

Town Board Minutes  
Town of North Castle  
Town Hall  
15 Bedford Road  
Armonk, New York  
on  
November 6, 2013

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

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

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, approval of the minutes of the October 23, 2013 meeting.

The roll call vote was as follows:

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

Noes: None

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

*The Supervisor stated that the applicant asked that the following item be removed from the agenda: Brynwood Final Environmental Impact Statement and referral to Town's consultants*

Councilman D'Angelo moved, seconded by Councilman Cronin, receipt of letter from David Simons, Board of Ethics (BOE) Chair, declining to review the matter of Brynwood's use of a PAC due to conflicts with members, and suggesting that the Town Attorney seek to have the matter reviewed by a similar type of Ethics Board.

The roll call vote was as follows:

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

Noes: None

Regarding the referral of the matter of the Brynwood use of a PAC, Town Attorney Baroni stated that three of four of sitting BOE members are Brynwood members and therefore, don't feel it is appropriate to review a matter associated with their own club. In addition, the Town of Bedford declined to review the matter. In response to resident John Diaconis' comments that municipalities and the County are all limited to review matters pertaining to their own employees, Mr. Baroni suggested a solution may be to refer it to a law professor, as the task of reconstituting the Board of Ethics will take time, and the new Town Board will likely work to re-write the Code of Ethics.

*Supervisor Arden stated that the following item is tabled in order to do more research on backgrounds of the bidders: Consideration to reject all refuse and recycling bids received and authorization to immediate re-bid.*

Councilman Schiliro moved, seconded by Councilman D'Angelo, receipt of 2014 Town and Special Districts Tentative Budgets and further moved authorization to schedule public hearings for November 20, 2013.

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The roll call vote was as follows:

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

Noes: None

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

The roll call vote was as follows:

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

Noes: None

Pursuant to letters from Tax Receiver Colombo regarding Consent Judgments, Councilman Schiliro moved, seconded by Councilman D'Angelo, authorization to issue the following refunds:

- Thomas Bottiglieri, 14 Skyview Drive, Armonk, NY 10504, Parcel I.D.: 101-003-3-056, refund in the amount of \$3,249.25, and
- Joron Associates, LLC, 136 Bedford Road, Armonk, NY 10504, Parcel I.D: 108-003-1-044, refund in the amount of \$12,603.88.

The roll call vote was as follows:

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

Noes: None

Councilman D'Angelo moved, seconded by Councilman DiDonato Roth, authorization for General Foreman Norris to bid for purchase of uniforms for Highway, Parks and Water Departments for a new three-year contract period of January 1, 2014 to December 31, 2016.

The roll call vote was as follows:

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

Noes: None

Pursuant to a letter from Kellard Sessions Consulting, Councilman Schiliro moved, seconded by Councilman DiDonato Roth, authorization to pay \$74,289.20 to Bilotta Construction Corp. for Requisition #13 for work completed in repair of town roadways project, through the period ending September 30, 2013.

The roll call vote was as follows:

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

Noes: None

Councilman DiDonato Roth stated that the Engel Burman Group (developer of Bristol Senior Living) has made a commitment to donate approximately \$25,000 toward the Eagle restoration project and she displayed a sample of a sign to be placed at the Eagle to recognize the donation. Councilman DiDonato Roth said that a representatives from Engel Burman and the Beautification Committee will come to the November 20<sup>th</sup> Town Board meeting.

Councilman D'Angelo moved, seconded by Councilman Schiliro, authorization for the Supervisor to sign a one-year renewal agreement with Westchester County, October 1, 2013 through September 30, 2014, for removal of snow and ice from County roads. The Town will receive \$3,293 per mile for two lane roads, of which the Town clears 7.64 miles, totaling \$25,159.00, and \$4,794 per mile for four lane roads, of which the Town clears .30 miles, totaling \$1,438.

The roll call vote was as follows:

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

Noes: None

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, authorization for the Supervisor to sign the agreement with General Code for recodification of Town Code for a base cost of \$16,900. Town Clerk Curran said that this will be a 2+ year project whereby General Code will work with the Town Clerk's office to research, review and improve all code language, resulting in improved layout and on-line search results.

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The roll call vote was as follows:

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

Noes: None

Councilman D'Angelo moved, seconded by Councilman DiDonato Roth, authorization for the Supervisor to sign the agreement with Northeast Environmental for oil tank removal at Community Park Recreation building, pending compliance with Town insurance requirements, for a cost of \$2,100.

The roll call vote was as follows:

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

Noes: None

Councilman DiDonato Roth moved, seconded by Councilman Schiliro, authorization for the Supervisor to sign a two-year Inter-municipal Agreement, effective November 1, 2013 - October 31, 2015, with Town of Mt. Pleasant regarding ALS ambulance service (advanced life saving) for Ambulance District No. 1. North Castle will pay Mount Pleasant the sum of \$38,564 for the period November 1, 2013 to October 31, 2014, and \$39,335 for the period November 1, 2014 to October 31, 2015.

The roll call vote was as follows:

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

Noes: None

Councilman D'Angelo moved, seconded by Councilman Schiliro, receipt of notice from Lefkothea Manos, Sr. Clerk, Library, regarding last day of service on October 31, 2013, due to the impending elimination of her position.

The roll call vote was as follows:

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

Noes: None

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

- Receipt of Town Clerk's monthly report for October, 2013
- Receipt of Notice of Claim from David Starker and referral to Town Attorneys
- Approval of request from General Foreman Norris for release of Highway bond as follows:  
Thomas Butera – Permit 0812 in the amount of \$500 for driveway alteration at 95 Byram Ridge Road, Section 2, Block 05D, Lot 2.-1.

The roll call vote was as follows:

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

Noes: None

The Town Board audited and approved payments totaling \$257,028.20 as indicated on Warrant #20.

After all persons were heard who desired to be heard, the Supervisor closed the meeting at 8:20 p.m. in memory of resident, Glenn Ouimette.

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Anne Curran, Town Clerk

Dated: November 19, 2013

**Budget Transfers Nov 6, 2013**

General Fund from:			General Fund to:		
A.3120.0411	Supplies	(796.00)	A.3120.0420	Insurance	796.00
A.1330.0120	Part Time	(55.00)	A.1330.0432	Cont Prof Svc	55.00
A.1330.0120	Part Time	(700.00)	A.1330.0431	Cont Equip Repair	700.00
A.7020.0110	Salary	(1,472.50)	A.7110.0411	Supplies	1,472.50
A.6772.0411	Supplies	(400.00)	A.6772.0433	Cont Rec Programs	400.00
A.6772.0211	Equip Office	(500.00)	A.6772.0433	Cont Rec Programs	500.00
A.6772.0434.0001	Bus Transport	(360.00)	A.6772.0433	Cont Rec Programs	360.00
<b>L from:</b>			<b>L to:</b>		
L.9060.0840	Health Insur	(18,137.78)	L.9060.0850	Dental	18,137.78
<b>SW1 from:</b>			<b>SW1 to:</b>		
SW1.8310.0411	Supplies	(180.71)	SW1.8310.0212	New Vehicle	180.71
<b>SW2 from:</b>			<b>SW2 to:</b>		
SW2.8310.0411	Supplies	(158.26)	SW2.8310.0212	New Vehicle	158.26
<b>SW4 from:</b>			<b>SW4 to:</b>		
SW4.8310.0411	Supplies	(124.04)	SW4.8310.0212	New Vehicle	124.04
<b>SW5 from:</b>			<b>SW5 to:</b>		
SW5.8310.0411	Supplies	(29.95)	SW5.8310.0212	New Vehicle	29.95
<b>SW7 from:</b>			<b>SW7 to:</b>		
SW7.8310.0411	Supplies	(5.35)	SW7.8310.0212	New Vehicle	5.35
<b>SS1 from:</b>			<b>SS1 to:</b>		
SS1.8120.0411	Supplies	(40.63)	SS1.8120.0212	New Vehicle	40.63
<b>S1B from:</b>			<b>S1B to:</b>		
S1B.8120.0411	Supplies	(11.76)	S1B.8120.0212	New Vehicle	11.76
<b>SS2 from:</b>			<b>SS2 to:</b>		
SS2.8120.0411	Supplies	(477.98)	SS2.8120.0212	New Vehicle	477.98
<b>SS3 from:</b>			<b>SS3 to:</b>		
SS3.8120.0411	Supplies	(31.01)	SS3.8120.0212	New Vehicle	31.01
<b>SS4 from:</b>			<b>SS4 to:</b>		
SS4.8120.0411	Supplies	(9.62)	SS4.8120.0212	New Vehicle	9.62

PUBLIC HEARING  
November 6, 2013

At 7:35 p.m. Supervisor Arden reconvened the Public Hearing, which was adjourned from September 25, 2013, at Town Hall, 15 Bedford Road, Armonk, New York, 10504, for the purpose of considering a local law to amend the Zoning Code of the Town of North Castle concerning three parcels of land located on Old Mount Kisco Road, Armonk, New York (Section 2, Block 12, Lot 2.-1, 2.-2, and 3), with respect to the definition of senior housing and the calculation of affordable affirmatively furthering fair housing (AFFH) in the R-MF-SCH Zoning District, the mapping of the R-MF-SCH Zoning District to Petitioner's property, and establishment of bulk and area requirements.

A revised local law, to amend Section 213-22.3(B)(5) to set aside not less than 10% of the units on any site in a R-MF-SCH District as affordable affirmatively furthering fair housing (AFFH), was received since the September 25, 2013 meeting.

No additional correspondence was received since the September 25, 2013 Public Hearing.

At 7:35 p.m. Supervisor Arden stated that Public Hearings would be held in accordance with the Orders calling the Public Hearings to consider the petition, map and plan in the matter of the extension of Sewer District No. 2, Old Mount Kisco Road (Section 108.01, Block 1, Lots 18, 19, 20, 21, 22, 23, 26, 27, 28, 29) and to consider the petition, map and plan in the matter of the extension of Water District No. 4, Old Mount Kisco Road, (Section 108.01, Block 1, Lots 27, 28, 29).

The Orders calling the Public Hearings were marked Exhibit "A" for the record.

The Affidavits of Posting calling the Public Hearings were marked Exhibit "B" for the record.

The Affidavits of Publication from The Journal News calling the Public Hearings were marked Exhibit "C" for the record.

Letter and amended Petition from Veneziano & Associates to extend Sewer District No. 2 dated October 4, 2013 were marked exhibit "D" for the record.

The petition dated August 7, 2013 to extend Water District No. 4 and letter from Veneziano & Associates dated October 4, 2013 was marked exhibit "F" for the record.

Proposed Resolution to extend Sewer District No. 2, including the Negative Declaration.

Proposed Resolution to extend Water District No. 4, including the Negative Declaration.

Mr. Veneziano, attorney for the applicant, Frank Madonna, Jr., recapped the project which proposes to develop 14 fee simple town house units on 3.3 acres. The 14 units are 1400 to 1900 square feet, with master bedrooms on the first floor. There are two affordable (AFFH) units. The applicant is requesting the area be mapped to the R-MF-SCH Zoning District for senior citizen housing.

Mr. Veneziano said the area is on septic and wells, and the applicant will be bringing sewer and water to the site. The applicant submitted an amended petition to extend Sewer District No.2 which proposes to connect 8 homes outside of the project. Mr. Veneziano said the homeowners have signed onto the sewer petition and their homes will be connected to the district. He said the existing well on the site will not be used for irrigation; an underground tank will be used to collect water.

The zoning petition, which was submitted in November 2012, was modified in March 2013 from 28 units to 14 units. The applicant worked with the Planning Board, (Lead Agency), which recommended that the Town Board map the RMF-SCH zone to the property, amend the definition of Senior Citizen Housing to reduce the age from 62 to 55, and require that 10% of the units be AFFH units. The Planning Board adopted a Conditioned Negative Declaration on September 23, 2013 which included the condition that the Town Board adopts a plan demonstrating how the treatment plant can be expanded for adequate sewer capacity for the proposed project.

Supervisor Arden asked Sal Misiti, Director of Water and Sewer Operations, to provide an update with regard to the condition in the Negative Declaration. Mr. Misiti said the initial Sewer Capacity Study conducted by GHD Consulting Services Inc. identified that additional flow is needed at the plant, with the recommendation to increase the capacity to 570,000 gallons per day (gpd). Mr. Misiti said the consultant has been asked to review increases to 600,000 and 700,000 gpd. Mr. Misiti said that he and the consultant will meet with NYS DEC on November 14<sup>th</sup> to identify potential NYS DEC requirements with regard to the increase in sewer capacity. In response to a query from Councilman Schiliro, Mr. Misiti said he would request that the consultant provide a memo summarizing the meeting.

Susan Shimer asked the Board whether it is appropriate to change the definition of senior housing to reduce the minimum age requirement to age 55.

In response to a query from Mr. Veneziano whether the mapping of the floating R-MF-SCH Zoning District would be applied to this site only, Town Attorney Baroni said that it could be applied to other areas as well. Mr. Baroni explained that under the Federal Fair Housing Act the current minimum age requirement of 62 requires that 100% of owners are 62 years or over. A reduction in the minimum age requirement to 55 would require that 80% of the owners are 55 or over. He said that in the current economic environment many developers have found that the higher age minimum is not easily marketable and most communities have adopted an age 55 minimum as a project which would be more successful. He said that when the Town Board opted for an age 62 minimum in 2006 the economic climate was quite different.

In response to a query from Craig Useted, Mr. Baroni confirmed that with a minimum requirement of age 55, 20% of owners could be under age 55. Mr. Useted said that the change from MIUs to affordable housing units could deter the project from being successful.

Supervisor Arden recommended that the three public hearings be adjourned pending receipt of the memo from GHD regarding the meeting with NYS DEC. In response to a query from Mr. Veneziano with regard to the information being sought, Mr. Baroni said that the Board wants to confirm that DEC does not present any overwhelming obstacle to any expansion of the plant.

After all persons were heard who desired to be heard, Councilman D'Angelo moved, seconded by Councilman DiDonato Roth, that the three Public Hearings be adjourned at 7:55 p.m. and be reconvened at the November 20, 2013 meeting.

The roll call was as follows:

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

Noes: None.

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Anne Curran, Town Clerk

Dated: November 18, 2013