

Town Board Minutes
Town of North Castle
15 Bedford Road
Armonk, New York
on
September 10, 2014

The meeting was called to order at 5:00 p.m. on the duly adopted motion of Councilman D'Angelo and immediately adjourned to an executive session. All Town Board members, the Town Attorney and the Town Administrator were present for the executive session which adjourned at 7:30 p.m. The regular meeting reconvened at 7:40 p.m.

Supervisor:	Michael 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 following was announced by Bruce Wuebber, Chairman of the North Castle Fire District #2 Board of Fire Commissioners and an ex-Chief of the Armonk Fire Department:

Tonight I am here representing the Board of Fire Commissioners. North Castle Fire District 2 encompasses the Armonk Fire Department which provides firefighting services for the hamlet of Armonk and Ambulance/EMS service for both Armonk and Banksville. The Banksville EMS service is provided to the Town via an annual contract.

For the past 84 years, fire and ambulance services have been provided by a 100 percent volunteer staff. With the town's changing demographics, ambulance calls occurring during weekdays have increased and the availability of our Emergency Medical Technicians (EMTs) has decreased. It is important to note that there has not been one specific event in town which has caused this to occur.

New York State requires that a certified EMT be on all ambulance calls.

In July, the Board of Fire Commissioners met with the Fire Company EMT's at their monthly meeting and asked them if they would be able to provide weekday coverage after some of our EMT's went off to college in the fall. Unfortunately, their response to the Board indicated that they would not be able to provide complete weekday coverage.

Based upon this information, the Board of Fire Commissioners voted to hire contract EMT's to cover weekday calls (Monday to Friday) from 7am to 7pm.

These EMT's will be contractors supplied by Westchester EMS (who currently provide Advanced Life Support Services to the town). There will be one contract EMT at the firehouse on Bedford Road from 7:00am to 7:00pm to assist in coverage of our daytime weekday calls. This coverage will begin on September 15, 2014.

Our ambulances will still continue to be staffed by volunteer drivers and attendants. All firefighting operations will also continue to be staffed by volunteer members.

This was a very difficult decision by the Board; however, we felt it was necessary to provide the very best possible service to our residents.

The minutes of the Public Hearings which commenced at 8:15 p.m. follow at the end of these minutes.

Councilman D'Angelo moved, seconded by Councilman Berra, approval of the minutes of the August 13, 2014 meeting.

The roll call vote was as follows:

Ayes: Councilmen D'Angelo, DiGiacinto, Reiter, Berra

Noes: None

Abstain: Supervisor Schiliro who was absent from the meeting

Councilman Reiter moved, seconded by Councilman DiGiacinto, the receipt of Petitions from Committee for the Representation Referendum (Anthony Futia named as contact) regarding the Ward System for voting.

Vote: Unanimous

Pursuant to a letter from Sal Misiti, Director of Water and Sewer Operations, Councilman D'Angelo moved, seconded by Councilman Berra, authorization of Payment Application #3 to Eventus Construction Company, Inc. in the amount of \$20,102 for the North Castle Water District No. 4 Groundwater Rule Project.

Vote: Unanimous

Pursuant to a letter from Sal Misiti, Director of Water and Sewer Operations, Councilman D'Angelo moved, seconded by Councilman DiGiacinto, authorization of Payment Application #2 in the amount of \$716,143.25 to Bilotta Construction Corp. regarding the Water District No. 2 Water System Replacement Project, for work completed through August 26, 2014.

Vote: Unanimous

Councilman Berra moved, seconded by Councilman D'Angelo, approval of recommendation from Director of Water & Sewer Misiti to reject all bids regarding the rehabilitation of three windmills in Water District No. 2.

Vote: Unanimous

Based on direction from Town Administrator Goldberg, the award of architectural services for rebuilding of the Gazebo was tabled.

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, authorization of payment in the amount of \$25,769 for the replacement of the boiler at the Library; this brings the total cost of replacement of the boiler and the heating/cooling system at the Library to \$42,314.00, all of which will be paid for from the Library fund balance.

Vote: Unanimous

Councilman DiGiacinto moved, seconded by Councilman D'Angelo, approval of request from the Edge of Dance for a one-month extension to September 30, 2014 to submit property owner authorization for a Special Use Permit at 7 No. Greenwich Road.

Vote: Unanimous

Pursuant to a letter from Tax Receiver Colombo, Councilman D'Angelo moved, seconded by Councilman DiGiacinto, authorization to execute a Consent Judgment in the matter of Parastu Group, 161 Hickory Kingdom Road, Bedford, and to issue a refund in the amount of \$21,859.25 for tax years 2012 through 2014.

Vote: Unanimous

Councilman Reiter moved, seconded by Councilman Berra, approval of request from North White Plains Fire Co. #1, Inc., for the renewal of its Special Use Permit to sell Christmas trees during the 2014 holiday season, starting Thanksgiving weekend through the weekend before Christmas.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, approval of a one year extension of employment agreement with Joan Goldberg as Town Administrator, effective September 28, 2014 through September 27, 2015.

Vote: Unanimous

Councilman Reiter moved, seconded by Councilman D'Angelo, authorization for the Supervisor to sign the agreement with Keane & Beane for legal services in connection with labor and employment matters, at the following rates specified in the agreement: \$240/hr for Partners and \$210/hr for Associates.

Vote: Unanimous

Councilman Berra moved, seconded by Councilman D'Angelo, authorization for the Supervisor to sign an agreement with the Armonk Baseball League for lease of 85 Cox Avenue, for two years, from September 1, 2014 to August 31, 2016.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman Berra, authorization for the Supervisor to sign an Administrative Order on Consent with USEPA regarding LT2 compliance for Water District No. 1.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman Reiter, the probationary appointment of Matt Trainor to Recreation Superintendent, effective September 1, 2014.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, the approval of hourly wage increases for the following part-time employees, effective September 1, 2014:

1. Kimberly Barbieri, Personnel Manager, increase from \$30 to \$32 per hour.
2. Marianne Bischoff, Senior Accountant, increase from \$27.50 to \$30 per hour.
3. Lori Zawacki, Intermediate Clerk, increase from \$26.50 to \$28 per hour.

Vote: Unanimous

Councilman Reiter moved, seconded by Councilman Berra, approval of request from Assessor Sirota to attend the Annual NYSAA Seminar regarding Assessment Administration, from October 5 to October 8, 2014, in Lake Placid.

Vote: Unanimous

Councilman Reiter moved, seconded by Councilman D'Angelo, approval of request for the following Police Dept. members to attend the Verbal Judo Seminar on September 16, 2014, in Peekskill, NY:

Detective/Sergeant Murray, Sergeant Gellard, Detective DeBenedictis and Police Officer Finateri.

Vote: Unanimous

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

- Release of the following Highway Bonds:
 - o Andre Segatti – Permits 0564 and 0688 in the amount of \$1,250 for curb cut and driveway alteration at 33 Sunrise Drive, Section 2, Block 02, Lot 9.-7.
 - o Montesano Bros. – Permit 0790 in the amount of \$2,261 by issuance of a bond for Street Opening at 90 Business Park Drive, Section 2, Block 16, Lot 11.B08.
 - o Con Edison – Permits 1110 and 1136 in the amount of \$2,000 for street opening at 90 Business Park Drive, Section 2, Block 16, Lot 11.B08.
 - o Thomas Gardner – Permit 0828 in the amount of \$500 for driveway alteration at 6 Musket Court, Section 1, Block 02, Lot 2.-12.
 - o Cablevision – Permit 0750 in the amount of \$1,750 for street opening/right of way at 9 Patriots Farm Place, Section 1, Block 11, Lot 5.B-15.
 - o New Castle Contracting – Permit 0829 in the amount of \$500 for driveway alteration at 19 Windmill Road, Section 1, Block 04, Lot 10.-17.
 - o Cross County Asphalt – Permit 0827 in the amount of \$500 for driveway alteration at 5 Shippen Road, Section 2, Block 11C, Lot 1.-3.
- Receipt of Verizon FIOS franchise fee payment for 2nd Qtr 2014 in the amount of \$32,149.28.
- Receipt of \$500 bond from Restaurant North regarding Special Event cleanup scheduled on September 18, 2014
- Receipt of Notice of Claim: State Farm Mutual vs. Town of North Castle and referral to Town Attorneys
- Receipt of Town Clerk's Report – August , 2014
- Receipt of notification from Fire District No. 2 Commissioners regarding hire of contract EMT's to cover weekday calls, effective September 15, 2014.

Vote: Unanimous

The Town Board audited and approved payments totaling \$5,607,823.58 as indicated on Warrant #16.

After all persons were heard who desired to be heard, the Supervisor adjourned the regular meeting at 11:35 p.m. in memory of the following residents: Helen Massaro, John O'Hanlon, Mary DiGiacinto - mother-in-law of Councilman Barbara DiGiacinto, Howard Hall - father of

Nancy Hall, Court Clerk's office, and former resident, Hal Silverman, and reconvened to Executive Session; the meeting closed at 12:05 am.

Anne Curran, Town Clerk

Dated: September 22, 2014

PUBLIC HEARING

September 10, 2014

At 8:15 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 on September 10, 2014, at 7:30 PM, or as soon thereafter, at Town Hall, 15 Bedford Road, Armonk, NY, 10504, for the purpose of considering the special event permit request for a Halloween special event to be open to the public and to hold not more than 200 people on Fridays, Saturdays and Sundays during the month of October. The property is located at Rocky Ledge Swim Club - 1402 Old Orchard Street and known on the North Castle Tax Maps as 123.01-1-9 and located within the R-1A Zoning District.

Copies of the special event permit application are available in the Town Clerk's office during regular business hours. 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: August 22, 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.

The following were marked Exhibit "D" for the record:

- Application documents, including Short Environmental Assessment Form, Part 1, dated July 29, 2014.
- Memo from Fire Marshal/Assistant Building Inspector William Richardson dated August 20, 2014 regarding review of plans.
- Email from Chief Andrew Seicol, North White Plains Fire Company, dated August 23, 2014 regarding review of plans.
- A letter from Westchester County Planning Board dated August 26, 2014 stating that the action is a matter for local determination.
- Certified mail receipts denoting mailing of Notice of Public Hearing to adjacent property owners.
- Negative Declaration for consideration.
- Proposed resolution of approval.

The applicant, Marc Mancini, was present.

Supervisor Schiliro said that the event is scheduled for its fifth year and has been successful with all pertinent parties involved in managing it. The event will be held during the period of October 10 to October 26, 2014.

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 Reiter that the Public Hearing be closed at 8:18 p.m.

The roll call was as follows:

Ayes: Councilmen D’Angelo, DiGiacinto, Reiter, Berra, Supervisor Schiliro

Noes: None.

Councilman D’Angelo moved, seconded by Councilman DiGiacinto, 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 D’Angelo, DiGiacinto, Reiter, Berra, Supervisor Schiliro

Noes: None

Councilman D’Angelo moved, seconded by Councilman Berra , the approval of the Special Event Permit application of Haunted Dead End for a Halloween Special Event at the Rocky Ledge Swim Club, 1402 Old Orchard Street (Section 3, Block 74, Lot 1.H), for a term beginning October 10, 2014 and ending October 26, 2014.

The roll call vote was as follows:

Ayes: Councilmen D’Angelo, DiGiacinto, Reiter, Berra, Supervisor Schiliro

Noes: None

The Resolution follows at the end of these minutes.

Anne Curran, Town Clerk

Dated: September 16, 2014

R E S O L U T I O N

Action:	Special Event Permit
Application Name:	Haunted Dead End
Owner:	Rocky Ledge Swim Club
Applicant:	Haunted Dead End – Marc Mancini
Designation:	Section 3, Block 14, Lot 1.H
Zone:	R-1A
Acreage:	Approx. 14-acres
Location:	1402 Old Orchard Street
Date of Approval:	September 10, 2014
Term of Special Event Permit:	October 10, 2014 – October 26, 2014

WHEREAS, an application dated July 29, 2014 was submitted by Haunted Dead End to operate a special event at the Rocky Ledge Swim Club pursuant to Chapter 83 of the Town Code; and

WHEREAS, Haunted Dead End is requesting permission to conduct a Halloween special event that is open to the public and will hold not more than 200 people, at any one time, on Fridays, Saturdays and Sundays during the month of October; and

WHEREAS, activities will include a late afternoon/early evening family event that includes crafts, face painting, storytelling as well as an adult supervised walk through maze and an evening adult/teen event that includes a graveyard, vortex tunnel, corn maze and haunted house maze; and

WHEREAS, in 2010, 2011, 2012 and 2013 the Town Board issued a Halloween special event permit; and

WHEREAS, the 2010, 2011, 2012 and 2013 Halloween Special Events were held without any known incidents; and

WHEREAS, the operation of the special event would not require any permanent construction; and

WHEREAS, the site plan was forwarded to the Chief of Police and Fire Inspector so that they may make any pertinent recommendations to the Town 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 application was referred to the Westchester County Planning Board pursuant to § 239-m of New York State General Municipal Law (GML) on August 20, 2014; and

WHEREAS, the 14-acre property is located in the R-1A Zoning District and is designated on the Tax Maps of the Town of North Castle as Section 3, Block 14, Lot 1.H; and

WHEREAS, a duly advertised public hearing was held on said application before the Town Board on September 10, 2014 and closed on that date at which time all those wishing to be heard were given the opportunity to be heard; and

WHEREAS, the notice of public hearing was sent to the City of White Plains City Clerk and the Town Clerk of the Town/Village of Harrison pursuant to § 239-nn of New York State General Municipal Law (GML) since the subject site is located within 500 feet of the City of White Plains and the Town/Village of Harrison; and

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

WHEREAS, the Town Board has requested, received and considered comments from the Town Attorney, the Town Engineer and Town Planner regarding the proposed special event; and

WHEREAS, the proposed action is an Unlisted Action pursuant to the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Town Board determined to conduct an uncoordinated SEQRA Review; and

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, 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 special event permit is approved for a term beginning October 10, 2014 and ending October 26, 2014, for a total of nine days, subject to the conditions identified below; and

BE IT FURTHER RESOLVED, that this permit 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; and

Prior to the Issuance of the Special Event Permit:

(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 83-4.D of the Town Code, the Applicant is required to submit plans showing the layout of the event area, including the location of all existing structures and improvements, the location and description of all event-related temporary structures, tents, stands, ingress and egress, parking, signs, lighting, electrical equipment, sound equipment, mechanical equipment, portable toilets to the satisfaction of the Building Department.
- _____ 2. Pursuant to Section 83-4.F of the Town Code, a certificate of insurance from an insurance company licensed to do business in New York State with the following minimum coverages to the satisfaction of the Town Clerk:
 - (1) Bodily injury: \$300,000, one person.
 - (2) Bodily injury: \$1,000,000, one accident.
 - (3) Property damage: \$100,000, one accident.

In addition, the Town shall be identified as additionally insured to the satisfaction of the Town Attorney.

- _____3. Pursuant to Section 83-4.G of the Town Code, the Applicant shall submit all documentation demonstrating approval from the Westchester County Department of Health to the satisfaction of the Building Department.
- _____4. Pursuant to Section 83-4.I of the Town Code, the Applicant shall post a cash bond of \$500 to guarantee cleanup by the exhibitor after the special event, except where the special event is conducted on premises owned by the person making the application.
- _____5. A pre-permit site meeting shall be held with the Applicant and with the Building Inspector, Fire Marshal, Fire Department, and Police Department to discuss the operation of the special event. Once all issues have been adequately addressed to the satisfaction of the Building Inspector, Fire Marshal, Fire Department and Police Department, the Building Department shall transmit a letter stating such to the Town Clerk.

Other Conditions:

1. Pursuant to Section 83-3.A of the Town Code, all special events shall require the provision of a "fire watch" by the local Fire Department and/or North Castle Fire Marshal, the cost of which shall be paid for by the applicant. The Fire Marshal may also approve other fire-protection measures to the satisfaction of the North Castle Fire Marshal, the cost of which shall be paid for by the applicant.
2. Pursuant to Section 83-3.B of the Town Code, all special events shall require the provision of security and/or traffic control by the Town of North Castle Police Department, the cost of which shall be paid for by the applicant. The Chief of Police may also approve other security and/or traffic control measures to the satisfaction of the Chief of Police, the cost of which shall be paid for by the applicant.
3. This special event permit is not assignable.
4. This special event permit is revocable for a violation of the Town Code or any other ordinance or law, pursuant to Chapter 83-6 of the Town Code.
5. The Applicant shall observe all state, county and Town laws, rules and regulations as to health, safety and general welfare and shall be subject to reasonable regulations of the Building Department, Fire Marshal, Police Department and Highway Department of the Town of North Castle.
6. The special event shall not be conducted prior to 10:00 a.m. or after 12:00 midnight.
7. All rubbish from the premises and from any parking area 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.
8. The Applicant 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.

PUBLIC HEARING

September 10, 2014

At 8:20 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 Town Board of the Town of North Castle, Westchester County, New York, will meet at the Town Hall in 15 Bedford Road, in Armonk, New York, in said Town, on the 10th day of September, 2014, at 7:30 o'clock P.M. Prevailing Time, for

the purpose of conducting a public hearing in relation to the proposed increased cost of the increase and improvement of the facilities of Town of North Castle Water District No. 2 in the Town of North Castle, Westchester County, New York, consisting of the reconstruction and improvement to the District water mains, and all of the foregoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto. The maximum estimated cost of the aforesaid increase and improvement of the facilities of Town of North Castle Water District No. 2 in the Town is \$9,950,000, an increase of \$310,000 over that previously authorized.

The project has been determined to be an Unlisted Action for purposes of the State Environmental Quality Review Act, which as proposed, the Town Board has determined will not result in any significant environmental effects.

At said public hearing said Town Board will hear all persons interested in the subject matter thereof.

Dated: Armonk, New York
August 22, 2014

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF NORTH CASTLE,
WESTCHESTER COUNTY, NEW YORK
Anne Curran, Town Clerk

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 Orrick, Herrington & Sutcliffe (Bond Counsel) dated August 8, 2014 and August 25, 2014 were marked Exhibit "D" for the record.

Public Interest Order for consideration for adoption.

Bond Resolution for consideration for adoption.

Michael Fareri said that the ductile iron pipe which is being installed for this project is Class 52, and Class 56 has been required for other projects in the Town. Mr. Fareri said the requirements should be consistent for all projects.

Sal Misiti, Director of Water and Sewer Operations, explained that both Class 52 and Class 56 pipe meet the same water pressure rating. Mr. Misiti said Class 52 was recommended by the consultant because the Windmill Farm project area is not in a high traffic area. He said the projected cost savings by using Class 52 as opposed to Class 56 was significant for District residents who are paying for the project.

Ed Woodyard, Windmill Road, said that not all residents in Water District No. 2 are members of Residents of Windmill Inc. (ROWI) and it has come to his attention that some residents felt they had not been adequately notified concerning the project. Mr. Woodyard asked that any future information regarding the cost of the project be communicated to all residents of the District. Supervisor Schiliro said the increased cost for the project has been on the Town Board agenda several times and ROWI had asked to be involved. Mr. Misiti said several surveys were mailed to District residents and all are aware of the project. He added that there are two pages on the Town website which include every document for the project from its beginning, as well as construction updates. Mr. Misiti said the increased cost is not due to any changes or additions to the project. The bond amount (of \$9,640,000) which was previously authorized and secured was for an estimated value of the project. The actual bid amount for the project was \$310,000 higher than the estimated amount.

After all persons were heard who desired to be heard, Councilman DiGiacinto moved, seconded by Councilman Reiter, that the Public Hearing be closed at 8:30 p.m.

The roll call vote was as follows:

Ayes: Councilmen D'Angelo, DiGiacinto, Reiter, Berra, Supervisor Schiliro

Noes: None

Councilman DiGiacinto moved, seconded by Councilman Reiter, to adopt the Public Interest Order that follows at the end of these minutes.

The roll call vote was as follows:
Ayes: Councilmen DiGiacinto, Reiter, Berra, D’Angelo, Supervisor Schiliro
Noes: None

Councilman DiGiacinto moved, seconded by Councilman Reiter, to adopt the Bond Resolution that follows at the end of the minutes.

The roll call vote was as follows:
Ayes: Councilmen DiGiacinto, Reiter, Berra, D’Angelo, Supervisor Schiliro
Noes: None

Dated: September 22, 2014

Anne Curran, Town Clerk

43811-2-1

At a regular meeting of the Town Board of the Town of North Castle, Westchester County, New York, held at the Town Hall, 15 Bedford Road, in Armonk, New York in said Town, on September 10, 2014, at 7:30 o'clock P.M., Prevailing Time.

PRESENT:

- Michael Schiliro
Supervisor
- Stephen D’Angelo
Councilman
- Barbara DiGiacinto
Councilman
- Barry Reiter
Councilman
- José Berra
Councilman

In the Matter	:	
of	:	
the Increase and Improvement of the	:	PUBLIC INTEREST ORDER
Facilities of the Town of North Castle	:	
Water District No. 2 in the Town of North	:	
Castle, Westchester County, New York	:	
	:	

WHEREAS, the Town Board of the Town of North Castle, Westchester County, New York, has duly caused to be prepared a map, plan and report including an estimate of cost, pursuant to Section 202-b of the Town Law, relating to the increase and improvement of the facilities of the Town of North Castle Water District No. 2 in the Town of North Castle, Westchester County, New York, consisting of the reconstruction and improvement to the District water mains; and

WHEREAS, at a meeting of said Town Board duly called and held on August 13, 2014, an order was duly adopted by it and entered in the minutes specifying the said Town Board would meet to consider the increase and improvement of the facilities of the Town of North Castle Water District No. 2 in said Town at a revised maximum estimated cost of \$9,950,000, being an increase of \$310,000 over that previously authorized, and to hear all persons interested

in the subject thereof concerning the same at the Town Hall, 15 Bedford Road, in Armonk, New York, in said Town, on September 10, 2014, at 7:30 o'clock P.M., Prevailing Time; and

WHEREAS, said order duly certified by the Town Clerk was duly published and posted as required by law; and

WHEREAS, a public hearing was duly held at the time and place set forth in said notice, at which all persons desiring to be heard were duly heard; NOW, THEREFORE, BE IT

ORDERED, by the Town Board of the Town of North Castle, Westchester County, New York, as follows:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to make the improvement, to increase and improve the facilities of Town of North Castle Water District No. 2 in the Town of North Castle, Westchester County, New York, consisting of the reconstruction and improvement to the District water mains, at a revised maximum estimated cost of \$9,950,000.

Section 2. This order shall take effect immediately.

The question of the adoption of the foregoing order was duly put to a vote on roll, which resulted as follows:

Barbara DiGiacinto, Councilman	VOTING AYE
Barry Reiter, Councilman	VOTING AYE
José Berra, Councilman	VOTING AYE
Stephen D'Angelo, Councilman	VOTING AYE
Michael Schiliro, Supervisor	VOTING AYE

The order was thereupon declared duly adopted.

* * * * *

STATE OF NEW YORK)
) ss.:

I, the undersigned Clerk of the Town of North Castle, Westchester County, New York (the "Issuer"), DO HEREBY CERTIFY:

PUBLICATION in the Journal News on August 22, 2014

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Issuer
this 11th day of September, 2014.

(CORPORATE
SEAL)

At a special meeting of the Town Board of the Town of North Castle, Westchester County, New York, held at the Town Hall, 15 Bedford Road, in Armonk, New York, in said Town, on September 10, 2014, at 7:30 o'clock P.M., Prevailing Time.

The meeting was called to order by Supervisor Michael Schiliro, and upon roll being called, the following were

PRESENT:

Michael Schiliro
Supervisor

Stephen D'Angelo
Councilman

Barbara DiGiacinto
Councilman

Barry Reiter
Councilman

José Berra
Councilman

ABSENT:

The following resolution was offered by Councilman DiGiacinto who moved its adoption, seconded by Councilman Reiter to-wit: BOND RESOLUTION DATED SEPTEMBER 10, 2014.

A RESOLUTION AUTHORIZING THE ISSUANCE OF AN ADDITIONAL \$310,000 SERIAL BONDS OF THE TOWN OF NORTH CASTLE, WESTCHESTER COUNTY, NEW YORK, TO PAY A PORTION OF THE COST OF THE INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE TOWN OF NORTH CASTLE WATER DISTRICT NO. 2, IN THE TOWN OF NORTH CASTLE, WESTCHESTER COUNTY, NEW YORK.

WHEREAS, pursuant to the provisions heretofore duly had and taken in accordance with the provisions of Section 202-b of the Town Law, and more particularly an Order dated of even date herewith, said Town Board has determined it to be in the public interest to improve the facilities of the Town of North Castle Water District No. 2, in the Town of North Castle, Westchester County, New York, at a revised maximum estimated cost of \$9,950,000; and

WHEREAS, it is now desired to provide additional funding for such capital project over the \$9,640,000 previously authorized; NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of North Castle, Westchester County, New York, as follows:

Section 1. For the specific object or purpose of paying the cost of the increase and improvement of Town of North Castle Water District No. 2 in the Town of North Castle, Westchester County, New York, consisting of the reconstruction and improvement to the District water mains, including incidental improvements and expenses, at a revised maximum estimated cost of \$9,950,000, there are hereby authorized to be issued an additional \$310,000 serial bonds of said Town pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the plan for the financing of such specific object or purpose is as follows:

1) By the issuance of \$9,640,000 serial bonds previously authorized pursuant to a bond resolution dated April 24, 2013; and

2) By the issuance of \$310,000 serial bonds authorized to be issued therefor pursuant to this bond resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years pursuant to subdivision 1 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said Town of North Castle, Westchester County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent not paid from other sources, there shall be annually assessed upon all the taxable real property within said Town of North Castle Water District No. 2 in the manner provided by law an amount sufficient to pay the principal and interest on said bonds as the same become due, but if not paid from such source, all the taxable real property in said Town shall be subject to the levy of ad valorem taxes sufficient to pay the principal of and interest on said bonds as the same shall become due.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the Town of North Castle, Westchester County, New York, by the manual or facsimile signature of the Supervisor and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the Town Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as she shall deem best for the interests of said Town; provided, however, that in the exercise of these delegated powers, she shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Supervisor shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 9. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 10. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 11. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper of the Town, together with a notice of the Town Clerk

in substantially the form provided in Section 81.00 of the Local Finance Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Barbara DiGiacinto, Councilman	VOTING AYE
Barry Reiter, Councilman	VOTING AYE
José Berra, Councilman	VOTING AYE
Stephen D’Angelo, Councilman	VOTING AYE
Michael Schiliro, Supervisor	VOTING AYE

The resolution was thereupon declared duly adopted.

* * * * *

PUBLIC HEARING
September 10, 2014

At 8:31 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 on September 10, 2014 at 7:30 p.m., or as soon thereafter, at Town Hall, 15 Bedford Road, Armonk, New York 10504, for the purpose of considering a local law to amend the Code of the Town of North Castle by adding Chapter 161 entitled Property Maintenance to provide a method whereby vacant lots, improved properties and public lands within the Town are kept clean, properly maintained and kept free from vermin, nuisances, hazards, debris and litter.

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: August 22, 2014
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.

Short Environmental Assessment Form, Parts 1 and 2.

Negative Declaration for consideration.

Proposed Local Law.

The following Hopes Farm Lane residents spoke about the property at 5 Hopes Farm Lane.

Marc Kirschner said the owners of the property abandoned it about five or six years ago and moved abroad. Mr. Kirschner said there are mortgages on the property with several lenders; and litigation has been tied up in the courts among the lenders regarding who is responsible for taking care of the property. Mr. Kirschner said that as a result no one is taking care of the property which he said is in deplorable condition and negatively impacting property values in the neighborhood. He said Town departments have been responsive to his complaints, but the Town is unable to clean up the property because current law does not permit it. He urged the Town Board to adopt the proposed law to address this property and other similar properties in the

Town.

Jennifer Madrid expressed concerns for her young children and said illicit activities are occurring in the house.

Derrick Correa, who lives directly across the street from the subject property, said that he has lived in various municipalities in several states, all of which had an ordinance regarding property maintenance. Mr. Correa said he is in support of the proposed legislation to provide enforcement at the local level.

Michael Fareri, Armonk, said he agreed with the residents that something needs to be done regarding the abandoned property in their neighborhood and said he would support a law to correct that problem. However, Mr. Fareri cited concerns with sections of the proposed law: 161-4, Landscaping maintenance; 161-5, Storage of vehicles; and 161-7, Penalties for offenses. He said the law should be revised to address the problem of abandoned properties which is different than issues of regular property maintenance, such as repair of a broken fence or mowing of overgrown grass, which should not be included in the law.

Councilman Berra said he agreed that the legislation should focus on what the Town is trying to accomplish with regard to abandoned properties. Mr. Berra said it is too easy for the legislation to be overbroad and have very significant consequences that are unintended.

In response to Councilman Berra's query concerning if it would be possible to enact a law for abandoned properties as opposed to all properties, Town Attorney Baroni said the problem would be to determine when a property is abandoned. With regard to comments made by Mr. Fareri, Mr. Baroni said neighbors are complaining about the lack of and condition of landscaping such as falling down fences and dead trees and the property maintenance section of the law is very important to that situation.

Councilman DiGiacinto said there are issues with commercial properties which do not maintain their properties, because owners can simply pay the current low fines, and then may not clean up their properties. Ms. DiGiacinto added that there are properties with both expired and unexpired building permits where construction stops, leaving the sites to look abandoned and the Town without any recourse.

Supervisor Schiliro said that 'up to' language regarding fines in the proposed law was arbitrary and he was not comfortable with it.

Ed Woodyard, Armonk, said there has to be some discretion with regard to property maintenance enforcement.

Ed Lobermann, North White Plains, said that he did not think Section 161-5, Storage of vehicles, is germane to the intent of the law.

In response to a query from Supervisor Schiliro, Mr. Baroni said that a lien, which would be levied on the property to reimburse the Town for the cleanup costs, is treated as a tax and would supersede any mortgages on a property.

Mr. Baroni said the storage of vehicles section could be deleted if this is a concern; and the permitted height of grass and other ground cover could be increased. Councilman D'Angelo said the time period to remove an offense could be increased from five to twenty or thirty days.

Supervisor Schiliro said the proposed law would be revised and the public hearing would be reconvened.

After all persons were heard who desired to be heard, Councilman Berra moved, seconded by Councilman Reiter, that the Public Hearing be adjourned at 9:20 p.m.

The roll call was as follows:

Ayes: Councilmen D'Angelo, DiGiacinto, Reiter, Berra, Supervisor Schiliro

Noes: None

Anne Curran, Town Clerk

Dated: September 20, 2014

PUBLIC HEARING
September 10, 2014

At 9:20 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 on September 10, 2014 at 7:30 PM, or as soon thereafter, at Town Hall, 15 Bedford Road, Armonk, NY 10504, for the purpose of considering the amended Special Use Permit Application of the Whippoorwill Club to construct a 14,400 square foot two story Turf Management and Maintenance Facility to replace the existing facility. In addition, the proposed plan includes the establishment of a standalone chemical storage building, a vehicle and equipment wash area and the construction of a sand silo. The property is located at 150 Whippoorwill Road, Armonk, NY and known on the North Castle Tax Maps as Section 100.04, Block 1, Lot 41 and located within the R-2A Zoning District.

The special use permit application is available in the Town Clerk's office during regular business hours. 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: August 22, 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.

Letter and Special Use Permit Application, including Short Environmental Assessment Form from Sullivan Architecture, dated August 2, 2013 was marked Exhibit "D" for the record.

Memo from Planning Board Secretary, Valerie Desimone, dated September 25, 2013 regarding site walk was marked Exhibit "E" for the record.

Letter from NYS DEC dated February 10, 2014 was marked Exhibit "F" for the record.

Letter from Sullivan Architecture, with current site plan and building elevations, dated August 5, 2014 was marked Exhibit "G" for the record.

Correspondence from Anne and Charlie Curran dated September 4, 2014 and September 10, 2014 was marked Exhibit "H" for the record.

Letter from Director of Planning, Adam Kaufman, dated September 9, 2014 regarding positive recommendation from the Planning Board, was marked Exhibit "I" for the record.

Negative Declaration adopted by the Planning Board on September 8, 2014 was marked Exhibit "J" for the record.

Certified mail receipts denoting mailing of Notice of Public Hearing to adjacent property owners were marked Exhibit "K" for the record.

Proposed Resolution of approval of Special Use Permit.

John Sullivan and Karl Ackerman, Architects for the project, provided a recap of the project and points discussed at the last meeting with the Planning Board. It was emphasized that:

- The Whippoorwill Club desires to replace an old building with a new and much improved building to house all golf operations and allow all equipment to be stored inside.
- The maintenance staff is now a total of 14 people that tend to the golf course and that neither the number of employees nor operations will change.
- The building is a structure designed with environmental features designed with the architectural detail to resemble a barn.
- The applicant has agreed with the Planning Board recommendations to revisit the color of the building and to create a berm with a variety of 12-14 foot trees to buffer the visual impact of the site. Mr. Sullivan did say that an 8-foot berm would be difficult to do and

that a 4-6 foot berm with larger trees would be more attractive and would provide a more natural buffering effect.

In response to Councilman D'Angelo's query, Planning Director Kaufman said that the changes recommended by the Planning Board can be incorporated into the Resolution that the Town Board is considering.

Mr. Sullivan stated that the old water tank on the property will be removed at the applicant's expense as a condition of the project.

Supervisor Schiliro stated that important considerations are the landscaping and screening and how to address potential noise issues.

Councilman Di Giacinto suggested that anything that can be done to screen the building is important as she would hate to see an oversized building impact the scenic beauty of the road.

To a query from Councilman Berra, Mr. Sullivan responded that the driveway in and out of the facility needed to remain active, but that trucks delivering large loads, such as sand, would come a few times per year and deliveries would take place during regular daytime hours.

Charles Heckler, 129 Whippoorwill Road, asked what screening would be done along the west side of the building site at Whippoorwill Road. Mr. Ackerman said that no trees will be taken down along Whippoorwill Road and there will be new plantings added to the area along the existing fence line. Mr. Sullivan said the removal of storage pods and old vehicles and the broken fence will clean up and improve the whole area. Mr. Heckler expressed concern about the condition of the older maple trees within the Town's right of way and he said that noise, particularly in the summer, will be a negative impact.

John Sullivan reiterated that they will address Mr. Heckler's concerns regarding landscape screening. He said that the building and the entire property site will be better. The noise that has been generated in the past will be improved since the building will be constructed to address sound attenuation.

Supervisor Schiliro asked if trees should come down in a storm, will those trees will be replaced. Planning Dir Kaufman said that could be captured in the resolution.

After all persons were heard who desired to be heard, Councilman D'Angelo moved, seconded by Councilman DiGiacinto, that the Public Hearing be closed at 10:00 p.m.

The roll call vote was as follows:

Ayes: Councilmen D'Angelo, DiGiacinto, Reiter, Berra, Supervisor Schiliro

Noes: None

Councilman D'Angelo moved, seconded by Councilman Reiter, to approve the Special Use Permit for the Whippoorwill Club to build a turf management and maintenance facility per an amended resolution to include the points in the September 9, 2014 letter from the Planning Board meeting on September 8, 2014. The Resolution follows at the end of these minutes.

The roll call vote was as follows:

Ayes: Councilmen D'Angelo, DiGiacinto, Reiter, Berra, Supervisor Schiliro

Noes: None

Anne Curran, Town Clerk

Dated: September 23, 2014

RESOLUTION

Action:	Amended Special Use Permit Approval for a Membership Club
Application Name:	Whippoorwill Club
Applicant/Owner:	Whippoorwill Club Inc.
Zone:	R-2A Zoning District
Location:	Whippoorwill Road
Date of Approval:	September 10, 2014
Expiration Date:	September 10, 2015 (1 year)

WHEREAS, the Town of North Castle Town Board has received a special use permit application for the amendment to the Whippoorwill Club special use permit; and

WHEREAS, the Applicant is seeking amended approval to construct a 14,400 square foot two story Turf Management & Maintenance Facility that replaces the existing outdated facility; and

WHEREAS, in addition, the proposed plan includes the establishment of a standalone chemical storage building, a vehicle and equipment wash area and the construction of a sand silo; and

WHEREAS, furthermore, the plans propose to remove and dispose of the old 75,000 gal water tank owned by Water District #5; and

WHEREAS, the Town Board authorizes the Whippoorwill Club to remove said water tank; and

WHEREAS, amendments to all Membership Clubs requires the issuance of a special use permit by the Town Board; and

WHEREAS, on September 8, 2014, the Planning Board reviewed and discussed the project and and positively recommended that the Town Board consider the proposed special use permit (5-0 vote); and

WHEREAS, the application for special use permit was referred to the Westchester County Planning Board pursuant to Section 239 L, M and N of the New York State General Municipal Law and Section 277.61 of the County Administrative Code on December 30, 2013; and

WHEREAS, a duly advertised public hearing on said application was conducted on September 10, 2014, at which time all those wishing to be heard were given the opportunity to be heard; and

WHEREAS, § 213-30 of the North Castle Code establishes certain general standards for all special permit uses; and

WHEREAS, in order for the Town Board to approve a special use permit, the Town Board must find that all of the conditions and standards have been met; and

WHEREAS, pursuant to § 213-30(A) of the Town Code, in order to grant a special permit, the Town Board must find that “the location and size of the use, the nature and intensity of the operations involved in it or conducted in connection with it, the size of the site in relation to it and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located and that it complies with all special requirements for such use established in” the Town Code; and

WHEREAS, the subject property is located within the R-2A Zoning District; and

WHEREAS, the Club is proposing a relatively large maintenance facility given the proposed location adjacent to Whippoorwill Road; and

WHEREAS, the Town Board and Planning Board have studied the proposed mass, design and screening opportunities for the proposed building to ensure that the facility is compatible with the neighborhood and surrounding residential character; and

WHEREAS, the Applicant has provided a photosimulation, elevations, cross sections and a landscape screening plan for review; and

WHEREAS, based upon the submitted information, while the new facility would be visible from the road and surrounding properties, the Town Board finds that the proposed design would not have a significant negative visual impact; and

WHEREAS, the Town Board, based upon its review of the entire record, finds that the location and size of the use, the nature and intensity of the operations involved in it or conducted in connection with it, the size of the site in relation to it and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located and that it complies with all requirements for such use established in the Town Code; and

WHEREAS, pursuant to § 213-30(B) of the Town Code, the second criteria for the issuance of a special permit is that “the location, nature and height of buildings, walls, fences and the nature and extent of existing or proposed plantings on the site are such that the use will not hinder or discourage the appropriate development and use of the adjacent land and buildings;” and

WHEREAS, the Town Board, based upon its review of the entire record finds that the location, nature and height of buildings, walls, fences and the nature and extent of existing or proposed plantings on the site are such that the use will not hinder or discourage the appropriate development and use of the adjacent land and buildings; and

WHEREAS, pursuant to § 213-30(C), the third requirement for the issuance of a special permit is that “operations in connection with any special permit use will not be more objectionable to nearby properties by reason of noise, fumes, vibration or other characteristics than would be the operations of any permitted uses not requiring a special permit;” and

WHEREAS, the proposed uses within the proposed maintenance facility will be similar to the uses occurring within the existing maintenance facility; and

WHEREAS, the Town Board, based upon its review of the entire record finds that the operations in connection with this special permit use will not be more objectionable to nearby properties by reason of noise, fumes, vibration or other characteristics than would be the operations of any permitted uses not requiring a special permit; and

WHEREAS, pursuant to § 213-30(D) of the Town Code, the Town Board, in order to grant a special permit, must find that “parking areas will be of adequate size for the particular use, properly located and suitably screened from adjoining residential uses, and the entrance and exit drives shall be laid out so as to achieve maximum convenience and safety;” and

WHEREAS, the site plan depicts an adequate number of off-street parking spaces for staff and visitors; and

WHEREAS, the Town Board, based upon its review of the entire record finds that the proposed parking areas are of adequate size for the proposed use, properly located and suitably screened from adjoining residential uses, and the entrance and exit driveways are laid out so as to achieve maximum convenience and safety; and

WHEREAS, pursuant to § 213-30(E) of the Town Code, the fourth criteria for the issuance of a special permit is compliance “where required, [with] the provisions of the Town Flood Hazard Ordinance;” and

WHEREAS, no development is proposed within the floodplain; and

WHEREAS, the Town Board, based upon its review of the entire record finds that development is not proposed within the floodplain; and

WHEREAS, pursuant to § 213-30(F), it is required that “the Town Board finds that the proposed special permit use will not have a significant adverse effect on the environment;” and

WHEREAS, § 213-33.I of the North Castle Code establishes certain specific standards for all Membership Club special permit uses; and

WHEREAS, in order for the Town Board to approve a special use permit, the Town Board must find that all of the conditions and standards have been met; and

WHEREAS, pursuant to § 213-33.I(2) of the Town Code where clubs do not front on or have direct access to a major or a collector road as shown on the Town Development Plan Map, the intensity of use shall be limited by the Town Board to the extent necessary to assure that the expected average traffic generation of such use will not exceed that which would be expected if the premises were developed for permitted residential purposes; and

WHEREAS, the Town Board finds that the new maintenance facility will not create any additional traffic as compared to the existing maintenance facility; and

WHEREAS, pursuant to § 213-33.I(3) of the Town Code a landscaped buffer area of at least 25 feet in width shall be required along all lot lines adjoining or across the street from properties in residence districts; and

WHEREAS, the Applicant has provided a landscape plan along Whippoorwill Road; and

WHEREAS, pursuant to § 213-33.I(4) of the Town Code all active recreational facilities, such as tennis courts and swimming pools, shall be located out of doors; and

WHEREAS, the proposal does not involve the modification of any recreational structures; and

WHEREAS, the Planning Board, as Lead Agency, adopted a Negative Declaration on September 8, 2014; and

NOW THEREFORE BE IT RESOLVED, that this special permit shall be deemed to authorize only the particular use of uses specified in the permit and shall expire if work is not initiated within one year from the date of issue, or if said use or uses shall cease for more than one year for any reason or if all required improvements are not completed within two years from the date of issue or if all such required improvements are not maintained and all conditions and standards complied with throughout the duration of the use; and

BE IT FURTHER RESOLVED, that the special permit be, and it hereby is, approved, subject to the conditions set forth below:

Conditions:

1. The Applicant shall obtain Planning Board site plan approval.
2. The building plans shall be forwarded to the Building Department so that they may review the plan for conformance with the NYS Building Code.
3. Compliance with all applicable local laws and ordinances of the Town of North Castle.
4. An approximately 8-foot berm shall be constructed adjacent to the existing driveway and planted with large mixed species evergreen screening in an effort to further mitigate the visual impacts of the building.
5. The barn red color of the proposed building shall be amended to be more muted to the satisfaction of the Planning Board.
6. The proposed maintenance building shall be constructed with materials that will provide additional sound attenuation.
7. The garage doors shall be replaced with a model that is more residential in character to the satisfaction of the Planning Board.
8. That all operations associated with the maintenance facility be in full compliance with the Noise Chapter of the Town Code.
9. That the current 5 AM garbage pickup shall be changed to a time that complies with the Noise Chapter of the Town Code.
10. That the existing drainage inlet and pipe adjacent to Whippoorwill Road shall be fixed and the damaged stone wall adjacent to the road be repaired to the satisfaction of the Town Engineer and the Highway Department.

PUBLIC HEARING
September 10, 2014

At 10:00 p.m. Supervisor Schiliro stated that Public Hearings 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 Wednesday, September 10, 2014, at 7:30 p.m., or as soon thereafter, at Town Hall, 15 Bedford Road, Armonk, New York, 10504, concerning 156 Bedford Road, Armonk, to consider: (1) Amendments to the Zoning Code as follows: Section 213-5 amend and expand the Residential Multifamily – Single Structure (R-MF-SS) Zoning District; Section 213-22.4.C amend the number of AFFH units; Section 213-22.4.J amend to establish minimum apartment sizes; and Section 213-19 amend to modify the bulk requirements of the R-MF-SS Zoning District; and (2) Amendment to revise the Town Development Map of the Town Comprehensive Plan.

The proposed Local Law is available in the Town Clerk's office during regular business hours and on the Town's 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: August 22, 2014
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.

Zoning Petition prepared by Nathaniel Holt, PE dated July 7, 2014 and Short Environmental Assessment Form, Part 1 were marked Exhibit "D" for the record.

Letters from Planning Director Kaufman dated July 16, 2014 and August 5, 2014 were marked Exhibit "E" for the record.

Letter from Roderick Green, property owner, dated July 31, 2014 was marked Exhibit "F" for the record.

Certified mail receipts denoting mailing of Notice of Public Hearing to adjacent property owners were marked Exhibit "G" for the record.

Negative Declaration for consideration

Proposed resolution of approval

Proposed Local Law

Director of Planning Adam Kaufman said the local law being considered would permit the rezoning of the subject property, 156 Bedford Road, which is adjacent to the former lumberyard property at 170 Bedford Road. The 170 Bedford Road property was previously rezoned on June 9, 2010 to Residential Multifamily – Single Structure (R-MF-SS). The petition requests that the R-MF-SS zoning be expanded to the subject property, currently owned by Roderick Green and zoned as Roadside Business (RB). Mr. Kaufman said that the applicant, Michael Fareri, has petitioned to construct the building which was originally planned for the 170 Bedford Road property on the Green property, and to construct 14 units on the former lumberyard property.

Michael Fareri addressed the Board and displayed plans to describe his proposal for the two properties. Mr. Fareri said that there are currently four residences on the 156 Bedford Road property which is connected to public sewer, but not to public water. He said the present site plan approval for the 170 Bedford Road property is for a total of 24 units, 19 market rate units

and 5 Affordable Affirmatively Furthering Fair Housing (AFFH) units, which meets the Town's current requirement that 20% of all units within a single structure be AFFH units. His proposal is to:

- reduce the number of units previously planned for the 170 Bedford Road property from 24 units (19 market rate and 5 AFFH units) to 20 market rate units;
- build the 20 market rate units on the Green property;
- build a 14 unit, two-story building, comprised of market rate units and AFFH units, on the former lumberyard property along Interstate 684.

Mr. Fareri said his intent for the market rate units in the 14 unit building is for other developers to be able to locate their required AFFH units there at some future time. Town Attorney Baroni clarified that six of the units in the proposed 14 unit building would be AFFH units from the start as reviewed with the Planning Board. Mr. Fareri agreed that the numbers of six (6) AFFH units and eight (8) market rate units were correct.

To accomplish the project as proposed, amendments requested by the applicant to Section 213-19 Schedule of Residence District Regulations for the R-MF-SS Zoning District include the following reductions:

- minimum lot area from 30,000 to 20,000 square feet
- lot frontage from 150 to 100 feet
- front yard setback from 50 to 10 feet
- side yard setback from 20 to 15 feet
- rear yard setback from 50 feet to 5 feet
- zero side yard setback for detached accessory garages directly adjacent to public land

Mr. Fareri said that the project will provide housing for younger and older people, as well as affordable housing. He said he spoke with Councilman Berra regarding Mr. Berra's concern that the units would be taxed as condominiums.

The following residents provided comments:

Sue Allison Dean, MacDonald Avenue resident and business owner at the corner of Bedford Road, said she did not have issues with the rezoning of the 156 Bedford property, but expressed objection to the density of the project. Ms. Dean expressed concerns about potential isolation of the elderly, safety issues for children due to lack of play area, and social integration issues. She said she preferred keeping the original building on the 170 Bedford Road property, building six units on the 156 Bedford Road property and preserving its maple trees to maintain some green space. She said if the Board decides to approve the project as proposed, the Town should consider how to share the green space which is available. Ms. Dean recommended that a need for a stop sign at the intersection of Bedford Road going east turning left onto MacDonald Avenue be considered. Mr. Kaufman said this would be reviewed by the Planning Board.

In response to a query from Robert Dean, Mac Donald Avenue resident and business owner, about the protection the Town would have concerning the transfer of the 8 market units to future AFFH units; Mr. Baroni said there is none.

Mary Padilla, owner and operator of North Castle Veterinary at 150 Bedford Road and business owner of Alexander Technique in Armonk at 144A Bedford Road, said there are existing traffic problems, and during peak times with school bus traffic it is difficult for clients to drive in and out of the Bedford Road cul-de-sac. Dr. Padilla asked the Board to consider the traffic issue into consideration before approving the project.

Mario Ruggiero expressed support of the proposed project due to its proximity to transportation and the park.

Councilman Berra said he has opposed the project due to the density bonus, number of AFFH units proposed, and favorable tax rate. Mr. Berra said he could probably support the project if there were assurances that all the units would be affordable housing. He said there should be seven AFFH units as currently required by the Town's model ordinance. He expressed opposition to the proposed amendment (to Section 213-22.4.C) which would require one AFFH unit for every 5 market rate units within a single structure, and thereby reduce the required number of AFFH units to six. He added that the traffic impact should be studied and thought should be given if the project would change the character of the Town too greatly. He thought

the favorable tax rate for condominiums is too large an expense to the Town and a burden to taxpayers.

In a response to a query from Councilman D'Angelo regarding the proposed 14 unit building, Mr. Fareri confirmed that they would be condominiums and said he was hoping that other developers would purchase the eight market rate units to fulfill their AFFH obligations. Mr. Fareri commented that Westchester County's model ordinance requires that only 10% of units be affordable.

In response to a query from Councilman Reiter regarding the streetscape, Mr. Fareri said the building will be similar to the office building directly across the street on Bedford Road. He said sidewalks would be addressed by the Planning Board and he would consider providing sidewalks.

Councilman DiGiacinto said she understood Councilman Berra's comments regarding the R-MF-SS zoning district. Ms. DiGiacinto said the density bonus for the 170 Bedford Road property was unprecedented and noted that it was granted by a previous Town Board. She said she has reservations regarding another unprecedented density bonus for the 156 Bedford Road property, but feels strongly that the need for affordable housing has to be addressed. Mr. Fareri said the density bonus was received to provide for affordable housing. He said the additional traffic which would be generated by six additional two-bedroom apartments would be less than which would be generated by the previously approved 6,000 square foot retail building.

Mr. Kaufman said one of the reasons the Board is considering the high density is the project's location in the community with close proximity to the Town park, transportation and downtown.

Ms. DiGiacinto said she is pleased that minimum size of the affordable units would be larger. She said she agreed with Councilman Berra and wanted to go on record that there should be seven AFFH units, rather than six.

Mr. Dean asked whether two units could be built on the 156 Bedford Road property, in addition to the four existing 'affordable' residences, to meet the affordable housing requirement, keep the existing green space, and more favorably impact the Town's assessables. Mr. Berra said that if five units were built on the existing space, it would satisfy the affordable housing requirements. Mr. Fareri said this was not proposed in his application which the Town Board referred to the Planning Board, and which the Planning Board has recommended for approval.

Roderick Green, current owner of 156 Bedford Road, said he did not understand the concerns about density, but voiced objection to people blocking Bedford Road to walk dogs and using his property to walk dogs and park.

Supervisor Schiliro noted that although the project is not perfect, it is a good location for residential housing and he is fine with the AFFH calculation provided by the Planning Board. Mr. Schiliro noted several of the residential developments in Town which have fee simple taxation. He expressed support for condo taxation for this project since it is multifamily zoning and housing, and located in the downtown. He said he did not foresee traffic issues from the additional six units as significant to stop the project. Supervisor Schiliro expressed support in moving the project forward to provide affordable housing and develop this area of Bedford Road.

Mr. Kaufman noted additional amendments to the local law requested by the applicant which are not incorporated into the proposed local law, specifically to reduce the frontage of the minimum lot size from 150 feet to 100 feet, and permit a zero side yard setback for detached accessory garages directly adjacent to public land. Following comments from Mr. Fareri, Mr. Kaufman and several Board members, it was determined that the amendments would be incorporated into the local law being considered for adoption.

After all persons were heard who desired to be heard, Councilman DiGiacinto moved, seconded by Councilman Reiter, that the Public Hearing be closed at 11:07 p.m.

The roll call vote was as follows:

Ayes: Councilmen D'Angelo, DiGiacinto, Reiter, Berra, Supervisor Schiliro

Noes: None

Councilman D’Angelo moved, seconded by Councilman DiGiacinto, 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 D’Angelo, DiGiacinto, Reiter, Supervisor Schiliro
Noes: None
Abstained: Councilman Berra

Councilman DiGiacinto moved, seconded by Councilman Reiter, adoption of the Resolution to amend the Town Comprehensive Plan; amend Section 213-5 to amend and expand the Residential Multifamily – Single Structure (R-MF-SS) Zoning District; amend Section 213-22.4.C relating to the number of AFFH units; amend Section 213-22.4.J to establish minimum apartment sizes; and amend Section 213-19 to modify the bulk requirements of the R-MF-SS.

The roll call vote was as follows:
Ayes: Councilmen D’Angelo, DiGiacinto, Reiter, Supervisor Schiliro
Noes: Councilman Berra

Councilman DiGiacinto moved, seconded by Councilman Reiter, the adoption of Local Law 3 of 2014 of the Town of North Castle, as amended, to amend Section 213-5 to amend and expand the Residential Multifamily – Single Structure (R-MF-SS) Zoning District; amend Section 213-22.4.C relating to the number of AFFH units; to create a new amend Section 213-22.4.J to establish minimum apartment sizes; and amend Section 213-19 amend to modify the bulk requirements of the R-MF-SS Zoning District.

The roll call vote was as follows:
Ayes: Councilmen D’Angelo, DiGiacinto, Reiter, Supervisor Schiliro
Noes: Councilman Berra

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

Anne Curran, Town Clerk

Dated: September 22, 2014

RESOLUTION

Action: Town Comprehensive Plan amendment, amendment to Section 213-5 to amend and expand the Residential Multifamily – Single Structure (R-MF-SS) Zoning District; amendment to Section 213-22.4.C relating to the number of AFFH units; amendment to Section 213-22.4.J to establish minimum apartment sizes, amendment to Section 213-19 to modify the bulk requirements of the R-MF-SS Zoning District

Application Name: R-MF-SS Zoning District Amendments

Date of Approval: September 10, 2014

WHEREAS, an application dated July 7, 2014 for Zoning Text Amendment was submitted to the Town Board by Michael Fareri to amend the Town Code as described above; and

WHEREAS, the Applicant’s petition to the Town Board is to amend the Zoning chapter to expand and modify the Residential Multifamily – Single Structure Zoning District so that the district includes Lot 108.03-1-41; and

WHEREAS, the Applicant’s petition to the Town Board also includes proposed amendments to the bulk requirements of the Residential Multifamily – Single Structure Zoning District; and

WHEREAS, the Applicant's separate petition also includes extending Water District #7 to include Lot 108.03-1-41; and

WHEREAS, the Town Comprehensive Plan Update 1996 – Town Development Map identifies the subject site as within the “Retail and Service Business” category; and

WHEREAS, the Town Development Map would need to be revised to place Lot 108.03-1-41 within a residential category; and

WHEREAS, the most dense residential category included within the Town Comprehensive Plan is the “Semi-Urban Residential (5-10 DU/AC)” category; and

WHEREAS, the proposed rezoning of the property from commercial zoning to multifamily zoning is in conformance with the Town Comprehensive Plan; and

WHEREAS, the Comprehensive Plan includes several recommendations that would relate to the rezoning of the property; and

WHEREAS, page III-3 lists several goals from the last comprehensive plan that should remain valid and states that the Town should permit “...more diverse development to accommodate all types of lifestyles;” and

WHEREAS, the provision of apartments in the hamlet area is in keeping with this policy; and

WHEREAS, page III-30 contains an analysis of existing and potential retail and service business development within the Town; and

WHEREAS, this section concludes that the existing amount of business development is more than adequate to serve the existing and future population of the Town and concludes that “the Town's business development potential under existing zoning appears to far exceed estimated local convenience shopping needs;” and

WHEREAS, removing Lot 108.03-1-41 from the retail and service business classification and placing the property into a multi-family zone would be consistent with the policies of the Town Comprehensive Plan; and

WHEERAS, page IV-5 identifies several goals with respect to residential development within the Town; and

WHEREAS, the first goal in that section states that “the Town should continue to provide the opportunity for a variety of housing types and densities as necessary to meet the needs of people of various income levels, ages and lifestyles, and consistent with the character of the community, environmental constraints, and the capacity of the infrastructure to absorb the impacts of development;” and

WHEREAS, the creation of the proposed multifamily zoning district is consistent with the comprehensive plan goals; and

WHEREAS, the second goal in that section states that “the Town should permit only residential development which is compatible in scale, density and character with its neighborhood and natural environment;” and

WHEREAS, the RMF-SS Zoning District permits an FAR of 0.9 which is significantly higher than other residential, commercial or industrial districts within the Town of North Castle; and

WHEREAS, however, the Town has determined that the proposed density is appropriate since the project shall provide one Affordable AFFH Unit for every 5 market rate units or fraction thereof and the provision of additional affordable housing units would be beneficial to the Town of North Castle and the region; and

WHEERAS, the fourth goal in that section states that “Housing, as provided for under current zoning, should be maintained in the hamlet centers;” and

WHEREAS, since the subject multifamily zoning district is proposed to be mapped in the Armonk Hamlet, the proposed action is consistent with this residential goal; and

WHEREAS, the fifth goal in that section states that “requests for zoning of additional sites for multi-family use should be limited to: need, including consideration of the currently built and unbuilt multi-family inventories; consideration of and mitigation of environmental impacts, particularly traffic; and, adequate infrastructure resources;” and

WHEREAS, given the generally recognized need for various types of housing to accommodate different ages, incomes and lifestyles, the proposed multifamily zoning district would be consistent with the Comprehensive Plan; and

WHEREAS, the proposed action would ultimately result in the development of 14 units on Lot 108.03-1-41; and

WHEREAS, the Planning Board, in a communication to the Town Board, determined that the proposed action is appropriate; and

WHEREAS, the applicant submitted a Short Environmental Assessment Form (EAF) dated July 7, 2014 in connection with the application; 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, 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 on September 10, 2014 made 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

WHEREAS, the Planning Board adopted a motion at its August 5, 2014 meeting by a vote of 5 to 0 recommending that the Town Board approve the above-referenced actions; and

WHEREAS, the Town Board conducted a public hearing on September 10, 2014 to receive comments regarding the proposed amendments to the Comprehensive Plan amendment and the Town of North Castle Zoning Code; and

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 the Town of North Castle Town Board hereby amends the Town Comprehensive Plan Update 1996 – Town Development Map to identify the lot 108.03-1-41 as within the “Semi-Urban Residential (5-10 DU/AC)” category from the “Retail and Service Business” category; and

BE IT FURTHER RESOLVED, that the Town of North Castle Town Board hereby amends the Town Comprehensive Plan, amends Section 213-5 to expand the Residential Multifamily – Single Structure (R-MF-SS) Zoning District; amends Section 213-22.4.C relating to the number of AFFH units; amends Section 213-22.4.J to establish minimum apartment sizes, and amends Section 213-19 to modify the bulk requirements of the R-MF-SS Zoning District.

NEW YORK STATE DEPARTMENT OF STATE
99 WASHINGTON AVENUE
ALBANY, NY 12231

Local Law Filing

Local Law No. 3 of the year 2014 Adopted September 10, 2014

A local law to amend Section 213-5 to amend and expand the Residential Multifamily – Single Structure (R-MF-SS) Zoning District, to amend Section 213-22.4.C relating to the number of AFFH units, to create a new Section 213-22.4.J to establish minimum apartment sizes and to amend Section 213-19 to modify the bulk requirements of the R-MF-SS Zoning District

Be it enacted by the Town Board of the Town of North Castle as follows:

Section 1. Amend Section 213-5 of the Town Code to apply the Residential Multifamily – Single Structure (RMF-SS) to lot 108.03-1-41.

Section 2. Amend Section 213-19 Schedule of Residence District Regulations to include the following new Zoning District information:

District	Permitted Principal Uses	Permitted Accessory Uses	Minimum Lot Size				Minimum Yards			Maximum Building Height		Maximum Building Coverage	Minimum Dwelling Unit Size	Refer also to these pertinent sections
			Area	Frontage	Width (feet)	Depth	Front (feet)	Side (feet)	Rear (feet)	Stories	Feet	Lot Area (percent)	In square feet	
R-MF-SS	Same as R-MF	Same as R-MF	20,000 square feet	100 feet	150	150 feet	10	15	5	3	30	40	As required by §213-22	Articles IV through X

Section 3. Amend Section 213-22.4.C as follows:

AFFH Units. The single structure building shall be provided with one AFFH unit for every 5 market rate units or fraction thereof.

Section 4. Amend Section 213-22.4 to include the following new subsection:

- J. Minimum gross floor area per dwelling market rate unit shall not be less than the following:
- [1] Efficiency: 600 square feet.

[2] One-bedroom: 900 square feet.

[3] Two-bedrooms: 1,100 square feet, including at least 2 baths.

[4] Three-bedrooms: 1,300 square feet, including at least 2 baths.

[5] Four-bedrooms: 1,500 square feet, including at least 2 1/2 baths.

Section 5. Amend Section 213-22.4.I as follows:

Detached accessory garages shall not require a rear or side yard setback if the subject parcel and detached accessory garages are directly adjacent to public land and the location of such garages is deemed appropriate by the Planning Board.

Section 6. 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 7. 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 8. Effective Date.

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

Dated: September 10, 2014

PUBLIC HEARING
September 10, 2014

At 11:10 p.m. Supervisor Schiliro 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 and plan in the matter of the extension of Water District No. 7, to include 156 Bedford Road, Section 108.03, Block 1, Lot 41.

The Order calling the Public Hearing 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 petition, map, plan and report prepared by Nathaniel (Dan) Holt, PE, dated July 30, 2014 and Short Environmental Assessment Form, Part 1 were marked exhibit "D" for the record.

Proposed Resolution for adoption.

Michael Fareri, the applicant, appeared before the Board and said the former lumberyard property at 170 Bedford Road is in Water District No. 7, but subject property, 156 Bedford Road, is not. Mr. Fareri said that when the water main was installed in the street, Mr. Green, the property owner, opted not to connect to the District because he had a well which is still active today. Sal Misiti, Director of Water and Sewer Operations, said the subject property should be in the District and he is working with Dan Holt on how the connections would be made.

In response to a query from Councilman DiGiacinto regarding capacity and daily water usage associated with adding the property to the District, Mr. Fareri said that Dan Holt did a study as part of the requirement for the application. Mr. Fareri said that the usage of the current four units is insignificant. The amount of water which will be used with the additional units would not be much more than currently being used because the current units do not have restrictors as do new plumbing fixtures which use less water.

In response to queries from Councilman DiGiacinto regarding irrigation systems to water plantings, and the use of alternative irrigation systems such as buried tanks and cisterns which would not use public water, Mr. Fareri said the property would have an irrigation system, and that if the Town developed a plan for alternative systems for the entire community that would be something that everyone should think about. Mr. Misiti said that Frank Madonna proposed this for his project on Old Mount Kisco Road.

After all persons were heard who desired to be heard, Councilman DiGiacinto moved, seconded by Councilman Reiter, that the Public Hearing be closed at 11:18 p.m.

The roll call vote was as follows:

Ayes: Councilmen D'Angelo, DiGiacinto, Reiter, Berra, Supervisor Schiliro

Noes: None

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, the adoption of the Resolution, which follows at the end of these minutes, to extend the boundaries of Water District No. 7 to include all properties listed as Exhibit "A" of the Resolution.

The roll call vote was as follows:

Ayes: Councilmen D’Angelo, DiGiacinto, Reiter, Supervisor Schiliro

Noes: Councilman Berra

The Resolution follows at the end of these minutes.

Anne Curran, Town Clerk

Dated: September 22, 2014

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 13th day of August, 2014, at 7:30 p.m.

P R E S E N T :

Hon. Michael Schiliro
Stephen D’Angelo
Barry Reiter
José Berra
Barbara DiGiacinto

-----X

In the Matter of the Extension of Water District No. 7
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 for RODERICK GREEN in such manner and in such detail as has heretofore been determined by the Town Board relating to the extension of Water District No. 7, and

WHEREAS, said petition, map and plan have been prepared by a competent engineer showing the boundaries of the proposed extension and a general plan of the water system connection, and

WHEREAS, said petition, map and plan have been duly filed in the office of the Town Clerk of said Town and are available for public inspection during normal business hours, and

WHEREAS, said map shows the service lines to be connected to the existing water mains, and

WHEREAS, the boundaries of the proposed extension to said district to be known as “Green Extension” 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

NOW, on motion of Councilman D’Angelo, seconded by Councilman DiGiacinto, it is hereby

ORDERED, that the Town Board of the Town of North Castle shall meet and hold a

Town Board Minutes
September 10, 2014

public hearing at the North Castle Town Hall, 15 Bedford Road in said Town on the 10th day of September, 2014, 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. Michael Schiliro	voting Aye
Stephen D'Angelo	voting Aye
Barry Reiter	voting Aye
José Berra	voting No
Barbara DiGiacinto	voting Aye

and the order was thereupon declared duly adopted.

Dated: Armonk, New York
August 13, 2014

BY ORDER OF THE TOWN BOARD

Anne Curran, Town Clerk

EXHIBIT A

Property Description:

156 Bedford Road
Armonk, New York 10504
Section 108.03
Block 1
Lot 41

Record & Return to:

Roland A. Baroni, Jr.
STEPHENS, BARONI, REILLY
& LEWIS, LLP
175 Main Street (Suite 800)
White Plains, NY 10601

At a meeting of the Town Board of the Town of North Castle at Town Hall, 15 Bedford Road, Armonk, Westchester County, New York on the 10th day of September, 2014, at 7:30 P.M.

RESOLUTION TO EXTEND WATER DISTRICT NO. 7

WHEREAS, a Petition, Map and Plan have been prepared by RODERICK GREEN dated July 30, 2014, for the extension of Water District No. 7 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 August 13, 2014, reciting the filing of said petition, the improvements proposed, the boundaries of the proposed extension, and the estimated expenses thereof and specifying September 10, 2014, 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 10th day of September, 2014, 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 D'Angelo, seconded by Councilman DiGiacinto, 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 benefitted thereby; (c) all the property and property owners benefitted 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. 7 as proposed in said petition be approved; that such extension be designated as Water District No. 7 Extension-Area "156 Bedford Road Water Extension"; 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 108.03, Block 1, Lot 41 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.

Roll Call:	Vote:
Councilman D'Angelo	Aye
Councilman DiGiacinto	Aye
Councilman Berra	No
Councilman Reiter	Aye
Supervisor Schiliro	Aye

STATE OF NEW YORK
COUNTY OF WESTCHESTER
TOWN OF NORTH CASTLE

I, ANNE CURRAN, Town Clerk of the Town of North Castle, do hereby certify that I have compared the preceding Resolution with the original thereof filed in my office at Town Hall, 15 Bedford Road, Armonk, Westchester County, New York, that the same is a true and correct copy of said original and the whole thereof.

I further certify that all members of the Town Board had due notice of the meeting at which said resolution was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town this 10th day of September, 2014.

Town Clerk

STATE OF NEW YORK: COUNTY OF WESTCHESTER: SS:

On the 10th day of September in the year 2014 before me, the undersigned personally appeared ANNE CURRAN, Town Clerk of the Town of North Castle, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

SCHEDULE A

1. 156 Bedford Road
Armonk, New York 10504
Section 108.03
Block 1
Lot 41