

Town Board Minutes
Town of North Castle
15 Bedford Road
Armonk, New York 10504
on
February 11, 2009

Supervisor Berman called the meeting to order at 5:30 p.m. and the following persons were present:

Supervisor	Reese Berman
Councilmen	Rebecca A. Kittredge
	Gerald K. Geist
	William R. Weaver
	Michael J. Schiliro
Town Clerk	Ann Leber
Town Counsel	Roland A. Baroni

The meeting was immediately adjourned into Executive Session. The Executive Session was closed at 7:25 p.m.

Supervisor Berman reconvened the regular meeting at 7:35 p.m.

Councilman Weaver moved, seconded by Councilman Geist, approval of the minutes of the January 12, 2009 regular meeting and the February 3, 2009 special meeting.

The roll call vote was as follows:

Ayes: Councilmen Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Abstentions: Councilman Kittredge

The minutes of the Public Hearings which commenced at 8:00 p.m. follow at the end of these minutes.

Supervisor Berman made the following announcements:

Motorists who use the Bronx River Parkway near Kensico Dam are advised that a lane closure will be in effect for a section of the parkway due to construction. The closure is scheduled to begin February 17th and continue for about 6 weeks. The project is likely to cause traffic delays southbound, particularly during weekday morning rush-hours.

New York State Department of Transportation is continuing to work on I-287 between Exits 6 and 8, including the bridges over the interstate at Lake Street, North Broadway/Route 22, Brockway Place, Westchester Avenue, and Grant Avenue. Work includes drilling and excavation, new retaining walls, sewer and storm water management systems, drainage systems and utility relocation.

Diane Chickering of Suburban Carting reported on the status of the new alternate week recycling program, making the following points:

The program is going well and approximately 80% of North Castle residents recycle.

If residents put out paper on a week when commingled items are to be collected, or vice versa, those recyclables will be left behind with an "Oops" sticker saying that the wrong material has been put out.

Beginning March 16, garbage will be left behind if recyclable materials are mixed in with waste. The instructions for the proper preparation of garbage and recyclables are on the sanitation schedules sent to residents in December.

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Councilman Geist said he would prefer that residents first receive a warning or a violation rather than having their garbage left behind. Councilman Schiliro stated that it is not much to ask people to conform to the specifications for recycling, adding that Suburban has communicated to the community several times regarding this issue. Supervisor Berman said she would like to discuss options other than leaving garbage behind; she suggested that we need to find a place where residents can bring recyclables.

Supt. of Public Works Richard Fon suggested that a strong letter be sent to those residents who are not recycling at all. Supervisor Berman asked Mr. Fon and Ms. Chickering to draft a letter to be sent to those residents. The letter should be reviewed by the Town and mailed out by Suburban. The deadline for leaving garbage behind was moved to April 1 when residents who don't recycle at all will have received the letter.

Councilman Kittredge moved, seconded by Councilman Schiliro, the appointment of Tara Ermark to the Landmarks Preservation Committee for a three year term to expire May 17, 2011. Ms. Ermark, who will be replacing her mother Linda Roberts on the committee, reviewed her family's long history in North Castle.

Councilman Weaver moved, seconded by Councilman Geist, the adoption of the Employee Handbook, which was developed to assist union and managerial employees and elected officials in understanding the benefits, policies and procedures of the Town with regard to human resources. Supervisor Berman thanked Comptroller Dawn Donovan, Town Clerk Leber, Asst. Supt. Sal Misiti and Councilman Kittredge for their diligence and persistence in bringing this project to fruition.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Geist moved, seconded by Councilman Schiliro, receipt of a letter from NC4 Chairman Jane Cahn withdrawing the request to accept a vehicle from Westchester County to store and transport sheltering equipment. A more practical and less costly approach would be to store these materials in a trailer which could be towed to the shelter in an emergency. Ms. Cahn will notify the Board if an empty trailer becomes available from the Westchester County Department of Emergency Services.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Geist moved, seconded by Councilman Schiliro, receipt of a letter from P. Daniel Hollis, Esq., representing GD Stone, regarding DiPietro Construction Corp., 20 Banksville Avenue.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Precipitated by concerns expressed in an e-mail from resident Art Elias, Supervisor Berman had invited Jon Powers, Deputy Supervisor of Pound Ridge, to attend the meeting to discuss the deer management plan implemented by his town. Mr. Powers said that, in response to residents' concerns, the Town Board had asked the Conservation Board to look at the forested areas in the region. It was determined that the deer are eating the under story in the wooded areas, which will ultimately destroy the forest, and that culling the herd is the only viable solution. He mentioned that, after fencing off 35 acres of its property, Lasdon Arboretum found two different worlds in terms of regeneration between the fenced and unfenced areas. After reviewing other municipalities' efforts with the problem, the Pound Ridge Conservation Board recommended allowing hunting on three town-owned properties and encouraging private land-owners to allow hunting on their properties. Five public hearings ensued where it was stressed that the goal was to protect the under story and the environment while keeping in mind the safety of the residents. The program that was instituted requires certain safety measures such as permission to bow hunt from the property owner, hunting from tree stands only, possession of a NYSDEC license and a

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Pound Ridge hunting tag, and qualification by the Pound Ridge Police Department. In addition, hunters are assigned to a property and must meet quotas. The program is administered by the Pound Ridge police chief and costs approximately \$5,000 annually. Mr. Powers stated that there have been no accidents since the program was implemented.

Mr. Powers went on to say that a study commissioned by Westchester County on white tailed deer and forest regeneration has determined that the deer population in some instances is 63 per square mile; 5 per square mile is considered healthy. The County may consider permitting deer hunting in County parks. Mr. Powers said that Pound Ridge, after three years of success with its program, would like to encourage the County and other municipalities to implement similar deer management programs in order to augment and enhance its own.

Conservation Board Chairman John Fava stated that he believes culling the herd is the only way to reduce the deer population. He added that appropriate areas to allow hunting in North Castle may be Sluder Preserve and Cat Rocks Park. Since the under story protects the watershed, the impact of its destruction has to be looked at carefully.

Councilman Geist suggested that the idea of implementing a deer management plan in North Castle be referred to the Conservation Board for its recommendation. Councilman Weaver concurred. Supervisor Berman commented that North Castle could benefit from the work done by Pound Ridge.

Councilman Geist mentioned that the Association of Towns is looking into a resolution calling for reinstating revenue sharing directly to the towns rather than to NYS. Mr. Geist suggested that a letter be written to Congresswoman Lowey, and Supervisor Berman encouraged him to do so.

Supervisor Berman read aloud excerpts from a letter from Tax Receiver Patricia Colombo regarding tax collections. The Town, County and School tax collections for 2007 and 2008 are as follows:

	<u>2007</u>	<u>2008</u>
Town/County Warrant	99.41%	99.32%
School Warrant	91.50%	97.87%
Uncollected Balance	.03%	.11%

Ms. Colombo concludes her letter, "Hopefully these results will put many at ease and assist in correcting the rumors regarding the dismal state of tax collection in the Town of North Castle." The members of the Town Board applauded Receiver Colombo and her staff.

Pursuant to a letter from Tax Receiver Colombo regarding an Order of Judgment for Getty Petroleum Marketing, Inc., 660 North Broadway, North White Plains, (Sec. 8, Blk 03, Lot 1) for tax years 2007, 2008 and 2009, Councilman Geist moved, seconded by Councilman Weaver, that Comptroller Donovan be authorized to issue a refund totalling \$1,154.42.

The roll call vote was as follows:

Ayes: Councilman Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, receipt of a Subdivision Bond from Crabapple Properties, in the amount of \$275,000.00, which replaces a Letter of Credit in the amount of \$366,954.00. Town Clerk Leber was directed to release Letter of Credit No. TTTS-280371 dated March 26, 2008.

The roll call vote was as follows:

Ayes: Councilman Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

An application for an Amended Special Use Permit approval for Archer Stables (formerly Rose Hill Farm), 35 – 61 Bedford Banksville Road, to allow physical changes to the property including enclosure of an existing outdoor riding ring was withdrawn at the request of the applicant.

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Councilman Geist moved, seconded by Councilman Weaver, receipt of a memo from Comptroller Donovan reporting that the total sales tax received for 2008 is \$1,488.682.

The roll call vote was as follows:

Ayes: Councilman Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Geist moved, seconded by Councilman Schiliro, approval of the request of General Foreman Useted to contract with Ramos & V for the supervision of the removal of trees as follows:

Rental of 57" bucket truck with operator and one groundsman for various tree service per day (8 hours): \$800.00

Rental of 70" bucket truck with operator and one groundsman for various tree service per day (8 hours): \$850.00

The roll call vote was as follows:

Ayes: Councilman Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, approval of the request of General Foreman Useted for the release of the following highway bonds:

Con Edison: Permits: 473, 474, 475, 476, 477, 480, 481, 484, 488, 491, 493, 517, 529, 532, 537, 540, 543, 546, 547, 556, 560, 562, 565, 566, 567, 568, 572, 573, 577 and 578 to reinstate \$30,000 of the \$50,000 bond.

The roll call vote was as follows:

Ayes: Councilman Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Geist moved, seconded by Councilman Kittredge, receipt of Cablevision's franchise check for the second half of the year ending December 31, 2008, in the amount of \$14,494.00.

The roll call vote was as follows:

Ayes: Councilman Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Geist moved, seconded by Councilman Kittredge, receipt of an e-mail from Adrienne Annunziata commending the Highway Department for a terrific job in keeping the roads clear during and after snow storms. Town Clerk Leber read the e-mail aloud.

The roll call vote was as follows:

Ayes: Councilman Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Geist moved, seconded by Councilman Kittredge, approval of the request from Byram Hills Preschool Association to place signs at the eagle, Wampus Brook Park and Community Park to publicize its House Tour on April 22, 2009.

The roll call vote was as follows:

Ayes: Councilman Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, approval of the request from Byram Hills Dance Team to place a sign under the eagle to publicize its *Dancing for Dollars...Dancing for Dreams* scheduled for February 27, 2009.

The roll call vote was as follows:

Ayes: Councilman Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, receipt of a letter from the Westchester County Department of Public Works regarding delays that may occur due to the

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reconstruction of the northern 1.4 miles of the Bronx River Parkway from Cemetery/Old Tarrytown Road to the Kensico Circle.

The roll call vote was as follows:

Ayes: Councilman Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, receipt of a check from the Interscholastic Trading Co. LLC for obsolete Town equipment sold on Ebay, in the amount of \$344.35.

The roll call vote was as follows:

Ayes: Councilman Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Geist moved, seconded by Councilman Kittredge, receipt of the lead agency declaration and notice of intent to conduct an environmental review from New York City Department of Environmental Protection in connection with the Kensico Action Plan – Best Management Facilities: Whippoorwill Stream Stabilization.

The roll call vote was as follows:

Ayes: Councilman Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Geist moved, seconded by Councilman Kittredge, receipt of a letter from the Westchester County Department of Health and the 2009 Permit to Operate a Public Water Supply in North Castle Water District Nos. 1, 2, 4, 5 and 7, which is valid until December 31, 2009.

The roll call vote was as follows:

Ayes: Councilman Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Pursuant to the request of Superintendent Barnard, Councilman Geist moved, seconded by Councilman Kittredge, authorization for Comptroller Donovan to make payment No. 7 in the amount of \$22,595.75 to DeRosa Tennis, Inc. in connection with the Lombardi Park road and parking lot improvement capital project.

The roll call vote was as follows:

Ayes: Councilman Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Kittredge moved, seconded by Councilman Geist, adoption of the following resolution authorizing change in valuation date for tax assessments:

WHEREAS, Section 283.141(3) of the Laws of Westchester County (“the County Code”) provides that any town in Westchester County may, subject to approval by its legislative body, elect as the valuation date for tax assessment of its real property the date which is used by the New York State Office of Real Property Tax Services (“ORPS”); and

WHEREAS, the date used by ORPS is the July 1 prior to the tax status date (presently June 1 in the Town of North Castle); and

WHEREAS, the Assessor believes that adoption of the ORPS valuation date will be of assistance to the Town, particularly the Assessor’s office, in administering the tax assessment process.

NOW, THEREFORE, BE IT RESOLVED, that the valuation date for real property in the Town of North Castle for purposes of real property tax assessment shall be the July 1 immediately preceding the status date for the Town of North Castle, which is also the date for filing of the tentative assessment roll, in each and every year commencing as of the tax status date for the year 2009; and it is further

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RESOLVED, that the Assessor and/or the Town Clerk shall notify the Westchester County Department of Finance of this resolution within thirty days of its passage in accordance with the above provision of the County Code.”

The roll call vote was as follows:

Ayes: Councilman Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Kittredge moved, seconded by Councilman Schiliro, receipt of an e-mail from resident Richard Panetta regarding Town Code, Article IV, Section 196-37 in connection with snow removal. Town Clerk Leber read the e-mail aloud. Supervisor Berman asked Supt. of DPW Fon and Code Enforcement Officer Tom Baroni to contact Mr. Panetta.

The roll call vote was as follows:

Ayes: Councilman Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Kittredge moved, seconded by Councilman Geist, receipt and filing of the Town Clerk’s report for the month of January 2009.

The roll call vote was as follows:

Ayes: Councilman Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Kittredge moved, seconded by Councilman Geist, that the Supervisor be authorized the make the transfers that follow at the end of these minutes.

The roll call vote was as follows:

Ayes: Councilman Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Kittredge moved, seconded by Councilman Geist, receipt of a Workers’ Compensation Report for Charles Bucolo, Sewer and Water Department.

The roll call vote was as follows:

Ayes: Councilman Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Geist moved, seconded by Councilman Schiliro, authorization for the Supervisor to sign an agreement with Artmonk Studios, Inc. to provide fine art programs and instructions for the year 2009.

The roll call vote was as follows:

Ayes: Councilman Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Geist moved, seconded by Councilman Schiliro, authorization for the Supervisor to sign the Third Party Collateral Agreement with Webster Bank, NA.

The roll call vote was as follows:

Ayes: Councilman Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Geist moved, seconded by Councilman Schiliro, authorization for the Supervisor to execute the partial assignment of the Contract of Sale from the Village/Town of Mt. Kisco and to execute other documents as necessary to effectuate closing of title to the Rene Dubos property.

The roll call vote was as follows:

Ayes: Councilman Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

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Councilman Geist moved, seconded by Councilman Weaver, adoption of an amended resolution regarding layoffs and reduction of hours of Town employees as follows:

“It is hereby resolved to delay until October 31, 2009 the effective date of the resolution adopted by the North Castle Town Board at its December 17, 2008 meeting to decrease the regularly scheduled hours of one Intermediate Typist in the Building Department from 35 to 17 hours per week, effective January 31, 2009.”

“It is hereby resolved to rescind the resolution adopted by the North Castle Town Board at its December 17, 2008 meeting which reduced the regularly scheduled hours of one Intermediate Clerk in the Recreation Department from 17 to 14 hours per week, effective January 1, 2009.”

“It is hereby resolved that the position of Intermediate Clerk (part time) in the Building Department shall be abolished, effective December 31, 2008.”

The roll call vote was as follows:

Ayes: Councilman Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, the reappointment of John Delano as a member of the Planning Board for a five year term to expire December 31, 2013.

The roll call vote was as follows:

Ayes: Councilman Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Geist moved, seconded by Councilman Kittredge, the reappointment of Barbara DiGiacinto as a member and chairman of the Housing Board for a five year term to expire on December 31, 2013.

The roll call vote was as follows:

Ayes: Councilman Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, the reappointments of Doris Finch Watson and Dana Coakley as members of the Landmarks Preservation Committee for three year terms to expire on May 17, 2011.

The roll call vote was as follows:

Ayes: Councilman Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Geist moved, seconded by Councilman Kittredge, the reappointments of Angela Schuler and Neal Baumann as members of the Recreation and Parks Advisory Board for three year terms to expire on December 31, 2011.

The roll call vote was as follows:

Ayes: Councilman Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, the reappointments of Charles Feuer and Joseph Monticelli as members of the Zoning Board of Appeals for five year terms to expire December 31, 2012 and December 31, 2013, respectively.

The roll call vote was as follows:

Ayes: Councilman Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Geist moved, seconded by Councilman Kittredge, the appointment of Sabrina Christiansen, a Pleasantville resident whose children attend Byram Hills School District, as an ad hoc member of the Global Warming Task Force, to serve at the pleasure of the Board,

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The roll call vote was as follows:

Ayes: Councilman Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, the appointment of Brian Kaminer to the Global Warming Task Force, to serve at the pleasure of the Board.

The roll call vote was as follows:

Ayes: Councilman Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Geist moved, seconded by Councilman Schiliro, the appointment of James Olivo as co-chairman of the Global Warming Task Force, to serve at the pleasure of the Board.

The roll call vote was as follows:

Ayes: Councilman Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Geist moved, seconded by Councilman Schiliro, the appointment of Deborah Cerar to the Recycling Committee, to serve at the pleasure of the Board.

The roll call vote was as follows:

Ayes: Councilman Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Pursuant to a letter from Superintendent Futia, Councilman Geist moved, seconded by Councilman Weaver, approval to pay Leggette, Brashears & Gram, Inc. \$15,950 for professional services relating to the IBM north well rehabilitation, Water District No. 4.

The roll call vote was as follows:

Ayes: Councilman Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Geist moved, seconded by Councilman Schiliro, authorization for the Supervisor to sign contracts for the Nitrogen Removal Upgrade Project as follows:

Contract 1 – General Construction	BMJ Construction Co., Inc.	\$3,213.350
Contract 2 – Electrical	A&R Electric, Inc.	685,000
Contract 3 – Heating & Ventilating	DJ Heating & AC, Inc.	38,200
Contract 4 – Plumbing	S&L Plumbing& Heating Corp.	34,813

The roll call vote was as follows:

Ayes: Councilman Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

The Town Board audited and approved payments totaling \$17,429,140.86 as indicated on Warrant #2.

After all persons were heard who desired to be heard, the Supervisor closed the meeting at 9:20 p.m. in memory of Police Officer Glenn Thomas' father, Ernest Bolduc, Elwood "Woody" Davis, Jr. and Betty Dalbo.

Ann Leber, Town Clerk

Dated: February 20, 2009

PUBLIC HEARING

February 11, 2009

At 8:00 p.m. Supervisor Berman reconvened the Public Hearing which was adjourned from January 28, 2009 for the purpose of considering the adoption of a Local Law to revise Section 213-14.G of the Town Code to permit 8-foot high deer fencing and limit fencing in the front yard to four feet.

A letter from Director of Planning Kaufman, dated February 10, 2009, was marked Exhibit "G" for the record.

Mr. Kaufman reviewed the background leading to the proposed local law which he drafted in response to requests received by the Zoning Board of Appeals for deer fencing at heights of 8 feet and higher. Mr. Kaufman explained that the proposed law would permit up to 8-foot fencing except within the front yard setback. He said that a separate matter, which would prohibit non-deer fences or walls above four feet in the front yard setback, was also being addressed in the proposed law. He said that the Planning Board has recommended that the Town Board take no action on either matter.

Supervisor Berman thanked the Planning Board for its recommendations and said that this was a rare occasion when she was in disagreement with one of its recommendations. Supervisor Berman said she was in support of amending the Code to permit 8-foot mesh deer fencing because six-foot fencing was not effective in keeping deer out. She said she did not support the current practice of requiring the ZBA to review each variance application. She said that she did agree with the Planning Board's recommendation that the Code should not be amended to limit walls and fences to four feet within the front yard setback, and confirmed with Mr. Kaufman that 6-foot fencing is currently permitted anywhere on a property.

John Powers, Deputy Supervisor of Pound Ridge, said that when their zoning board had many requests for deer fencing their town board adopted a law limiting the amount of deer fencing to the lesser of 50% or two acres of the property.

Councilman Weaver said he agreed with Supervisor Berman's recommendations. With regard to deer fencing, Mr. Weaver recommended that fencing be permitted at a fixed distance of 20 or 25 feet from the property line, rather than restricting it within the front yard setback.

Mr. Kaufman recommended that the language of the law be revised to eliminate the need for approval by the ZBA for deer fencing and require approval by the Building Inspector only.

Superintendent of Public Works Richard Fon suggested that the Board may want to consider having deer fencing applications reviewed by the Residential Project Review Committee. Supervisor Berman said that she did not think it was necessary to complicate the process. She asked the Board if they wanted to consider a limit on the amount of deer fencing.

Councilman Geist expressed his view that the process should be kept simple and that it could be revised as necessary at a later time with regard to a limit on the amount of fencing.

Councilman Weaver agreed and said that Mr. Fon could suggest to residents that they not install deer fencing on their entire property. Mr. Fon said that most residents do not.

No other correspondence or comments were entered for the record.

After all persons were heard who desired to be heard, Councilman Weaver moved, seconded by Councilman Kittredge, that the Public Hearing be closed at 8:15 p.m.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Weaver moved, seconded by Councilman Kittredge, 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, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Weaver moved, seconded by Councilman Kittredge, adoption of Local 2 of the year 2009 to revise Section 213-14.G of the Town Code to permit 8-foot high deer fencing. The Local Law follows at the end of these minutes.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Ann Leber, Town Clerk

Dated: February 18, 2009

Local Law No. 2 For The Year 2009
(Adopted February 11, 2009)

A local law to revise Section 213-14.G of the Town Code to permit 8-foot high deer fencing.

Section 1. Revise Section 213-14.G(1) of the Town Code as follows:

G. Walls and fences.

- (1) The yard requirements of this chapter shall not be deemed to prohibit any necessary retaining wall nor to prohibit any fence or wall, subject to applicable permits and reviews by the Building Inspector, and further provided that the finished side of such fencing or wall shall face the exterior of the property as defined by the property line, and provided that such fence or wall does not exceed six feet in height. Mesh deer fencing, exceeding six feet in height shall be permitted to reach a height of eight feet, except that deer fencing over six feet in height shall not be permitted within 25 feet of the front property line.

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

Section 4. Effective Date.

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

Dated: February 11, 2009

PUBLIC HEARING

February 11, 2009

At 8:15 p.m. Supervisor Berman reconvened the Public Hearing for the purpose of considering the adoption of a Local Law to amend Section 213-22.2C(1) of the Town Code to be consistent with the approval type required in Section 213-22.2.B of the Town Code to require Planning Board special permit approval for gross land coverage permits.

A letter from Director of Planning Kaufman, dated February 10, 2009, stating that the Planning Board adopted a positive recommendation on this matter, was marked Exhibit "E" for the record.

No other correspondence or comments were entered for the record.

After all persons were heard who desired to be heard, Councilman Weaver moved, seconded by Councilman Geist, that the Public Hearing be closed at 8:16 p.m.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Weaver moved, seconded by Councilman Kittredge, 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, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Weaver moved, seconded by Councilman Schiliro, adoption of Local Law 3 of the year 2009 to amend Section 213-22.2C(1) of Town Code to be consistent with the approval type required in Section 213-22.2.B. The Local Law follows at the end of these minutes.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Ann Leber, Town Clerk

Dated: February 18, 2009

Local Law No. 3 For The Year 2009
(Adopted February 11, 2009)

A local law to amend Section 213-22.2.C(1) of the Town Code to be consistent with the approval type required in Section 213-22.2.B of the Town Code.

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

Maximum gross land coverage. The following table establishes the basic and maximum permitted gross land coverage for one- and two-family residences on lots of the sizes indicated, irrespective of zoning district. For any proposed lot development which would exceed the basic permitted gross land coverage as shown in the following table, the Planning Board may, subject to special permit approval and compliance with the standards as set forth in § 213-22.2H below, allow an increase in gross land coverage up to, but not exceeding, the maximum permitted gross land coverage as shown in the table. 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." The basic gross land coverage is allowed subject only to obtaining otherwise applicable permits unless the increase in gross land coverage is proposed in connection with an application requiring Planning Board review, in which case Planning Board site plan approval shall be required.

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

Section 4. Effective Date.

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

Dated: February 11, 2009

PUBLIC HEARING

February 11, 2009

At 8:17 p.m. Supervisor Berman stated that a Public Hearing would be held in accordance with the Order calling the Public Hearing which is attached to the end of these minutes to consider the petition, map, plan and report to extend Water District No. 5 to include 3 Fox Run Road (Section 2, Block 1E, Lot 8).

By Order of the North Castle Town Board
Ann Leber, Town Clerk

Dated: January 29, 2009

The Petition in the Matter of the Extension of Water District No. 5 in the Town of North Castle, Westchester County, New York, pursuant to Article 12 of the Town Law, was marked Exhibit "A" for the record.

The Order calling the Public Hearing was marked Exhibit "B" for the record.

The Affidavit of Posting calling the Public Hearing was marked Exhibit "C" for the record.

The Affidavit of Publication from The Journal News calling the Public Hearing was marked Exhibit "D" for the record.

Supervisor Berman asked Sewer and Water Superintendent Tony Futia if the Sewer and Water Department had any issues regarding the petition and he replied that it did not.

No other correspondence or comments were entered for the record.

After all persons were heard who desired to be heard, Councilman Kittredge moved, seconded by Councilman Geist, that the Public Hearing be closed at 8:17 p.m.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Kittredge moved, seconded by Councilman Geist, the adoption of the Resolution, which follows at the end of these minutes, to extend the boundaries of Water District No. 5 to include all properties listed as Exhibit "A" of the Resolution.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Ann Leber, Town Clerk

Dated: February 17, 2009

At a meeting of the Town Board of the Town of North Castle at the Town Hall, 15 Bedford Road, Armonk, New York in the Town of North Castle, Westchester County, New York, on the 14th day of January, 2009, at 7:30 p.m.

P R E S E N T:

Hon. Reese Berman
Gerald K. Geist
William R. Weaver
Michael Schiliro

-----X

In the Matter of the Extension of
Water District No. 5 in the Town of North Castle,
Westchester County, New York, pursuant to Article 12
of the Town Law.

ORDER

-----X

WHEREAS, a petition, a map and plan have been prepared by DEBRA CASCARDO in such manner and in such detail as has heretofore been determined by the Town Board relating to the extension of Water District No. 5 in the Whippoorwill area of the said Town, and

WHEREAS, said petition, map and plan have been duly filed in the office of the Town Clerk of said Town, and

WHEREAS, said petition, map and plan have been prepared by an engineer, duly licensed by the State of New York, showing the boundaries of the proposed extension and a general plan of the water system connection, and

WHEREAS, said map shows the transmission mains and appurtenant facilities to be connected to the existing water mains, and

WHEREAS, the boundaries of the proposed extension to said district to be known as "Fox Run Extension No. 1" are as follows:

SEE EXHIBIT A

WHEREAS, the improvements proposed are as set forth in the petition, and

WHEREAS, the cost of the improvements, including professional fees, will be paid for by the applicant, and

WHEREAS, the maximum amount proposed to be expended for said improvements is Five Thousand (\$5,000.00) Dollars, and

WHEREAS, said map and plan describing said improvements are on file in the Town Clerk's office for public inspection during normal business hours.

NOW, on motion of Councilman Weaver, seconded by Councilman Schiliro, it is hereby

ORDERED, that the Town Board of the Town of North Castle shall meet and hold a public hearing at the North Castle Town Hall, 15 Bedford Road in said Town on the 11th day of February, 2009, at 7:30 p.m. in that day to consider said petition, map and report and to hear all persons interested in the subject thereof concerning the same and to take such action thereon as is required or authorized by law.

The adoption of the foregoing order was duly put to vote, and on a roll call the vote was as follows:

Hon. Reese Berman	voting Aye
William R. Weaver	voting Aye
Gerald K. Geist	voting Aye
Michael Schiliro	voting Aye

and the order was thereupon declared duly adopted.

Dated: Armonk, New York
January 14, 2009

EXHIBIT A

1. Debra Cascardo
Section 2
Block 1E
Lot 8

At a meeting of the Town Board of the Town of North Castle at Town Hall located at 15 Bedford Road, Armonk, Westchester County, New York on the 11th day of February, 2009, at 7:30 p.m.

RESOLUTION TO EXTEND WATER DISTRICT NO. 5

WHEREAS, a Petition, Map and Plan have been prepared by DEBRA CASCARDO dated January 5, 2009, for the extension of Water District No. 5 of the Town of North Castle, New York, was duly presented to this Town Board; and

WHEREAS, an Order was duly adopted by the Town Board on January 14, 2009, reciting the filing of said petition, the improvements proposed, the boundaries of the proposed extension, and the estimated expenses thereof and specifying February 11, 2009, at 7:30 p.m. as the time and the Town Hall in said Town as the place where the said Board would meet to consider the petition and to hear all persons interested in the subject thereof, concerning the same; and

WHEREAS, such order was duly posted, published and served as required by law; and

WHEREAS, a hearing in the matter was duly held by the Board on the 11th day of February, 2009, commencing at 7:30 p.m. o'clock at the Town Hall in said Town and considerable discussion upon the matter having been had, and all persons desiring to be heard having been duly heard and thereupon the hearing being duly closed.

NOW, upon the evidence given at such hearing and on motion of Councilman Kittredge, seconded by Councilman Geist, it is

RESOLVED AND DETERMINED, that (a) the petition aforesaid is signed and acknowledged or proved as required by law, it duly complies with the requirements of Section 191 of the Town Law as to sufficiency of signers with respect to the boundaries of the proposed district extension as herein approved and it is otherwise sufficient; b) all property and property owners within the proposed district extension are benefited thereby; (c) all the property and property owners benefited are included within the limits of the proposed district expansion; and (d) that it is in the public interest to grant in whole the relief sought; and it is further

RESOLVED AND DETERMINED, that the extension of Water District No. 5 as proposed in said petition be approved; that such extension be designated as Water District No. 5 Extension-Area "Fox Run Extension No. 1"; that the improvements to be constructed by applicant therein mentioned be constructed at the sole cost and expense of the applicant, and such extension be bounded and described as set forth in **Schedule A** attached hereto; said property also being known and designated as Section 2, Block 1E, Lot 8 on the tax assessment map of the Town of North Castle; and it is further

RESOLVED, that in addition to the proposed improvements to be constructed by the applicant, legal and engineering costs and the costs of an as-built survey shall be paid by the applicant; and it is further

RESOLVED, in accordance with Article 8 of the State Environmental Quality Review Act and 6 NYCRR Part 617, the Town Board hereby makes the determination that based on the information and analysis provided, the proposed action will not result in any significant adverse environmental impact, and it is further

RESOLVED, that the Town Clerk shall file certified copies thereof, in duplicate, in the office of the State Department of Audit and Control in Albany, New York and record same with the County Clerk, County of Westchester, Division of Land Records within ten (10) days hereof.

SCHEDULE A

I. Section 2
 Block 1E
 Lot 8

Roll Call:

Vote:

Councilman	Kittredge	Aye
Councilman	Weaver	Aye
Councilman	Schiliro	Aye
Councilman	Geist	Aye
Supervisor	Berman	Aye