

Town Board Minutes
Town of North Castle
15 Bedford Road
Armonk, New York
on
April 23, 2014

The meeting was called to order at 7:30 p.m. by the Supervisor and the following persons were present.

Supervisor	Michael J. Schiliro
Councilmen:	Stephen D’Angelo
	Barbara DiGiacinto
	Barry Reiter
	José Berra

Town Clerk	Anne Curran
Town Attorney	Roland A. Baroni
Town Administrator	Joan Goldberg

The minutes of the public hearing which commenced at 8:10 p.m. follow at the end of these minutes.

Councilman D’Angelo moved, seconded by Councilman Berra, approval of the minutes of the April 9, 2014 meeting.

Vote: Unanimous.

The proposal from Hydro Environmental for environmental assessment of 533-535 Main Street was tabled based on Councilman Berra’s query concerning additional line item costs. The Board agreed that the proposal should be held over to the next Town Board meeting when those costs could be fully explained. Town Attorney Baroni said that the property at 533-535 Main Street is the old oil depot and as the Town has received a judgment of in rem foreclosure and will take title to the property, and in consideration of the proximity to the Town well that services downtown Armonk, it is particularly important to clean up the land surrounding the contamination.

Councilman Reiter moved, seconded by Councilman D’Angelo, approval of assignment of new street address for 26 Windmill Road as follows:

<u>Section, Block, Lot</u>	<u>Current Street Address</u>	<u>New Street Address</u>
Section 101.04, Block 04, Lot 2-19	26 Windmill Road	18A Windmill Road

Vote: Unanimous

Authorization for the Town Attorney to commence Article 12A proceedings regarding establishing a Long Pond Dam Park District, was tabled based on a request from Susan Shimer, Pond Lane. Ms. Shimer asked that more research be done concerning an old survey that she said shows the property where she believes Long Pond Dam (classified as an earthen dam, Class B) is and where a Long Pond Road was abandoned in 1959 may have provided more reinforcement for the dam than just earth. Ms. Shimer suggested more verification of the dam’s structure was needed, such as research and drilling, if necessary, before trees are cut down and the expense of the project is undertaken.

Councilman Reiter moved, seconded by Councilman D’Angelo, authorization for the Town Supervisor and the Town Clerk to execute the one-year BAN renewal documents for \$513,000 purchased by JP Morgan Chase, dated April 23, 2014.

Town Administrator Goldberg advised that the note matures on April 22, 2015 and bears an interest rate of 0.88% per annum, computed on a 360-day year basis and payable at maturity.

Vote: Unanimous

Councilman D’Angelo moved, seconded by Councilman Berra, approval of the request to go to bid for bus transportation for Teen Travel Camp.

Vote: Unanimous

Councilman Reiter moved, seconded by Councilman D'Angelo, approval of the amended Work Place Violence Prevention Policy. The policy was amended to revise the members of the Incident Response Team.

Vote: Unanimous.

Pursuant to letters from Tax Receiver Colombo regarding consent judgments, Councilman D'Angelo moved, seconded by Councilman DiGiacinto, authorization to issue the following refunds:

- 141 Lafayette Avenue, I.D.122.12-1-4 for tax years 2011 through 2014: refund \$2,582.22
- 145 Lafayette Avenue, I.D.122.12-1-3 for tax years 2011 through 2014: refund \$1,571.78

Vote: Unanimous

Councilman DiGiacinto moved, seconded by Councilman D'Angelo, receipt of \$1,000 donation from Byram Hills Preschool Association to be used for preschool summer camp scholarships.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman Berra, receipt of \$500 donation from the Byram Hills Preschool Association to the DARE program. Councilman D'Angelo praised the efforts of the Byram Hills Preschool Association is raising and donating money to various civic associations.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman Reiter, approval of alcohol permits for the following events:

1. 6/8/14: Westchester Cycle Club, Inc. group picnic at Community Park picnic pavilion
2. 6/21/14: Kapur birthday party at Community Park picnic pavilion
3. 6/27/14: C.M. Almy Company picnic at Community Park picnic pavilion

Vote: Unanimous

Town Administrator explained the need to replace approximately 1800 square feet of carpet in the Annex Building and the recommendation to install carpet squares that is a lower cost than standard carpeting and will allow high traffic areas to be replaced when necessary. Councilman D'Angelo moved, seconded by Councilman Berra, approval of request for carpet replacement at 17 Bedford Road/Annex Building, and further moved that the expenditure of \$7,970 be funded from the general fund balance.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, authorization for the Town's Attorneys to execute a Consent Order and Judgment and Letter of Agreement regarding the 2014 assessment and installment payments for the school district in the following matters:

- 84 Business Park Associates, LLC vs. Town of North Castle – Index No. 24016/10 et al.
- Armonk 80 Associates, LLC vs. Town of North Castle – Index No. 24017/10 et al.

Vote: Unanimous

Councilman Reiter moved, seconded by Councilman D'Angelo, ratification of provisional appointment of Matt Trainor as Superintendent of Parks and Recreation, effective October 1, 2013.

Vote: Unanimous

Approval of terminal leave payment for Mercedes Rogers was tabled. (*Subsequent to this meeting, Ms. Rogers opted to apply her accrued sick time towards her retirement in lieu of being paid.*)

Councilman Reiter moved, seconded by Councilman DiGiacinto, the reappointment of Ree Schultz to Landmarks Preservation Committee for a term to expire May 17, 2016.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman Reiter, recognition of service by David Lander to Landmarks Preservation Committee for his term that expired May 17, 2013.

Vote Unanimous.

The Town Board audited and approved payments totaling \$3,329,305.95 as indicated on Warrant #8.

After all persons were heard who desired to be heard the Supervisor adjourned the regular meeting into Executive Session at 9:15 p.m., to discuss litigation and personnel matters of a particular person, in memory of residents Emil Molinari, Roberta Cappola, Frederic Havelka, and Dr. Stuart Karger.

Anne Curran, Town Clerk

Dated: May 9, 2014

PUBLIC HEARING

April 23, 2014

At 8:10 p.m. Supervisor Schiliro stated that a Public Hearing would be held in accordance with the Public Notice that follows:

NOTICE IS HEREBY GIVEN, that the North Castle Town Board will hold a Public Hearing in Town Hall, 15 Bedford Road, Armonk, NY, 10504, on April 23, 2014 at 7:30 p.m. or as soon thereafter, for the purpose of considering a local law to amend Chapter 213, Zoning, of the Code of the Town of North Castle, New York, to add provisions regarding Affordable Affirmatively Furthering Fair Housing Units.

The proposed local law is 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: April 11, 2014
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.

Letters from Director of Planning Adam Kaufman dated February 28, 2014 and April 8, 2014 were marked Exhibit "D" for the record

Letter from Westchester County Planning Board dated March 24, 2014 was marked Exhibit "E" for the record.

Full Environmental Assessment Form (EAF), Part I and Part II dated February 28, 2014.

Negative Declaration for adoption

Proposed Local Law.

Supervisor Schiliro thanked the entire Board for their work regarding the proposed law and recognized Councilman DiGiacinto for her work on this from the beginning of the year to get the Town on board with other municipalities.

Director of Planning Adam Kaufman provided an overview of the proposed law which requires the construction of affordable housing units which are consistent with the model ordinance provided by Westchester County. The proposed law requires that 10% percent of all residential developments of 10 or more units created by subdivision or site plan approval be affordable AFFH units. Therefore, any new units which are constructed would be pursuant to new law and requirements. The law defines an AFFH unit; includes income and marketing requirements; and specifies maximum rent and sales prices. The AFFH units must be integrated and be similar in appearance to the market rate units. The proposed law would replace the Middle Income Unit (MIU) program and require construction of affordable units. All existing MIUs currently within the Town would continue to be administered under the MIU program, and there are several sections in the proposed law which update the existing MIU requirements.

Mr. Kaufman said the County would administer and monitor the affordable housing program; the Town and Housing Board would not be responsible for monitoring the AFFH units. In response to a query from Supervisor Schiliro, Mr. Kaufman confirmed that the thirty-four MIUs currently in Town would exist in perpetuity; and the Housing Board would continue to administer the MIU program. Mr. Kaufman said changes need to be made throughout the Code essentially replacing where MIUs were going to be built with AFFH housing.

The Board addressed Councilman Berra's question regarding any negative ramifications if the Town amends the time period of affordability for AFFH units from a minimum of 50 years to perpetuity, which would mirror the time period for MIUs. Mr. Kaufman said the County did not report any negative ramifications to changing it, but indicated that this would be a matter for the Town Board to determine.

Councilman DiGiacinto said she was in favor of keeping the 50 year period which is same period for both the Federal government's Department of Housing and Urban Development (HUD) and the County ordinance. Ms. DiGiacinto suggested that builders might prefer a 50 year exit strategy which would provide the opportunity to redesign, renovate or raze a building at the end of that period. She said that many builders have children that become part of the business and amending the time period to perpetuity might result in some builders developing in other communities where there would not be an indefinite time period requirement.

Councilman Berra said the legacy issue may make a slight difference, but from what he has seen, builders often sell the properties within a shorter period of time. Mr. Berra said builders would have 90% of the other units to pass along. He said that the present value of getting back the affordable unit component fifty years from now would be an insignificant amount to builders and would not adversely affect their decision. He added that any downside to the builders is small compared to the benefits the affordable housing provides to the community. Mr. Berra expressed concern that over time the requirements for affordable housing could be expected to become more rigorous, and when housing is needed it would not be available and be difficult to replace due to shortage of land.

Councilman D'Angelo agreed that 50 years is a long or lifetime period of time. He said most of the other Westchester communities are using the 50 year limitation which could be subject to renewal in the future. Mr. D'Angelo said the MIUs are different in that they are deed restricted with regard how the properties can be sold. He said the perception of forever may pose an issue for builders of affordable housing and concluded by stating that he is in favor of using the 50 year period.

Councilman Reiter agreed that the issue of perpetuity may make it difficult to bring in builders and said he supported the 50 year period.

Supervisor Schiliro said he agreed there is some merit with a change to perpetuity and that the Town is probably not looking at a large pool of builders of AFFH units. Mr. Schiliro said a 50 year period may influence decisions to sell or buy an affordable unit as the end date approaches. He questioned if perpetuity would inhibit potential builders. Mr. Schiliro recommended that more information on this issue be obtained. Mr. Kaufman noted there was not an issue with builders in relation to perpetuity when the MIUs were built.

With regard to a proposed amendment to include two-family AFFH units in the Schedule of Residence District Regulations (Section 213-19), Councilman DiGiacinto said she would prefer the permitted principal uses for the zoning districts remain as single family market value as well as single family AFFH units on each building lot, rather than permitting two-family AFFH units in any district. Ms. DiGiacinto expressed concern that AFFH units be similar in appearance to the market rate units and cautioned that if two-family AFFH units were permitted, a precedent could be set, thereby allowing development of two-family market rate units. Discussion ensued among the Board and Town Attorney Baroni; and it was agreed that the proposed amendment should be eliminated.

With regard to a query from Councilman Berra regarding the Town's right to amend the law in the future, Town Attorney Baroni advised that the Town Board has the right to amend any Town law.

Mr. Kaufman highlighted the comments received from the Westchester County Planning Board which commended the Town for initiating the step to incorporate the Model Ordinance into the Town Code and for considering higher levels of affordable units in areas closer to the Town's existing centers. Mr. Kaufman noted that the County recommended that the Town consider adding a provision to incentivize the creation of additional AFFH units above the 10% required. The County also recommended that the Town consider adding provisions to provide for calendar and agenda priority for affordable housing applications. Mr. Kaufman explained that he thought it more appropriate to leave the decision of when to agendize an application with the Planning Board and Town Board.

Resident Linda Trummer-Napolitano commended the Town Board for taking steps to review the model ordinance. Ms. Trummer-Napolitano said she believed the affordability time period for AFFH units should be in perpetuity using the same rationale as for the MIUs.

Supervisor Schiliro suggested that there is a little more work needed before reconvening this Public Hearing at the next meeting.

No other correspondence or comments were entered for the record.

After all persons were heard who desired to be heard, Councilman D'Angelo moved, seconded by Councilman DiGiacinto, at 8:45 p.m. that the Public Hearing be adjourned and reconvened at the next meeting on May 14, 2014.

Vote: Unanimous

Anne Curran, Town Clerk

Dated: May 12, 2014