

Town Board Minutes
Town of North Castle
15 Bedford Road
Armonk, New York
on
February 27, 2013

The meeting was called to order at 6:00 p.m. at 15 Bedford Road on the duly adopted motion of Councilman D'Angelo 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 7:30 p.m. The Town Clerk joined the regular meeting which reconvened at 7:35 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 February 13, 2013 meeting.

The roll call was as follows:

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

Noes: None.

The minutes of the public hearings that commenced at 7:40 p.m. follow at the end of these minutes.

A letter and supporting documents from Friends of Miller House/Washington's Headquarters, Inc. to County Executive Astorino regarding saving Miller House was received on the duly adopted motion of Supervisor Arden. Ed Woodyard invited the Town Board to attend an upcoming meeting of the Friends of Miller House and asked the Supervisor and Councilman Cronin to report on the status of the proposed relocation of Miller House.

The roll call vote was as follows:

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

Noes: None.

Mark Miller, Veneziano & Associates, representing the applicant, Banmonk Realty, LLC, owner of property at 23 Bedford Banksville Road, addressed the Board on the submission of a Zoning petition and Extension of a Market License. Mr. Miller stated that the applicant is seeking a continuation of the Market License while the property owner works toward a permanent solution, through the Zoning Petition seeking to expand permitted uses. Comments from Planning Director Kaufman and Town Attorney Baroni suggested that the timeframe needed to for the Petition to be reviewed and a Public Hearing to be concluded would be 4-6 months. Councilman Cronin said the application should have been made months ago and he was not in favor of renewing the Market License.

Councilman Schiliro moved, seconded by Councilman D'Angelo, approval of an extension of a Market License to George Bridge to sell plant materials at 23 Bedford Banksville Road for a six month term beginning March 1, 2013 and ending August 31, 2013, for a fee of \$300 (\$50 per month), subject to the conditions in the resolution. The resolution follows at the end of these minutes.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, D'Angelo, Supervisor Arden

Noes: Councilmen DiDonato Roth, Cronin

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Councilman Schiliro moved, seconded by Councilman D'Angelo, receipt of Zoning Petition from Banmonk Realty, LLC, to allow additional uses in the CB-B district and further moved to referral to the Planning Board for its study and report.

The roll call vote was as follows:

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

Noes: None

Councilman Schiliro moved, seconded by Councilman Schiliro, the adoption of a resolution rejecting all proposals that were received on February 1, 2013 for Town printing services.

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, authorization for the Town's attorneys to execute the Consent Judgment in the matter of Joseph DiMauro, as Trustee, vs. Town of North Castle, Index No. 14804/11.

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 donations to the Banksville Beautification Committee from Barbara DiGiacinto (\$250) and Charlene Jacobi (\$200).

The roll call vote was as follows:

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

Noes: None

Councilman Schiliro moved, seconded by Councilman D'Angelo, the approval of Comptroller Faith Berland to countersign all checks required to be signed by the Supervisor, replacing the Town Clerk's countersignature.

The roll call vote was as follows:

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

Noes: None

With regard to the discussion of the Special Use Permit Application from Chabad of Armonk for religious classes and services at 495 Main Street in Armonk, Councilman DiDonato Roth said would be recusing herself from this matter due to a professional real estate association concerning the subject property.

Councilman Cronin moved, seconded by Councilman Schiliro, receipt of a Special Use Permit application from Chabad of Armonk regarding religious classes and services at 495 Main Street, Armonk, and further moved referral to the Planning Board, Zoning Board of Appeals, and Police, Fire and Building Departments.

The roll call vote was as follows:

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

Abstained: Councilman DiDonato Roth

Councilman Schiliro moved, seconded by Councilman Cronin, that the Town Board declare its intent to act as Lead Agency for the Special Use Permit application from Chabad of Armonk.

The roll call vote was as follows:

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

Noes: None

Abstained: Councilman DiDonato Roth

Councilman DiDonato Roth moved, seconded by Councilman Schiliro, authorization for the Supervisor to sign the agreement with the Board of Fire Commissioners, Armonk Fire District No

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2, in which the Town agrees to advance Fire District taxes to the District in the amount of \$500,000 at an interest rate of 1%, for the period of one year, ending December 31, 2013.

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 to ratify the agreement between NYS Police and Westchester County Dept. of Public Safety for Traffic and Criminal Software (TraCS), for a five year term.

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, adoption of a resolution authorizing certain employees to use Town vehicles, consistent with present practice.

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 reappointment of Steve Sauro to the Planning Board for a term to expire December 31, 2017.

The roll call vote was as follows:

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

Noes: None.

Councilman Schiliro moved, seconded by Councilman D'Angelo, the appointment of Marianne Bishoff for hourly support in the Finance Department, effective February 28, 2013, with a capped amount of \$2,000.

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 Verizon FIOS franchise fee payment for 4th quarter 2012 in the amount of \$25,684.57
- Receipt of Cablevision franchise fee payment for 4th quarter 2012 in the amount of \$29,443 for Cablevision system and \$7,762 for the Southern Westchester system.
- Release of bond as follows: Verizon – Permit 762 for street opening work on Pine Ridge Road in the amount of \$1,000 to be reinstated to the \$50,000 bond.

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 \$480,687.64 as indicated on Warrant #4.

After all persons were heard who desired to be heard, the Supervisor closed the meeting at 8:35 p.m. in memory of residents Jamie Love and Robert Herbert.

Anne Curran, Town Clerk

Dated: March 11, 2013

RESOLUTION

Action:	Market License
Application Name:	Bridge Market License
Owner:	Banmonk Realty, LLC
Applicant:	George Bridge
Designation:	Section 1, Block 11, Lot 9C-24-A
Zone:	CB-B
Acreage:	Approx. 4-acres
Location:	23 Bedford Banksville Road
Date of Approval:	February 27, 2013
Term of License:	March 1, 2013 – August 31, 2013

WHEREAS, an application dated January 4, 2010 was previously submitted by George Bridge to operate a market at 23 Bedford Banksville Road pursuant to Chapter 131 of the Town Code; and

WHEREAS, the Town Board previously approved a market license to operate a market at 23 Bedford Banksville Road on January 27, 2010, June 23, 2010, July 28, 2010, October 27, 2010, February 9, 2011, December 14, 2011; and November 8, 2012; and

WHEREAS, Mr. Bridge is seeking an extension beginning March 1, 2013 and ending August 31, 2013 to sell plant material out of doors in the parking lot of the former Banksville Hardware store; and

WHEREAS, the operation of the market would not require any construction since the sales area will occur in the former hardware store's parking lot; and

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

WHEREAS, the Police Department indicated that they did not have any issues of concern with the operation of the market; and

WHEREAS, the 4-acre property is located in the CB-B Zoning District and is designated on the Tax Maps of the Town of North Castle as Section 1, Block 11, Lot 9C-24-A; and

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

WHEREAS, the Town Board has previously requested, received and considered comments from the Town Attorney, the Town Engineer and Town Planner regarding the development; and

WHEREAS, the proposed action is a Type II Action which has been determined not to have a significant impact on the environment and are otherwise precluded from environmental review under Environmental Conservation Law, article 8 under the State Environmental Quality Review Act (SEQR); and

NOW, THEREFORE, BE IT RESOLVED, that the market license is approved for a six month extension beginning March 1, 2013 and ending August 31, 2013, subject to the conditions identified below; and

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

Prior to the Issuance of the Market License:

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

- _____1. Pursuant to Section 131-8 of the Town Code, the applicant is required to furnish a comprehensive general liability insurance policy to the town, or evidence thereof, in an amount of not less than \$1,000,000 combined single limit coverage for bodily injury or property damage liability, which also names the Town of North Castle as an additional insured landlord.
- _____2. Pursuant to Section 131-10 of the Town Code, the Town Clerk shall collect a fee in the amount of \$500 for each calendar year or \$50 for a monthly license or any part thereof.
- _____3. The applicant is required to provide written approval from property owner for use of the property to sell plant material beginning March 1, 2013 and ending August 31, 2013.

Other Conditions:

1. No sales shall be conducted after sunset.
2. Parking of motor vehicles for patrons attending the said business shall be maintained off-street only. Traffic shall be regulated in the area immediately adjacent to the premises, and parking must be maintained in good order with adequate supervision thereof at the expense of the licensee as prescribed by the Chief of Police.
3. The regulations of the Police Department, local Fire Department and Building Inspector must be adhered to.
4. All rubbish from the premises where business is conducted, and from any parking area used by said licensee in connection therewith, must be gathered and deposited in closed containers by no later than 6:00 p.m. of the day following and removed from the premises by 6:00 p.m. of the next day following.
5. Concessions serving food or drink for human consumption shall not be permitted.
6. The licensee shall not permit any unnecessary or unreasonable noise by means of loudspeakers, power amplifier devices or any other means which would create or tend to create a public nuisance.
7. Each vendor shall have a sign conspicuously placed where same may be visible, containing the name and address of the person conducting said concession.
8. Compliance with all applicable local laws and ordinances of the Town of North Castle and any conditions attached to permits issued thereunder.

PUBLIC HEARING

February 27, 2013

At 7:40 p.m. Supervisor Arden stated that a Public Hearing would be held in accordance with the Public Notice that follows:

NOTICE IS HEREBY GIVEN THAT the North Castle Town Board will hold Public Hearings on February 27, 2013 at 7:30 PM, or as soon thereafter, at North Castle Town Hall, 15 Bedford Road, Armonk, NY 10504, for the purpose of considering amending Chapter 158 (Recycling) of the Town Code to revise the regulations for the preparation of brush and yard waste for collection, and for amending Chapter A217 regarding use of Town and District Owned Vehicles.

Copies of the proposed local laws are available in the Town Clerk's office during regular business hours and on the Town website. ALL PERSONS HAVING AN INTEREST IN THE MATTER ARE INVITED TO ATTEND AND BE HEARD.

By Order of the Town Board
Anne Curran, Town Clerk

Dated: February 16, 2013
Armonk, NY

The Public Notice was marked Exhibit "A" for the record.

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

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

Full Environmental Assessment Form.

Negative Declaration for adoption.

The proposed local law.

Supervisor Arden said that there are minor changes proposed in the size of a brush pile to make the brush easier to be picked up by the Highway Department. Councilman Schiliro added that the maximum size a brush pile which is currently 500 cubic feet would change to 480 cubic feet.

No other correspondence or comments were entered for the record.

After all persons were heard who desired to be heard, Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, that the Public Hearing be closed at 7:42 p.m.

The roll call was as follows:

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

Noes: None.

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, 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 Schiliro, DiDonato-Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None.

Councilman D'Angelo moved, seconded by Councilman Cronin, adoption of Local Law 1 of the year 2013, to amend Chapter 158 (Recycling) of the Town Code to revise the regulations for the preparation of brush and yard waste for collection.

The roll call was as follows:

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

Noes: None.

The Local Law follows at the end of these minutes.

Anne Curran, Town Clerk

Dated: March 11, 2013

TOWN OF NORTH CASTLE

Local Law No. 1 for the Year 2013 Adopted February 27, 2013

A Local Law to Amend Chapter 158 Entitled "RECYCLING" of the Code of the Town of North Castle.

Section 1. Amend Section 158-6.C of the Town Code as follows:

C. Preparation of brush and yard waste.

- (1) Brush shall be placed at the curb for scheduled collection with the cut ends facing the road. Branches shall not be longer than four (4) feet in length nor four (4) inches in diameter. Brush piles (one per lot) shall not be larger than four (4) feet tall and thirty (30) feet long. Whole trees, logs and stumps will not be collected. Small branches and vines shall be bundled and tied or put in biodegradable bags.
- (2) Other vegetative yard waste, including leaves and grass clippings, shall be bagged using biodegradable bags and placed curbside for scheduled collection. The filled bags shall weigh no more than forty (40) pounds and shall not contain household debris, plastic flower pots, garbage, diapers, etc.
- (3) Brush shall be curbside by Monday of scheduled pickup week and no earlier than one week prior to scheduled pickup as described in the North Castle Brush Pickup Schedule.

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 27, 2013

PUBLIC HEARING
February 27, 2013

At 7:43 p.m. Supervisor Arden stated that a Public Hearing would be held in accordance with the Public Notice that follows:

NOTICE IS HEREBY GIVEN THAT the North Castle Town Board will hold Public Hearings on February 27, 2013 at 7:30 PM, or as soon thereafter, at North Castle Town Hall, 15 Bedford Road, Armonk, NY 10504, for the purpose of considering amending Chapter 158 (Recycling) of the Town Code to revise the regulations for the preparation of brush and yard waste for collection, and for amending Chapter A217 regarding use of Town and District Owned Vehicles.

Copies of the proposed local laws are available in the Town Clerk's office during regular business hours and on the Town website. ALL PERSONS HAVING AN INTEREST IN THE MATTER ARE INVITED TO ATTEND AND BE HEARD.

By Order of the Town Board
Anne Curran, Town Clerk

Dated: February 16, 2013
Armonk, NY

The Public Notice was marked Exhibit "A" for the record.

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

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

The proposed local law.

Supervisor Arden said that the adoption of the law would eliminate the vehicle policy in Town Code and change it to a Town policy procedure.

No other correspondence or comments were entered for the record.

After all persons were heard who desired to be heard, Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, that the Public Hearing be closed at 7:43 p.m.

The roll call was as follows:

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

Noes: None.

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, adoption of Local Law 2 of the year 2013, to amend Chapter A217 of the Town Code regarding Use of Town and District Owned Vehicles.

The roll call was as follows:

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

Noes: None.

The Local Law follows at the end of these minutes.

Anne Curran, Town Clerk

Dated: March 11, 2013

TOWN OF NORTH CASTLE

Local Law No. 2 For the Year 2013 Adopted February 27, 2013

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

1. Chapter A217 Article II Subdivision 2, Use of Town and District Owned Vehicles is hereby deleted in its entirety.

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