

Town Board Minutes  
Town of North Castle  
Town Hall  
15 Bedford Road  
Armonk, New York 10504  
on  
October 6, 2009

At 5:15 p.m. Supervisor Berman called the meeting to order and the following persons were present:

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

Councilman Rebecca A. Kittredge was absent.

The meeting was immediately adjourned into Executive Session, which was then closed at 7:20 p.m.

Supervisor Berman reconvened the regular meeting at 7:30 p.m.

Councilman Geist moved, seconded by Councilman Weaver, approval of the minutes of the regular meeting of September 23, 2009 and the Work Session of September 30, 2009.

The roll vote was as follows:

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

Noes: None.

Councilman Weaver moved, seconded by Councilman Schiliro, approval of the minutes of the September 30, 2009 Special Meeting and the October 1, 2009 Work Session.

The roll call vote was as follows:

Ayes: Councilmen Weaver, Schiliro and Supervisor Berman.

Noes: None.

Abstentions: Councilman Geist

Supervisor Berman introduced Sandra Jobson, assistant to Joan DuPont, NYSDOT Regional Director for Region 8 and Hans Priebe, NYSDOT engineer, who provided an overview of the construction project on Route 22 from Maple Avenue to Route 120. The project involves repaving with asphalt over concrete which requires a substantial amount of preparation and is expected to take about five to six weeks from start to completion. The paving is expected to begin on October 26, 2009. There will be some day time closures and Supervisor Berman asked Ms. Jobson to advise of the dates and times and requested that rush hours be avoided.

Supervisor Berman made the following announcements:

- On October 24<sup>th</sup> the County Department of Environmental Facilities will be at Town Hall from 9 a.m. to 3 p.m. conducting an E-Waste Drop-off Day to accept computer equipment and accessories, fax machines, TVs, cell phones, air conditioners, large and small appliances, alkaline batteries, lamps, and compact fluorescent light bulbs. The Mobile Shredder will also be available.
- The PTSA will again sponsor its Halloween 5K Fun Run/Walk on October 25, beginning in Wampus Brook Park. The 100 yard dash begins at 10 a.m., the 1 mile run/walk at 10:30 a.m. and the 5K run/walk at 11 a.m. The PTSA asks participants to bring a bag of candy to the race to help support Halloween on Wampus Avenue.

- The Town Board has held five two-hour Work Sessions to discuss the 2010 budget; the next one will take place at 8:30 a.m. on October 15. All Work Sessions are open to the public. It is important to understand the timeframe dictated by NYS law for all local governments with regard to budget planning, evolution and adoption: By October 30 a tentative budget must be filed with the Town Clerk. The tentative budget is based primarily on requests from Department Heads and does not reflect the inevitable reductions by the Town Board. The Town is required to prepare a preliminary budget by December 10 and adopt a final budget by December 20. The objective of the Town Board is always to decrease the tentative budget figures which are presented as working numbers on October 30.
- Fall leaves are county-mandated recyclables. Organic yard waste may not be mixed with garbage and may not be placed in plastic bags. If collection crews find leaves and other organic yard waste mixed with regular garbage, all will be left curbside until recyclables are separated according to County law. The County will assess fines against carting companies if the law is not followed. Any leaves that cannot be kept and composted on the property must be placed in biodegradable paper leaf bags and left curbside. The bags may be purchased from the Town's Highway Department for 50 cents each.
- Councilman Kittredge announced that a Prescription Take Back Day, sponsored by the County Departments of Health and Environmental Facilities, will be held on October 19<sup>th</sup> at the Hergenhan Recreation Center from 11 a.m. to 1 p.m. for the safe disposal of expired and unwanted medications (pills, liquids, ointments, or lotions) including any pet medications. Left over medications can be toxic; do not pour them down the drains or flush them down the toilets. Our water supplies can be damaged.
- On behalf of the Armonk Lions Club, Murray Leffler has announced that Susan Geffen, an active Town volunteer for many years, is the 2009 recipient of the Pat J. Bresha Award. The Awards dinner is October 19 at 6:30 p.m. at David Chen Restaurant.
- On Saturday, October 10<sup>th</sup>, County Legislator John Nonna will be at Tazza Café from 9 a.m. to 10 a.m. for a Coffee and Conversation. Mr. Nonna will be returning to North Castle on Wednesday, October 28<sup>th</sup> when he will hold an informational session at 7:30 p.m. at Hergenhan Recreation Center to discuss the Westchester County decision regarding affordable housing. He will also cover the Collaborative Assessment Commission.

The Town Board reaffirmed its preference to rename the Dubos property "Byram Lake Preserve." The land, formerly owned by the Rene Dubos Center, was recently purchased by North Castle, Mt. Kisco and the Westchester Land Trust. Supervisor Berman asked Town Clerk Leber to inform Mt. Kisco Mayor Michael Cindrich and WLT Director of Communications and Special Projects Tom Andersen of the Board's decision.

Councilman Geist moved, seconded by Councilman Schiliro, receipt of a letter of recommendation from the Planning Board regarding IBM's petition to amend Town Code to create a new Office Business Hotel District on a portion of the existing OB Zoned property known as Lot A4 and that a public hearing be scheduled for November 9, 2009. Director of Planning Adam Kaufman will ask the Planning Board to declare its intent to act as lead agency.

The roll call vote was as follows:

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

Noes: None.

In response to the Town Board's referral regarding proposed amendments to Town Code in connection with private stables, the Planning Board submitted a letter recommending that none of the proposed amendments be considered. Councilman Geist moved, seconded by Supervisor Berman, that a public hearing be scheduled for November 18, 2009 to consider amending the definition of private stable, adding fire safety provisions beyond those required by NYS Building Code; requiring annual inspections and submission of veterinary and farrier paperwork.

The roll call vote was as follows:

Ayes: Councilmen Geist, Schiliro and Supervisor Berman.

Noes: Councilman Weaver.

Town Board Minutes  
October 6, 2009

Councilman Weaver moved, seconded by Councilman Geist, approval of the request of the Armonk Nursery School to hold its annual Halloween Parade in the Armonk hamlet on October 30, 2009, pursuant to police rules and regulations.

The roll call vote was as follows:

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

Noes: None.

Councilman Weaver moved, seconded by Councilman Geist, approval of the request of the Mudcats Girls Fastpitch Softball League to place a sign under the eagle to publicize its early registration program beginning November 1 for a period of two weeks.

The roll call vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, authorization for Comptroller Dawn Donovan to make payment to Littler Mendelson P.C. for the month of August 2009 in the amount of \$25.

The roll call vote was as follows:

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

Noes: None.

Councilman Weaver moved, seconded by Councilman Geist, approval of the request of General Foreman Useted for the release of a highway bond to Matt Lovecchio, Permit #631, in the amount of \$500; and further moved that \$1,950 of the \$100,000 bond posted by Verizon be reinstated as work was completed in the right-of-way at 11-17 Birch Grove Drive and at Old Route 22 at Cider Mill Circle.

The roll call vote was as follows:

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

Noes: None.

Pursuant to the recommendation of Leggette, Brashears & Graham, Inc., Councilman Geist moved, seconded by Councilman Weaver, approval of the award of the bid for the Rehabilitation of Existing Overburden Water Supply Well (North Well) for Water District No. 4 to Stephen B. Church Company, the low bidder, in the amount of \$41,600. Should additional well surging be necessary, the projected cost would be \$56,720.

The roll call vote was as follows:

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

Noes: None.

Councilman Weaver moved, seconded by Councilman Schiliro, receipt of a letter from Supervisor Berman commending the North Castle Police Department on the excellent service provided to the citizens of North Castle in the recent arrests in connection with burglaries in Town. Town Clerk Leber read the letter aloud.

The roll call vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, receipt of a Certificate of Achievement for Excellence in Financial Reporting presented to the Town from the Government Finance Officers Association (GFOA) along 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 Geist, Weaver, Schiliro and Supervisor Berman.

Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, receipt of a letter from Lt. William Fisher listing surplus equipment and vehicles, and further moved approval to sell same by sealed bid in accordance with Town policy.

The roll call vote was as follows:

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

Noes: None.

Councilman Weaver moved, seconded by Councilman Schiliro, receipt of a letter from Verizon informing the Town of programming and rate changes to the Korean and Chinese Mandarin Packages on FIOS TV.

The roll call vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, receipt of the Town Clerk's report for the month of September, 2009.

The roll call vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, receipt of a Workers Compensation Report for Scott Benedict, Highway Department.

The roll call vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, ratification of the Supervisor's executing the \$41,400 grant award for law enforcement technology (digital video recorders for twelve police vehicles) from the U. S. Justice Department Grants Administration Division.

The roll call vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, acceptance of the proposal from Westwood Organic Recycling, the sole bidder, to provide an organic recycling facility on the property next to and behind the highway garage; and further moved that the Supervisor be authorized to execute documents in connection with the project. The lease agreement period is for ten years with two five-year extensions;

The roll call vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Schiliro, receipt of a letter from Michael Rozins announcing his resignation from the Recreation Advisory Board, effective December 31, 2009. Town Clerk Leber will send a letter of appreciation to Mr. Rozins for his service to the community.

The roll call vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Schiliro, that permission be granted for Asst. Building Inspector Richardson to attend the ICC Conference in Baltimore on October 27 – 30, 2009 and to use a town vehicle for travel. The conference is a budgeted expense.

Town Board Minutes  
October 6, 2009

The roll call vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, authorization of unpaid leave of absence without benefits for Police Officer Franklin Thomas, North Castle Police Department, from October 1 – October 31, 2009.

The roll call vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, adoption of a revision to the resolution for a Medical Buy-Out, previously adopted on September 9, 2009, to provide that reimbursements be made in the first paycheck of each month rather than in each paycheck.

The roll call vote was as follows:

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

Noes: None.

The Town Board audited and approved payments totaling \$13,963,606.94 as indicated on Warrant #17.

After all persons were heard who desired to be heard, the Supervisor closed the meeting at 10:30 p.m. in memory of former Police Officer William Austin and Madeline Cullen, a former Byram Hills teacher.

---

Ann Leber, Town Clerk

Dated: October 19, 2009

## PUBLIC HEARING

October 6, 2009

At 7:55 p.m. Supervisor Berman reconvened the Public Hearing which was adjourned from August 12, 2009 for the purpose of considering the adoption of a Local Law to create a new Section 213-23.D(3) to incorporate into the CB District the existing special regulations of the SC District for a shopping center having excess of 50,000 square feet of gross floor area.

The green cards denoting mailing to and receipt of certified mail by adjoining property owners were received and marked Exhibit "F" for the record.

A letter from resident Kerri Kazak dated October 6, 2009 was marked Exhibit "G" for the record.

In response to resident Michael Fareri's comments regarding the lack of notification to property owners prior to the opening of the Public Hearing, Town Attorney Baroni said the proceedings were legal because the hearing on August 12 was not closed and subsequently all property owners have been properly notified prior to the reconvening of the public hearing.

Alfred DelBello of DelBello Donnellan Weingarten, et al, appeared before the Board with his client, David Werber of Eden Enterprises, the property owner of the Armonk Shopping Center, and Anthony Guccione, site engineer from John Meyer Consulting. Mr. DelBello provided background information regarding the site plan which he said has been developed over the past two and a half years with input from the Planning Board and Town Board. He said both the Hergenhan Recreation Center and the shopping center needed more parking and a shared parking concept is under negotiation. A parking agreement would permit the Town to use the A&P parking lot to accommodate overages for special events at the Recreation Center and permit the applicant to develop Town-owned property behind the Recreation Center as a parking lot. He added that the value of the land for the proposed parking lot is under review and the Town will require an appraisal of the property. He explained that the Recreation Board did not want a connection for vehicles between the two parking lots but requested a pedestrian crosswalk. In addition, the Recreation Board requested that the retaining wall on the east side of the Center be extended which would provide 14 additional parking spaces exclusively for Recreation Department activities as well as a driveway around the building. Mr. DelBello said Mr. Werber has agreed to provide the improvements at his expense. He added that Mr. Werber has been encouraged to develop retail space on Main Street.

Mr. DelBello said the proposed zoning amendment currently before the Board is a separate approval process from the site plan which is being reviewed in detail by the Planning Board. He said that the current parking regulations in the CB District require one parking space for every 150 feet of gross floor area. The zoning amendment would permit a shopping center in the CB District with more than 50,000 square feet of gross floor area to have the same parking regulations as the SC District in North White Plains which require one parking space for every 200 feet of gross floor area and which have been found to be adequate.

When Councilman Schiliro asked if the site plan included the paving of the gravel parking lot on the east side of the Recreation Center, Mr. DelBello said there had been discussion to expand the parking lot but not to pave it.

Supervisor Berman explained that the proposed driveway around the Recreation Center would be a one-way loop to provide for safer ingress and egress around the building.

Michael Fareri, Round Hill Road, said he was in favor of the redevelopment of the A&P supermarket, but he was opposed to the applicant's proposal to develop a 57-space parking lot on Town property and an additional 24-space parking lot across the property line between the owner's and the Town's property. He said the zoning amendment should not be approved because it would permit the development of about 14,000 square feet of additional retail space resulting in increases in density, traffic and parking problems. He suggested that the entrance to the shopping center should be on the far east side of the Recreation Center to alleviate traffic on Maple Avenue and that the location of the supermarket should be reconsidered. He said an appraisal should be conducted to determine the value of the Town-owned property, and compared its value to a similar sized Main Street property currently on the market.

Mr. DelBello said he did not think it was appropriate to use parkland for the entrance to the shopping center, which would require asking New York State to ‘undedicate’ the land. He said that a land-locked piece of property would not have the same value as a property on Main Street.

Frank Benish, Sterling Road North, said he is concerned about the look of a “large warehouse” in the middle of town and that the process should not be rushed. He questioned if Councilman Geist should recuse himself from voting on the zoning amendment since his law firm is a subtenant of Mr. DelBello’s law firm. When Mr. Geist asked the Town Attorney to render an opinion on the matter, Mr. Baroni said he would review the Code of Ethics, but he did not know of any statute which would prohibit Mr. Geist from voting.

Several residents including Kerry Lutz, Birdsall Farm Drive, said it was important to determine the fair market value of the Town-owned property which is needed by Mr. Werber to meet the parking requirements. Mr. Lutz said if the property is to be used; it should be purchased from the Town. John Cronin, Bedford Road, added that it was important for the Board to get an economic exchange for the property at fair market value. Bob Greene, Upland Lane, asked who would be paying the taxes on the property being proposed for shared parking and whether there would be a reciprocal easement agreement. Bob Romano, Palmer Place, said the Board should agree to the shortest term possible for the use of the property. Mr. Baroni said a committee would be formed to obtain an appraisal of the property.

Al LaPorta, who has a dental practice on Maple Avenue adjacent to the A&P property, expressed concerns that a larger shopping center would change shopping patterns and draw residents from other towns resulting in increased traffic and more demand for parking, both of which may be exacerbated by the development of Armonk Square. Dr. LaPorta said that cars frequently turn around in his driveway and there is often litter on his property. He was opposed to the zoning change which would provide retail space but no restaurants and allow parking under the stores. Lydia Rippstein, School Street, also expressed concerns about the proposed change in parking requirements, referencing a recommendation to increase parking in Armonk made in a 2001 report from Frederick P. Clark Associates, Inc.

While many residents expressed the view that a new supermarket was needed, others including Sara Doto, Hobby Lane, and Thomas Lanson questioned if the development needed to be as large as proposed and if more retail space was needed in Armonk.

When Sue Allison, MacDonald Avenue, owner of NatureScapes, asked whether water usage would be impacted by the proposed development, Supervisor Berman replied that no increase in usage was expected. Ms. Allison added that the shared parking concept was an interesting idea to address existing parking issues.

Howard Arden, Cole Drive, said the Town should not be giving open space to a developer and questioned if the land was parkland and in a floodplain. Town Attorney Baroni said it was unrestricted land, not parkland, which was purchased separately from the firehouse property. He said the floodplain question was under review by the Town’s engineer and planner. Andrew Lowe, Windmill Road, said the property should be used as green space by Town residents and not for parking. He read a letter written by his wife Kerri Kazak opposing the zoning amendment and recommending that the Town-owned land behind the Recreation Center be turned into a location for sports and play. Fred Runne, also expressed opposition to the loss of open space and concerns about traffic and additional retail space.

Diane Roth, Wampus Lakes Drive, suggested creating parking districts in Armonk with parking spaces that everyone could use, adding that the area behind the Recreation Center may not be the right place for a parking lot. She also spoke about the concept of business improvement districts.

Bob Romano said that sewer and traffic studies should be conducted. When Frank Benish asked if any traffic studies have already been done, Mr. Guccione said that a traffic study had been conducted and NYSDOT did not have a problem with the entrance location of the shopping center on Route 128. Director of Planning Adam Kaufman said the Planning Board is reviewing the proposed access to the property as well as the landscaping, visual impact and retail space. Mr. Kaufman said the requirement for one parking space for every 200 feet of gross floor area is appropriate when compared to national standards versus one parking space for every 150 feet

which is now considered antiquated. Alan Freilich, 11 Carpenter Way, said that even if the proposed parking regulations are considered adequate, quality of life issues should be considered. Chris Tuzzo suggested that the parking area under the retail space might become a hangout for teenagers. Jill Odel, Evergreen Row, said the parking needs in the North White Plains shopping area are different from those in the Armonk shopping center.

In response to a question asked earlier in the meeting by Rob Leff, 3 Hillview Court, as to why the Town did not go ahead with the development of a supermarket at the former bowling alley property, Michael Fareri reviewed the history of his efforts to develop the property on Old Route 22.

In response to comments that the process was being rushed, Supervisor Berman said that Mr. Werber has been working with the Board for three years regarding the redevelopment of the shopping center property.

After all persons were heard who desired to be heard, Councilman Weaver moved, seconded by Councilman Schiliro, that the Public Hearing be adjourned at 9:40 p.m.

The roll call vote was as follows:

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

Noes: None.

---

Ann Leber, Town Clerk

October 19, 2009



## PUBLIC HEARING

October 6, 2009

At 9:48 p.m. Supervisor Berman reconvened the Public Hearing which was adjourned from September 23, 2009 for the purpose of considering the adoption of a Local Law to amend Town Code to permit unaffiliated business entities to use the Sanford I. Weill Center for Strategy and Executive Development, 188 King Street, Armonk, New York for conference, planning and training purposes.

By Order of the Town Board  
Ann Leber, Town Clerk

Dated: September 12, 2009  
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.

The green cards denoting mailing to and receipt of certified mail by adjoining property owners were received and marked Exhibit "D" for the record.

The petition to amend the Zoning Code dated June 4, 2009, the proposed local law, a Short Environmental Assessment Form, and a Notification of Intent dated August 17, 2009 and a proposed resolution of adoption were marked Exhibit "E" for the record.

A letter from Director of Planning Adam Kaufman on behalf of the North Castle Planning Board dated July 15, 2009 and a letter from the Westchester County Planning Board to Mr. Kaufman dated September 21, 2009, stating that the action is a matter for local determination were marked Exhibit "F" for the record.

John Armentano, Farrell Fritz, P.C., representing Citigroup Inc., said that the proposed plan to permit non-Citigroup business entities to use its Sanford I. Weill Center was similar to the request IBM made in 2006 to permit outside entities to use the IBM Learning Center. Mr. Armentano said if the Board approves the zone text amendment, the applicant would apply for a special use permit.

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 Schiliro, that the Public Hearing be adjourned at 9:50 p.m.

The roll call vote was as follows:

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

Noes: None.

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

Noes: None

Councilman Weaver moved, seconded by Councilman Geist, approval of the resolution and the adoption of Local Law 12 of the year 2009 to amend Town Code to permit unaffiliated business

entities to use the Sanford I. Weill Center for Strategy and Executive Development, 188 King Street, Armonk, New York for conference, planning and training purposes.

The roll call vote was as follows:

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

Noes: None.

The resolution and the Local Law follow at the end of these minutes.

---

Ann Leber, Town Clerk

Dated: October 19, 2009

## R E S O L U T I O N

|                          |   |
|--------------------------|---|
| <b>Action:</b>           | Zoning Text Amendment                               |
| <b>Application Name:</b> | Weill Center for Strategy and Executive Development |
| <b>Owner/Applicant:</b>  | Citigroup   |
| <b>Designation:</b>      | Section 3, Block 5, Lot 1                           |
| <b>Zone:</b>             | DOB-20A   |
| <b>Acreage:</b>          | 30.62-acres   |
| <b>Location:</b>         | 188 King Street (NYS Route 120)                     |
| <b>Date of Approval:</b> | October 6, 2009                                     |

WHEREAS, an application dated July 24, 2000 for Zoning Text Amendment was submitted to the Town Board by Citigroup to amend Sections 213-21, 213-33.S.1(d) and (e), and 213-33.S.3 (3) and (4) of the Town Code permit unaffiliated business entities to use the Sanford I. Weill Center for Strategy and Executive Development for conference, planning and training purposes; and

WHEREAS, the proposed amendments would permit business entities that are unaffiliated with the owner of lessee of a conference facility to use such a facility in the DOB-20A District; and

WHEREAS, the Town Code, as currently written, restricts the use of conference facility to owners and lessees; and

WHEREAS, the proposed amendment would allow Citigroup to have unaffiliated businesses use the Sanford I Weill Center for Strategy and Executive Development for conference, planning and training purposes, subject to a Town Board special use permit; and

WHEREAS, the proposed action does not involve any physical construction; and

WHEREAS, the Applicant submitted a Short Environmental Assessment Form (EAF) dated June 4, 2009; and

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

WHEREAS, the Planning Board adopted a motion at its July 15, 2009 meeting by a vote of 5 to 0 recommending that the Town Board approve the above-referenced amendment to the Zoning Code; and

WHEREAS, the Town Board opened a public hearing on September 23, 2009 and closed the public hearing on October 6, 2009 to receive comments regarding the proposed amendments to the Town of North Castle Zoning Code;

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

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 and the North Castle Environmental Quality Review Law, 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 Town of North Castle Town Board does hereby adopt the proposed local law entitled “A local law to amend the Town Code of the Town of North Castle to permit unaffiliated business entities to use the Sanford I. Weill Center for Strategy and Executive Development for conference, planning and training purposes;” and

BE IT FURTHER RESOLVED that this local law shall take effect immediately upon its filing with the office of the Secretary of State.

# **TOWN OF NORTH CASTLE**

## **Local Law No. 12 For The Year 2009** **Adopted October 6, 2009**

**A local law** to amend the Town Code of the Town of North Castle to permit unaffiliated business entities to use the Sanford I. Weill Center for Strategy and Executive Development for conference, planning and training purposes.

**Section 1.** Amend Section 213-21, Part I of the Town Code to add the following permitted principal use to the DOB-20A Zoning District:

\* Professional Business and Conference Facility

**Section 2.** Amend the introduction sentence to Section 213-33.S as follows:

In zones where permitted, a professional and business conference facility shall be allowed by special permit, provided that:

**Section 3.** Amend Section 213-33.S.1(d) as follows:

- (d) The maximum floor area ratio of all conference facilities shall not exceed .1 of the land area of the lot.

**Section 4.** Amend Section 213-33.S.1(e) as follows:

- (e) No building or parking area associated with the conference facility shall be located-within 250 feet of any neighboring residence.

**Section 5.** Amend Section 213-33.S.3 as follows:

- (3) No professional and business conference facility shall be permitted on a lot of less than 25 acres, but more than one principal use shall be permitted on such lot.

**Section 6.** Amend Section 213-33.S.3 as follows:

- (4) Functions at the professional and business conference facility shall be limited to education, lectures, seminars, training and other events of professional and business personnel associated only with businesses, institutions of higher learning, civic groups, official government and professional or business organizations.

**Section 7.** 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 8.** 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 9.** Effective Date.

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

Dated: October 6, 2009