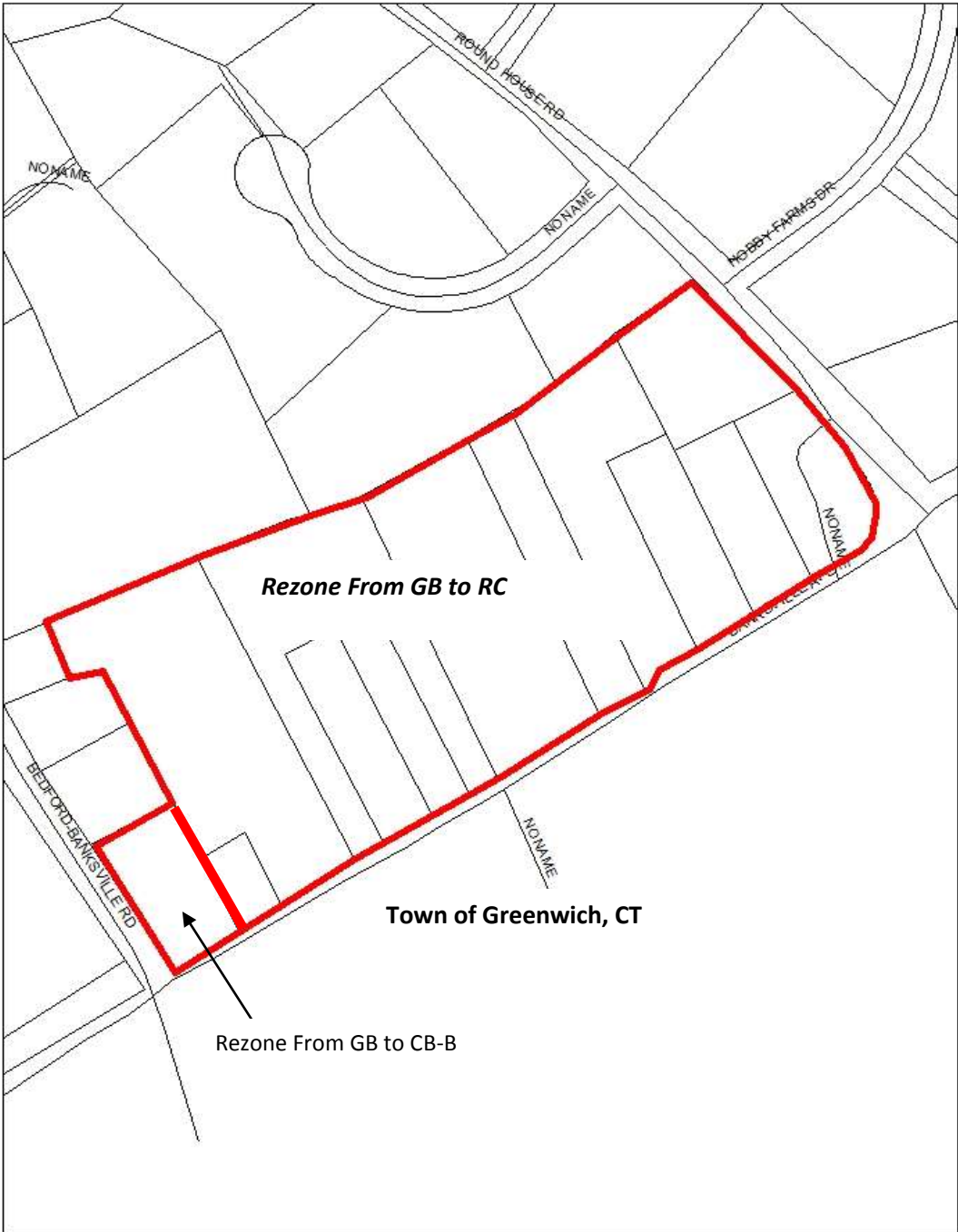
Section 3. Amend the “Zoning Map of the Town of North Castle, New York,” as established in Section 213-5 of the Town Zoning Code, so as to reclassify all or a portion of the following listed properties, as shown on the attached map, from GB General Business District to RC Residential Commercial Zoning District:

Section	Block	Lot(s)
1	12	7.B, 7.C, 7.D, 7.E, 7.F, 7, 8, 8.A, 8.B, 8.C, 8.D, 8.E and 8.F

Section 4. Amend the “Zoning Map of the Town of North Castle, New York,” as established in Section 213-5 of the Town Zoning Code, so as to reclassify the following listed property, as shown on the attached map, from GB General Business District to CB-B Central Business B District:

Section	Block	Lot(s)
1	12	7.A

Banksville Avenue Rezoning



Town of North Castle
Planning Department

Section 4. 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 5. Effective Date.

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

PUBLIC HEARING
September 11, 2013

At 8:02 p.m. Supervisor Arden 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 Wednesday, September 11, 2013, at 7:30 p.m., or as soon thereafter, at Town Hall, 15 Bedford Road, Armonk, New York, 10504, for the purpose of considering a local law to amend the Zoning Code of the Town of North Castle concerning three parcels of land located on Old Mount Kisco Road, Armonk, New York (Section 2, Block 12, Lot 2.-1, 2.-2, and 3), with respect to the definition of senior housing and the calculation of middle income units in the R-MF-SCH Zoning District, the mapping of the R-MF-SCH Zoning District to Petitioner's property, and establishment of bulk and area requirements.

The proposed Local Law is available in the Town Clerk's office during regular business hours. All persons having an interest in the matter are invited to attend and be heard.

By Order of the Town Board

Anne Curran, Town Clerk

Dated: August 28, 2013

Armonk, New York

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.

Letter from Veneziano & Associates with Zoning Petition dated November 20, 2012 was marked Exhibit "D" for the record.

Letter from Veneziano & Associates to Town Board dated August 9, 2013 was marked Exhibit "E" for the record.

Green cards denoting receipt of certified mail of Notice of Public Hearing by adjoining property owners
The proposed Local Law.

Supervisor Arden stated that a Negative Declaration has not been received from the Planning Board, and that he would like to table the Public Hearing until after a joint Town Board and Planning Board Work Session when the GHD study of Sewer District No. 2 capacity will be presented. He added that the Work Session will likely take place on September 23, 2013.

Attorney for the applicant, Tony Veneziano, stated that they have been working with the Planning Board for months and indicated that there should be 1800 gallons allocated for this project. He said he hoped that the project, encompassing 14 units including 2 MIUs, could be accommodated as his client has demonstrated that they are working on addressing septic for neighboring properties and have provided for a Town easement for a new municipal well. He stated that the small allocation for this project should be considered and asked for a way to move this project along, rather than getting behind the larger issues that will come up as part of the full Sewer District No. 2 evaluation.

The Supervisor stated that the engineer's report will be available for review tomorrow.

Councilman Cronin reiterated that it is necessary for the engineering consultant to review the report with in a joint meeting with the Planning and Town Boards on September 23.

Councilman Schiliro suggested that Mr. Veneziano could submit a letter or memo to the Town Board in response to his review of the GHD report before the Public Hearing reconvenes on September 25.

After all persons were heard who desired to be heard, Councilman Schiliro moved, seconded by Councilman D'Angelo, at 8:10 p.m., that the Public Hearing be adjourned and reconvened on September 25.

The roll call was as follows:

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

Noes: None.

Anne Curran, Town Clerk

Dated: September 23, 2013

PUBLIC HEARING
September 11, 2013

At 8:14 p.m. Supervisor Arden 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 September 11, 2013, at 7:30 PM, or as soon thereafter, at Town Hall, 15 Bedford Road, Armonk, NY, 10504, for the purpose of considering the special event permit request for a Halloween special event to be open to the public and to hold not more than 200 people on Fridays, Saturdays and Sundays during the month of October. The property is located at Rocky Ledge Swim Club - 1402 Old Orchard Street and known on the North Castle Tax Maps as 123.01-1-9 and located within the R-1A Zoning District.

The special event permit application is available in the Town Clerk's Office during regular business hours. ALL PERSONS HAVING AN INTEREST IN THE MATTER ARE INVITED TO ATTEND AND BE HEARD.

By Order of the Town Board
Anne Curran, Town Clerk

Dated: August 26, 2013
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.

The following were marked Exhibit "D" for the record: The application documents, including Short Environmental Assessment Form, Part 1, dated July 24, 2013.

- A memo from Fire Marshal/Assistant Building Inspector William Richardson dated August 29, 2013 regarding review of plans.
- A letter from Westchester County Planning Board to Town Clerk Curran dated September 5, 2013 stating that the action is a matter for local determination.
- Email from Lieutenant Peter Simonsen dated September 8, 2013 regarding review of application documents.
- The green cards denoting receipt of certified mail of Notice of Public Hearing by adjoining property owners.
- The proposed resolution of approval which includes a Negative Declaration.

Marc Mancini and Matt Tuffarelli appeared before the Board and described the Halloween special event which includes trails and a few shelters converted into a haunted house. The event is scheduled for its fourth year on Fridays, Saturdays and Sundays from 7:00 p.m. to 11 p.m. during the period of October 11 to October 27, 2013.

Councilman Schiliro thanked the applicants for providing the event and said they have complied with all the permit conditions.

No other correspondence or comments were entered for the record.

After all persons were heard who desired to be heard, Councilman D’Angelo moved, seconded by Councilman D’Angelo, that the Public Hearing be closed at 8:16 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, the approval of the Special Event Permit application of Haunted Dead End for a Halloween Special Event at the Rocky Ledge Swim Club, 1402 Old Orchard Street (Section 3, Block 74, Lot 1.H), for a term beginning October 11, 2013 and ending October 27, 2013.

The roll call vote was as follows:

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

Noes: None

The resolution follows at the end of these minutes.

Anne Curran, Town Clerk

Dated: September 24, 2013

RESOLUTION

Action:	Special Event Permit
Application Name:	Haunted Dead End
Owner:	Rocky Ledge Swim Club
Applicant:	Haunted Dead End – Marc Mancini
Designation:	Section 3, Block 14, Lot 1.H
Zone:	R-1A
Acreage:	Approx. 14-acres
Location:	1402 Old Orchard Street
Date of Approval:	September 11, 2013
Term of Special Event Permit:	October 11, 2013 – October 27, 2013

WHEREAS, an application dated July 24, 2013 was submitted by Haunted Dead End to operate a special event at the Rocky Ledge Swim Club pursuant to Chapter 83 of the Town Code; and

WHEREAS, Haunted Dead End is requesting permission to conduct a Halloween special event that is open to the public and will hold not more than 200 people, at any one time, on Fridays, Saturdays and Sundays during the month of October; and

WHEREAS, activities will include a late afternoon/early evening family event that includes crafts, face painting, storytelling as well as an adult supervised walk through maze and an evening adult/teen event that includes a graveyard, vortex tunnel, corn maze and haunted house maze; and

WHEREAS, in 2010, 2011 and 2012 the Town Board issued a Halloween special event permit; and

WHEREAS, the 2010, 2011 and 2012 Halloween Special Events were held without any known incidents; and

WHEREAS, the operation of the special event would not require any permanent construction; and

WHEREAS, the site plan was forwarded to the Chief of Police and Fire Inspector so that they may make any pertinent recommendations to the Town Board including, but not limited to, the designation of no-parking zones, emergency vehicle access or any other issues deemed important to providing emergency services; and

WHEREAS, the application was referred to the Westchester County Planning Board pursuant to § 239-m of New York State General Municipal Law (GML) on August 20, 2013; and

WHEREAS, the 14-acre property is located in the R-1A Zoning District and is designated on the Tax Maps of the Town of North Castle as 123.01-1-9; and

WHEREAS, a duly advertised public hearing was held on said application before the Town Board on September 11, 2013 and closed on that date at which time all those wishing to be heard were given the opportunity to be heard; and

WHEREAS, the notice of public hearing was sent to the City of White Plains City Clerk and the Town Clerk of the Town/Village of Harrison pursuant to § 239-nn of New York State General Municipal Law (GML) since the subject site is located within 500 feet of the City of White Plains and the Town/Village of Harrison; and

WHEREAS, the Town Board is familiar with the nature of the site and surrounding area;

WHEREAS, the Town Board has requested, received and considered comments from the Town Attorney, the Town Engineer and Town Planner regarding the proposed special event; and

WHEREAS, the proposed action is an Unlisted Action pursuant to the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Town Board determined to conduct an uncoordinated SEQRA Review; and

NOW, THEREFORE, BE IT RESOLVED, that in accordance with Article 8 of the New York State Environmental Quality Review Law and 6 NYCRR Part 617, the Town Board hereby makes a determination that the proposed action will not have a significant adverse impact on the environment and that a draft environmental impact statement will not be prepared; and

BE IT FURTHER RESOLVED, that the special event permit is approved for a term beginning October 11, 2013 and ending October 27, 2013, for a total of nine days, subject to the conditions identified below; and

BE IT FURTHER RESOLVED, that this permit shall be deemed to authorize only the particular use or uses specified, and shall expire if the site is not maintained and if all conditions and standards are not complied with throughout the duration of the use; and

Prior to the Issuance of the Special Event Permit:

(The Town Clerk's initials and date shall be placed in the space below to indicate that the condition has been satisfied.)

_____1. Pursuant to Section 83-4.D of the Town Code, the Applicant is required to submit plans showing the layout of the event area, including the location of all existing structures and improvements, the location and description of all event-related temporary structures, tents, stands, ingress and egress, parking, signs, lighting, electrical equipment, sound equipment, mechanical equipment, portable toilets to the satisfaction of the Building Department.

_____2. Pursuant to Section 83-4.F of the Town Code, a certificate of insurance from an insurance company licensed to do business in New York State with the following minimum coverages to the satisfaction of the Town Clerk:

- (1) Bodily injury: \$300,000, one person.
- (2) Bodily injury: \$1,000,000, one accident.
- (3) Property damage: \$100,000, one accident.

In addition, the Town shall be identified as additionally insured to the satisfaction of the Town Attorney.

_____3. Pursuant to Section 83-4.G of the Town Code, the Applicant shall submit all documentation demonstrating approval from the Westchester County Department of Health to the satisfaction of the Building Department.

- _____4. Pursuant to Section 83-4.I of the Town Code, the Applicant shall post a cash bond of \$500 to guarantee cleanup by the exhibitor after the special event, except where the special event is conducted on premises owned by the person making the application.

- _____5. A pre-permit site meeting shall be held with the Applicant and with the Building Inspector, Fire Marshal, Fire Department, and Police Department to discuss the operation of the special event. Once all issues have been adequately addressed to the satisfaction of the Building Inspector, Fire Marshal, Fire Department and Police Department, the Building Department shall transmit a letter stating such to the Town Clerk.

Other Conditions:

- 1. Pursuant to Section 83-3.A of the Town Code, all special events shall require the provision of a "fire watch" by the local Fire Department and/or North Castle Fire Marshal, the cost of which shall be paid for by the applicant. The Fire Marshal may also approve other fire-protection measures to the satisfaction of the North Castle Fire Marshal, the cost of which shall be paid for by the applicant.

- 2. Pursuant to Section 83-3.B of the Town Code, all special events shall require the provision of security and/or traffic control by the Town of North Castle Police Department, the cost of which shall be paid for by the applicant. The Chief of Police may also approve other security and/or traffic control measures to the satisfaction of the Chief of Police, the cost of which shall be paid for by the applicant.

- 3. This special event permit is not assignable.

- 4. This special event permit is revocable for a violation of the Town Code or any other ordinance or law, pursuant to Chapter 83-6 of the Town Code.

- 5. The Applicant shall observe all state, county and Town laws, rules and regulations as to health, safety and general welfare and shall be subject to reasonable regulations of the Building Department, Fire Marshal, Police Department and Highway Department of the Town of North Castle.

- 6. The special event shall not be conducted prior to 10:00 a.m. or after 12:00 midnight.

- 4. All rubbish from the premises and from any parking area must be gathered and deposited in closed containers by no later than 6:00 p.m. of the day following and removed from the premises by 6:00 p.m. of the next day following.

- 6. The Applicant shall not permit any unnecessary or unreasonable noise by means of loudspeakers, power amplifier devices or any other means which would create or tend to create a public nuisance.

PUBLIC HEARING
September 11, 2013

At 8:18 p.m. Supervisor Arden 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 September 11, 2013 at 7:30 PM, or as soon thereafter, at Town Hall, 15 Bedford Road, Armonk, NY 10504, for the purpose of considering the adoption of a Local Law to amend the Code of the Town of North Castle, Chapter 196 entitled "Vehicles and Traffic," Article III, Section 196-22 and Article VI, Section 196-53 (Schedule XIII) to establish "No Parking Any Time" zones on the North side of Bedford

Road from a point 140 feet east of its intersection with Main Street for a distance of 103 feet and on the North Side of Bedford Road from a point 222 west of its intersection with Maple Avenue for a distance of 122 feet; and to establish “No Parking or Standing Certain Hours” on the East side of Wampus Avenue from its intersection with School Street to a point 70 feet south of said intersection and on the West side of Wampus Avenue from its intersection with School Street to a point 125 feet south of said intersection.

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.

By Order of the Town Board
Anne Curran, Town Clerk

Dated: August 26, 2013
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.

Letter from Police Department to Town Board and Town Administrator dated August 8, 2013 regarding parking on Bedford Road.

Letter from Police Department to Town Board and Town Administrator dated August 9, 2013 regarding parking on Wampus Avenue

The proposed local law.

Lt. Peter Simonsen said there are two parking issues on Bedford Road between Main Street and Maple Avenue. One issue reported by the property owner concerns parking in front of 12 and 14 Bedford Road which is creating a dangerous egress and visibility issues when walking to Main Street or exiting the driveway. The Police Department recommendation is to preclude parking in front of these residences. The other location on Bedford Road is at the driveway to Armonk Square where they are flanked buffer areas that were planned and intended to afford adequate visibility when exiting the driveway. Parking is occurring in these flanked areas which results in partial lane obstruction forcing west bound vehicles to travel over the double yellow line to pass by the parking vehicles. The Police Department recommendation is to preclude parking in the flanked areas east and west of the driveway’s edge.

Lt. Simonsen said the Police Department has received numerous complaints about parking on Wampus Avenue just south of its intersection with School Street. In response to a query from Councilman D’Angelo, Lt. Simonsen confirmed that parking is prohibited within 30 feet of an intersection per New York State law. Parking is occurring just past the 30 foot distance resulting in problems for buses and passenger vehicles attempting to negotiate this intersection routinely on weekdays during school drop off and dismissal. The Police Department recommendation is to preclude parking on Wampus Avenue for a distance of 70 feet on its east side and for a distance of 125 feet on the west side between the hours of 7:00 a.m. and 5:00 p.m., Monday through Friday. The distances and times have been chosen in an effort to limit the impact on area residents. Lt. Simonsen said he spoke to the residents and they did not have objections to the proposed changes. In response to a query from Councilman Cronin regarding the placement of the new signs, Lt. Simonsen said a sign covers a distance of 200 feet and they would be placed at the required distances on each side of Wampus Avenue.

Resident Neal Baumann said he did not have an objection to the proposed changes, but expressed his concerns that any restrictions on parking on Bedford Road will push parking into Mariani Gardens, the American Legion, St. Stephen’s Church and other locations which he said amplified the urgency of dealing with the parking situation in Town. Lt. Simonsen said that Police Department is working with the Town Board on parking ideas and solutions.

No other correspondence or comments were entered for the record.

After all persons were heard who desired to be heard, Councilman DiDonato Roth moved, seconded by Councilman D’Angelo, that the Public Hearing be closed at 8:23 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, the adoption of a Local Law 9 of 2013 to amend Chapter 196 entitled "Vehicles and Traffic," Article III, Section 196-22 and Article VI, Section 196-53 (Schedule XIII) to establish “No Parking Any Time” zones on the North side of Bedford Road from a point 140 feet east of its intersection with Main Street for a distance of 103 feet and on the North Side of Bedford Road from a point 222 west of its intersection with Maple Avenue for a distance of 122 feet; and to establish “No Parking or Standing Certain Hours” on the East side of Wampus Avenue from its intersection with School Street to a point 70 feet south of said intersection and on the West side of Wampus Avenue from its intersection with School Street to a point 125 feet south of said intersection.

The roll call was as follows:

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

Noes: None.

The local law follows at the end of these minutes.

Anne Curran, Town Clerk

Dated: September 24, 2013

TOWN OF NORTH CASTLE

**Local Law No. 9 For the Year 2013
Adopted September 11, 2013**

A Local Law to amend Chapter 196 entitled Vehicle and Traffic of the Code of the Town of North Castle.

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

1. Section 196-22 No Parking Any Time. Schedule XIII (Section 196-53) is hereby amended to add the following:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Bedford Road	North	From a point 140' East of its intersection with Main Street for a distance of 103'.
Bedford Road	North	From a point 222' West of its intersection with Maple Avenue for a distance of 122'.

2. Section 196-25 No Parking or Standing Certain Hours. Schedule XVI (Section 196-56) is hereby amended to add the following:

<u>Name of Street</u>	<u>Side</u>	<u>Hours/Days</u>	<u>Location</u>
Wampus Avenus	East	7:00 a.m. to 5:00 p.m. Monday to Friday	From its intersection with School Street to a point 70' South of said intersection.
Wampus Avenue	West	7:00 a.m. to 5:00 p.m. Monday to Friday	From its intersection with School Street to a point 125' South of said intersection.

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

PUBLIC HEARING
September 11, 2013

At 8:25 p.m. Supervisor Arden 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 September 11, 2013, at 7:30 PM, or as soon thereafter, at Town Hall, 15 Bedford Road, Armonk, NY, 10504, to consider a Local Law to adopt Article VIII entitled Installment Payment of Eligible Delinquent Taxes to Chapter 183 entitled TAXATION.

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.

By Order of the Town Board
Anne Curran, Town Clerk

Dated: August 26, 2013
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.

The proposed Local Law.

Town Attorney Baroni explained that, as authorized by NYS, when conducting in rem foreclosure for a property with delinquent taxes, this local law will provide the option of entering into two year payment agreements, with interest. There is also the requirement that taxes on the property must be kept current.

Councilman DiDonato Roth said that she is happy to extend consideration and flexibility to homeowners who are struggling.

After all persons were heard who desired to be heard, Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, that the Public Hearing be closed at 8:28 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, adoption of Local Law 10 of the year 2013, to adopt the provisions of Real Property Tax Law Section 1184 entitled Payment of Delinquent Taxes In Installments.

The roll call was as follows:

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

Noes: None.

The local law follows at the end of these minutes.

Anne Curran, Town Clerk

Dated: September 18, 2013

TOWN OF NORTH CASTLE

**Local Law No. 10 for the Year 2013
Adopted September 11, 2013**

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

1. Purpose. It is the purpose of this Article to adopt the provisions of Real Property Tax Law Section 1184 entitled Payment of Delinquent Taxes In Installments.

2. Definitions. Definitions shall be those set forth in Real Property Tax Law Section 1184.
3. The maximum term of installment agreements shall be 24 months.
4. The payment schedule shall match that of normal tax collection periods: April (Town & County and Special Districts); September (School); and January (School) of each year.
5. Current real property taxes shall be paid as due together with one-sixth of the eligible delinquent taxes together with applicable interest and penalties.
6. The properties to which this local law shall apply shall be all properties within such tax district.
7. Effective Date: This Local Law shall be effective immediately upon filing of same with the Secretary of State of the State of New York.