

Town Board Minutes
Town of North Castle
15 Bedford Road
Armonk, New York
on
November 9, 2010

Supervisor Weaver called the meeting to order at 5:00 p.m. and the following persons were present:

Supervisor	William R. Weaver
Councilmen	Rebecca A. Kittredge
	Michael J. Schiliro
	Diane Roth
	John J. Cronin

Town Clerk	Anne Curran
Town Attorney	Roland A. Baroni

The meeting was immediately adjourned into executive session, which was then closed at 7:30 p.m. The regular meeting was reconvened at 7:35 p.m.

Councilman Kittredge moved, seconded by Councilman Schiliro, approval of the minutes of the Town Board meeting of October 27, 2010.

The roll call vote was as follows:

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

Noes: None.

The minutes of the Public Hearing which commenced at 8:15 p.m. follow at the end of these minutes.

Councilman Kittredge moved, seconded by Councilman Schiliro, receipt of a letter from Commissioner Colety, Westchester County Board of Elections, to clarify the responsibilities and duties of Town and City Clerks on Election Day.

The roll call vote was as follows:

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

Noes: None.

Councilman Kittredge moved, seconded by Councilman Schiliro, receipt of the 2011 Town and Special District Tentative Budgets, and a Public Hearing was scheduled for November 30, 2010.

The roll call vote was as follows:

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

Noes: None.

Councilman Kittredge moved, seconded by Councilman Schiliro, receipt of a letters from the Schenectady County Sheriff's Office, and from Chief D'Angelo, commending the Police Department, and complimenting the work of Lt. Fisher and Officer Lander, as they assisted Members of the New York State Accreditation team that came to appraise, evaluate and review the North Castle Police Department for re-accreditation.

The roll call vote was as follows:

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

Noes: None.

Councilman Kittredge moved, seconded by Councilman Schiliro, receipt of a Certificate of Achievement for Excellence in Financial Reporting, for the fiscal year ended December 31, 2009, presented to the Town from the Government Finance Officers Association (GFOA) along

Town Board Minutes
November 9, 2010

with a letter notifying the Town that Comptroller Donovan will be receiving the GFOA Award for Financial Reporting Achievement.

The roll call vote was as follows:

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

Noes: None.

Councilman Schiliro moved, seconded by Councilman Roth, receipt of a letter from Stearns & Wheler with an update on the progress towards modification of the Town of North Castle wastewater treatment plant (WWTP) SPDES permit to increase the design flow.

The roll call vote was as follows:

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

Noes: None.

With regard to Water District No. 1 Interior & Exterior Coating of Water Storage Tanks and rehabilitation project, Councilman Kittredge moved, seconded by Councilman Schiliro, approval of the requests of Charles A. Manganaro Consulting Engineers as follows:

- 1) Contractor's partial payment estimate No. 1, in the amount of \$514,353.75
- 2) Change Order No. 1 and No. 2
- 3) Additional engineering fees (\$15,772.50 currently and \$11,400 for future work)

The roll call vote was as follows:

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

Noes: None.

Councilman Schiliro moved, seconded by Councilman Roth, receipt of a letter from New York State Office of Parks, Recreation and Historic Preservation with regard to Certified Local Government Agreement between The New York State Historic Preservation Officer and The Town of North Castle, ratifying the Town's partnership in administering historic preservation programs.

The roll call vote was as follows:

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

Noes: None.

Councilman Kittredge moved, seconded by Councilman Schiliro, receipt of the Town Clerk's report for the month of October, 2010.

The roll call vote was as follows:

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

Noes: None.

Councilman Kittredge moved, seconded by Councilman Roth, receipt of a letter and inspection report from NYSDEC regarding Comprehensive Inspection, North Castle wastewater treatment plant, SPDES Permit No. NY0109584.

The roll call vote was as follows:

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

Noes: None.

Councilman Roth moved, seconded by Councilman Schiliro, authorization for the Supervisor to sign an agreement with International Town/County Management Association (ICMA) for Operations Review of the Police Department, consulting and professional services, in the amount of \$32,612.00.

The roll call vote was as follows:

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

Noes: Councilman Kittredge.

Town Board Minutes
November 9, 2010

Councilman Kittredge moved, seconded by Councilman Schiliro, authorization for the Supervisor to sign the Inter-Municipal Agreement (IMA) with Westchester County for the transfer of organic waste.

The roll call vote was as follows:

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

Noes: None.

At the request of Supervisor Weaver, consideration of the agreement with Verde Electric Maintenance Corp. for Traffic Signal Maintenance, January 1, 2011 – December 31, 2010 was tabled.

The roll call vote was as follows:

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

Noes: None.

Councilman Kittredge moved, seconded by Councilman Schiliro, approval for terminal leave pay for Gary Ristaino, Highway Department.

The roll call vote was as follows:

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

Noes: None.

Councilman Kittredge moved, seconded by Councilman Schiliro, the following items on the consensus agenda:

Receipt of Workers Compensation Reports for Steve Gallo, Library; William Richardson, Building Department; Marc DiFiore, Antonio Sanchez and Scott Benedict, Highway Department.

Approval of the request of General Foreman Useted for the release of Highway Bonds as follows:

Cablevision: Permits: 511, 512, 517, 518, 519, 523, 527, 528, 536, 539, 540, 542, 543, 547, 548, 552, 553, 555, 557, totaling \$15,250 to be reinstated to their \$50,000 bond.

Con Edison:	Permit 556	\$ 750 to be reinstated to their \$50,000 bond.
Frank Ferrovicchio	549	\$ 500
Communication Specialists	628, 629	\$1500
West. Paving & Sealing	545	\$ 500
GCI Construction	544	\$ 500

The roll call vote was as follows:

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

Noes: None.

Councilman Kittredge moved, seconded by Councilman Schiliro, receipt of a letter from Cablevision announcing a 2011 price adjustment averaging 2.88 percent.

The roll call vote was as follows:

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

Noes: None.

Councilman Kittredge moved, seconded by Councilman Schiliro, receipt of a letter from NYS Dept. of Environmental Conservation concerning routine inspection of several County dams, including Kensico Dam.

The roll call vote was as follows:

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

Noes: None.

The Town Board audited and approved payments totaling \$1,378,771.69 as indicated on Warrant

Town Board Minutes
November 9, 2010

#20.

After all persons were heard who desired to be heard, the Supervisor closed at 9:05 p.m.

Anne Curran, Town Clerk

Dated: November 19, 2010

PUBLIC HEARING

November 9, 2010

At 8:15 p.m. Supervisor Weaver stated that a Public Hearing would be held in accordance with the Public Notice that follows:

NOTICE IS HEREBY GIVEN THAT the North Castle Town Board will hold a Public Hearing on November 9, 2010 at 7:30 p.m., or as soon thereafter, at North Castle Town Hall, 15 Bedford Road, Armonk, New York for the purpose of considering the adoption of a Local Law to eliminate the basic amounts of gross land coverage and gross floor area from the Town Code.

By Order of the Town Board
Anne Curran, Town Clerk

Dated: October 22, 2010
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.

Full Environmental Assessment Form dated September 17, 2010 was marked Exhibit "D" for the record.

A letter from Adam Kaufman on behalf of the Planning Board dated October 21, 2010 stating that it adopted a negative recommendation regarding the Town Board's adoption of the proposed changes was marked Exhibit "E" for the record.

A letter from the Westchester County Planning Board dated November 3, 2010 stating that the matter is for local determination was marked as Exhibit "F" for the record.

Director of Planning Kaufman reviewed the proposed changes to the local law which would allow residential projects under the maximum permitted amount of gross floor area to be subject only to obtaining a building permit, and residential projects under the maximum amount of gross floor area to be subject to only Building Department approval. Currently, the Town Code requires that the Planning Board hold public hearings to consider applications for special permits. The proposed change would transfer the approval authority from the Planning Board to the Residential Project Review Committee (RPRC), comprised of the Director of Planning, Superintendent of Public Works/Building Inspector, Town Engineer and Planning Board member, unless the RPRC determines that a project requires approval from the Planning Board, Conservation Board or Architectural Review Board.

Lydia Rippstein, School Street, said the proposed changes would affect the basic structure of the ratio between the permitted area and lot size. Mr. Kaufman explained that the middle amounts, between basic and maximum, would no longer require Planning Board approval, but the maximum amounts of gross floor area and gross land coverage are not proposed to change and projects at maximum amounts would still require Planning Board review.

Councilman Kittredge confirmed that the changes would pertain to single family homes.

Councilman Roth said the changes would make it easier for residents, adding that qualified Town professionals on the RPRC would be reviewing the projects.

Councilman Schiliro said the RPRC has experience reviewing single family projects and if proposed work meets Code requirements, this will make the process simpler. Mr. Schiliro added that the RPRC could require project modifications, if needed.

Town Board Minutes
November 9, 2010

Sue Shimer, Pond Lane, said the current ordinance was adopted following careful study by the Land Use Study Committee. Ms. Shimer referred to minutes from the Planning Board meeting, during which four out of five members voted not to support project approval by the RPRC due to the elimination of input from the Planning Board and from neighbors who are provided some protection under the current law. She recommended that the Town Board follow the recommendation of the Planning Board and leave the ordinance as is.

Supervisor Weaver said that the main issue is not a timing issue, but the cost to residents to appear before the Planning Board. Mr. Weaver added that the Planning Board receives input from the same professionals who are members of the RPRC. He said the only difference in the proposed law is who reviews and approves the project, and the change in approval process would result in a better process for residents.

Councilman Cronin said the flexible scheduling of the RPRC would also facilitate the process.

Councilman Kittredge expressed concern that the change would result in the neighbors not having input. Superintendent Fon asked if there have been any complaints about the RPRC approval process. Councilman Kittredge said she received one complaint from a neighbor who said a project should have been referred to the Architectural Review Board.

Mr. Kaufman said the language in Section 213-22.2B and Section 213-22.2C(1) should be revised to include the Conservation Board or Architectural Review Board in reference to a determination of the RPRC that a project requires approval by either of these boards.

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 Roth, that the Public Hearing be closed at 8:40 p.m.

The roll call vote was as follows:

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

Noes: None.

Councilman Roth moved, seconded by Councilman Schiliro, 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 vote was as follows:

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

Noes: None.

Councilman Roth moved, seconded by Councilman Schiliro, the adoption of Local Law 9 of the year 2010 to amend the Town Code to eliminate the basic amounts of gross land coverage and gross floor area.

The roll call vote was as follows:

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

Noes: None.

The Local Law follows at the end of these minutes.

Anne Curran, Town Clerk

Dated: November 22, 2010

TOWN OF NORTH CASTLE

Local Law No. 9 For The Year 2010 Adopted November 9, 2010

A local law to eliminate the basic amounts of gross land coverage and gross floor area from the Town Code.

Section 1. Amend Section 213-22.2B as follows:

- B. Maximum gross floor area. The following table establishes the maximum permitted gross floor area for one- and two-family dwellings on lots of the sizes indicated, irrespective of zoning district. Any development under the maximum permitted amount shall be permitted subject only to obtaining a building permit unless the Residential Project Review Committee determines that a project requires approval by the Planning Board, Conservation Board or Architectural Review Board. In such case, Planning Board, Conservation Board or Architectural Review Board approval must be obtained. In any event, the maximum permitted gross floor area shall not be exceeded.

Section 2. Amend Section 213-22.2B(4) as follows:

- (4) Notwithstanding the Table of Maximum Permitted Gross Floor Area limitations and the requirements of § 213-55, Restoration of damaged buildings, any one- or two-family dwelling which is damaged or destroyed by fire or other natural causes shall be permitted to be reconstructed as it existed prior to such damage or destruction. If the size, design and/or configuration of the reconstructed building and premises is the same as existed prior to the damage or destruction, no approval other than a building permit shall be required. If, however, the size of the dwelling is proposed to be increased or if, in the judgment of the Building Inspector, there is a significant change in the design or configuration of the dwelling or the site, then said application shall be referred to the Planning Board for site plan review and approval. Any proposal to reconstruct a damaged or destroyed dwelling with additional floor area shall be subject to all applicable requirements of this chapter.

Section 3. Amend Section 213-22.2C(1) as follows:

- C. Gross land coverage.

- (1) Maximum gross land coverage. The following table establishes the maximum permitted gross land coverage for one- and two-family residences on lots of the sizes indicated, irrespective of zoning district. Any development under the maximum permitted amount shall be permitted subject only to obtaining Building Department approval unless the Residential Project Review Committee determines that a project requires approval by the Planning Board, Conservation Board or Architectural Review Board. In such case, Planning Board, Conservation Board or Architectural Review Board approval must be obtained.

Notwithstanding said limitations, an additional 10 square feet of gross land coverage shall be permitted for each one foot of front yard setback of the principal dwelling in excess of the minimum front yard setback required. For any new building lot created by subdivision subsequent to the effective date of this section, the "lot area" used for measurement purposes in the following table shall be "net lot area," as defined herein. For any existing lot in a one- or two-family residence district, it shall be "lot area," as defined herein.

Section 4. The Table entitled "Table of Basic and Maximum Permitted Gross Floor Area for One- and Two-Family Dwellings" shall be retitled "Table of Maximum Permitted Gross Floor Area for One- and Two-Family Dwellings."

Section 5. The column entitled "Basic Permitted Gross Land Coverage for One-Family Dwelling Lots (square feet)" in the table entitled "Table of Basic and Maximum Permitted Gross Floor Area for One- and Two-Family Dwellings" shall be removed in its entirety.

Section 6. The Table entitled "Table of Basic and Maximum Permitted Gross Land Coverage for One- and Two-Family Dwellings" shall be retitled "Table of Maximum Permitted Gross Land Coverage for One- and Two-Family Dwellings."

Town Board Minutes
November 9, 2010

Section 7. The column entitled “Basic Permitted Gross Floor Area for One-Family Dwellings and Accessory Buildings1 (square feet)” in the table entitled “Table of Basic and Maximum Permitted Gross Land Coverage for One- and Two-Family Dwellings” shall be removed in its entirety.

Section 8. Amend Section 213-22.2H(1)(h) as follows:

- (h) A detailed calculation of proposed gross floor area and gross land coverage, unless waived by the Building Inspector based upon his judgment that the maximum permitted gross floor area and/or gross land coverage, as appropriate, will clearly not be exceeded.

Section 9. Eliminate Section 45-3.B from the Town Code.

Section 10. 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 11. 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 that can be given effect without such invalid part or parts.

Section 12. Effective Date.

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

Dated: November 9, 2010