

## PUBLIC HEARING

November 18, 2015

At 8:57 p.m. Supervisor Schiliro stated that a Public Hearing, which was adjourned on November 4, 2015, would reconvene in accordance with the Public Notice that follows:

NOTICE IS HEREBY GIVEN THAT the North Castle Town Board will hold a Public Hearing on November 4, 2015, at 7:30 PM, or as soon thereafter, at Town Hall, 15 Bedford Road, Armonk, NY, 10504, for the purpose of considering a local law to provide for the codification of the local laws of the Town of North Castle into a Municipal Code to be designated the "Code of the Town of North Castle."

The local law is available in the Town Clerk's office during regular business hours and on the Town website [www.northcastleny.com](http://www.northcastleny.com). 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

Correspondence received since the public hearing on November 4, 2015:  
Written comments from Susan Shimer regarding suggested changes to the Code, dated November 14, 2015.

Proposed Code Adoption Local Law including Schedule A of Specific Revisions to the Code.

Negative Declaration for consideration.

The following is a summary of the discussion by the Town Board regarding revisions, by Chapter, and comments provided by the public.

Chapter 5, Appearance tickets.

Following discussion regarding written comments from Susan Shimer, it was agreed to revise language in this Chapter as detailed:

Section 5-3.A. Definition, form and content.

It was agreed to change language from North Castle Court to North Castle *Town* Court.

Section 5-4. Method of service.

Ms. Shimer's comments included the recommendation to delete the last sentence of this section pertaining to Civil Practice Laws and Rules. It was agreed by the Board not to delete this sentence.

Section 5-5.B. Defendant's failure to appear.

Ms. Shimer's comments included the recommendation to delete the second sentence pertaining to Civil Practice Laws and Rules. It was agreed by the Board not to delete this sentence, but it was agreed to change the language in this sentence from *As requested by* to *As provided*, per Ms. Shimer's alternative recommendation, as follows: *As provided by CPLR § 600.20, upon failure of appearance at the time such defendant is required to enter a plea to the accusatory instrument, the court may enter a plea of guilty and impose sentence.*

Chapter 77, Records.

Article II, Records Management.

Section 77-15. Custody, control and disposition of records.

As recommended by Ms. Shimer, it was agreed to add the language *Police and* to the sentence regarding the archiving and destruction of records as follows:

The Records Management Officer (RMO) shall be responsible for archiving and destruction of all Town-related records with the exception of *Police and* court-related records.

## Chapter 127, Building Code Administration and Enforcement.

### Section 127-17. Inspections.

All Board members were in agreement with the recommendations of Town Administrator Joan Goldberg regarding changes to inspection fees as follows:

- change the fee for inspections for multi-family and non-residential projects from an employee's hourly rate, fringe benefits and reasonable overhead to 3% of the of site construction cost
- change the fee for a single family residential projects from a percentage of the building permit fee to 20% of the building permit fee for one and two family residential projects

### Section 127-18. Escrows accounts.

In conjunction with the changes to the inspections fees in Section 217-17, the Board agreed that that Section 127-18 would be eliminated since escrow accounts would not be established for building inspections.

## Chapter 146, Dogs.

Following discussion regarding comments to consider additional language regarding *under restraint* from Ed Lobermann pertaining to the definition in Section 146.3, and from Susan Shimer pertaining to Section 146-6.A., the Board agreed that there would be no changes.

## Chapter 233, Peddling and soliciting.

It was confirmed that the chapter would not include a provision for a Do Not Knock Registry.

### Section 233-5.F. Investigation of applicant; issuance of permit; records

As recommended by Susan Shimer, it was agreed to add the word *verified* to the following sentence:

The Town Clerk shall deny an application and refuse a permit in the event of an unsatisfactory police report or if the applicant refuses to complete the application in all respects or if there have been two or more *verified* complaints filed against a previously licensed permittee within the prior year.

## Chapter 259, Solid Waste and Recycling.

### Section 259-5.G. Preparation of solid waste and recyclables for collection.

As recommended by Ed Lobermann, it was agreed to add the word *container* to the following sentence:

No *container*, bunker, or any type of enclosure to store containers, shall be permitted at the curb or at any location within the front-yard setback area for the zoning district in which the residence is located, and said location shall not be visible from the road to the maximum extent practicable.

## Chapter 288, Taxation

### Article IV, Star Exemption.

Following discussion of Ed Lobermann's recommendation to clarify language regarding income criteria for the exemption, the Board agreed to revise the language as follows:

The eligibility of property for a STAR exemption for a school year shall be based upon the condition of the property as of the taxable status date of the prior year's assessment roll, the ownership of the property as of the taxable status date of the current year's assessment roll *and meet income requirements in NYS law*.

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 9:53 p.m.

The roll call vote was as follows:

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

Noes: None

Absent: Councilman Mezzancello

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

Absent: Councilman Mezzancello

Councilman D’Angelo moved, seconded by Councilman Reiter, the adoption of Local Law 9 of the Town of North Castle to provide for the codification of the local laws of the Town of North Castle into a Municipal Code to be designated the “Code of the Town of North Castle.”

The roll call vote was as follows:

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

Noes: None

Absent: Councilman Mezzancello

The Local Law follows at the end of these minutes.

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Anne Curran, Town Clerk

Dated: December 7, 2015

**TOWN OF NORTH CASTLE**

**Local Law No. 9 of the year 2015**

A local law to provide for the codification of the local laws, ordinances and certain resolutions of the Town of North Castle into a Municipal Code to be designated the “Code of the Town of North Castle.”

**ARTICLE I**  
**Adoption of Code**

**§ 1-1. Legislative intent.**

In accordance with Subdivision 3 of § 20 of the Municipal Home Rule Law, the local laws, ordinances and certain resolutions of the Town of North Castle, as codified by General Code, and consisting of Chapters 1 through 355, together with an Appendix, shall be known collectively as the “Code of the Town of North Castle,” hereafter termed the “Code.” Wherever reference is made in any of the local laws, ordinances and resolutions contained in the “Code of the Town of North Castle” to any other local law, ordinance or resolution appearing in said Code, such reference shall be changed to the appropriate chapter title, chapter number, article number or section number appearing in the Code as if such local law, ordinance or resolution had been formally amended to so read.

**§ 1-2. Continuation of existing provisions.**

The provisions of the Code, insofar as they are substantively the same as those of local laws, ordinances and resolutions in force immediately prior to the enactment of the Code by this local law, are intended as a continuation of such local laws, ordinances and resolutions and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior local law, ordinance or resolution. All such provisions are hereby continued in full force and effect and are hereby reaffirmed as to their adoption by the Town Board of the Town of North Castle, and it is the intention of said Town Board that each such provision contained within the Code is hereby reaffirmed as it appears in said Code. Only such provisions of former local laws and ordinances as are omitted from this Code shall be deemed repealed or abrogated by the provisions of § 1-3 below.

**§ 1-3. Repealer.**

- A. Repeal of inconsistent enactments. Except as provided in § 1-4, Enactments saved from repeal; matters not affected, below, all local laws and ordinances, or parts of such local laws or ordinances, inconsistent with the provisions contained in the Code adopted by this local law are hereby repealed as of the adoption and filing of this local law as set forth in § 1-13; provided, however, that such repeal shall only be to the extent of such inconsistency, and any valid legislation of the Town of North Castle which is not in conflict with the provisions of the Code shall be deemed to remain in full force and effect.
- B. Repeal of specific enactments. The Town Board of the Town of North Castle has determined that the following local laws and/or ordinances are no longer in effect and hereby specifically repeals the following legislation:

Chapter in 1987 Code	Subject Matter	Enactment
10	Building Department	9-23-1982
32	Summary publication of ordinances	2-11-1971 by L.L. No. 1-1971
58	Airports	6-13-1940
63, Art. I	Coin-operated amusement devices	7-29-1982 by L.L. No. 2-1982
69	Bingo	6-12-1958
102, Art.	Nonconforming excavation uses	10-10-1956

Chapter in 1987 Code	Subject Matter	Enactment
IV		
108	Fireworks	7-11-2007 by L.L. No. 12-2007
151	Plumbing	1-4-1979 by L.L. No. 1-1979
158	Recycling	8-9-1990 by L.L. No. 7-1990
160	Refuse, recyclables and trash	3-9-2005 by L.L. No. 3-2005
180	Swimming pools	8-3-1961
186	Theaters	12-15-1949
259	Solid waste disposal	10-23-1975

**§ 1-4. Enactments saved from repeal; matters not affected.**

The repeal of local laws and ordinances provided for in § 1-3 of this local law shall not affect the following classes of local laws, ordinances, rights and obligations, which are hereby expressly saved from repeal:

- A. Any right or liability established, accrued or incurred under any legislative provision of the Town of North Castle prior to the effective date of this local law or any action or proceeding brought for the enforcement of such right or liability.
- B. Any offense or act committed or done before the effective date of this local law in violation of any legislative provision of the Town of North Castle or any penalty, punishment or forfeiture which may result therefrom.
- C. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this local law brought pursuant to any legislative provision of the Town of North Castle.
- D. Any agreement entered into or any franchise, license, right, easement or privilege heretofore granted or conferred by the Town of North Castle.
- E. Any local law or ordinance of the Town of North Castle providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place within the Town of North Castle or any portion thereof.
- F. Any local law or ordinance of the Town of North Castle appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the Town of North Castle or other instruments or evidence of the Town's indebtedness.
- G. Local laws or ordinances authorizing the purchase, sale, lease or transfer of property, or any lawful contract, agreement or obligation.
- H. The levy or imposition of special assessments or charges.
- I. The annexation or dedication of property.
- J. Any local law or ordinance relating to salaries and compensation.
- K. Any local law or ordinance amending the Zoning Map.
- L. Any local law or ordinance relating to or establishing a pension plan or pension fund for Town employees.
- M. Any local law or ordinance or portion of a local law or ordinance establishing a specific fee amount for any license, permit or service obtained from the Town.
- N. Any local law or ordinance adopted subsequent to October 30, 2015.

#### **§ 1-5. Severability.**

If any clause, sentence, paragraph, section, article, chapter or part of this local law or of any local law, ordinance or resolution included in this Code now or through supplementation shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section, article, chapter or part thereof directly involved in the controversy in which such judgment shall have been rendered.

#### **§ 1-6. Copy of Code on file.**

A copy of the Code, in loose-leaf form, has been filed in the office of the Town Clerk of the Town of North Castle and shall remain there for use and examination by the public until final action is taken on this local law; and, if this local law shall be adopted, such copy shall be certified by the Town Clerk of the Town of North Castle by impressing thereon the Seal of the Town of North Castle, and such certified copy shall remain on file in the office of said Town Clerk to be made available to persons desiring to examine the same during all times while said Code is in effect. The enactment and publication of this local law, coupled with the availability of a copy of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

#### **§ 1-7. Amendments to Code.**

Any and all additions, deletions, amendments or supplements to any of the local laws, ordinances and resolutions known collectively as the “Code of the Town of North Castle” or any new local laws, ordinances or resolutions, when enacted or adopted in such form as to indicate the intention of the Town to be a part thereof, shall be deemed to be incorporated into such Code so that reference to the Code shall be understood and intended to include such additions, deletions, amendments or supplements. Whenever such additions, deletions, amendments or supplements to the Code shall be enacted or adopted, they shall thereafter be printed and, as provided hereunder, inserted in the loose-leaf book containing said Code as amendments and supplements thereto. Nothing contained in this local law shall affect the status of any local law, ordinance or resolution contained herein, and such local laws, ordinances or resolutions may be amended, deleted or changed from time to time as the Town Board deems desirable.

#### **§ 1-8. Code to be kept up-to-date.**

It shall be the duty of the Town Clerk to keep up-to-date the certified copy of the book containing the Code of the Town of North Castle required to be filed in the office of the Town Clerk for use by the public. All changes in said Code and all local laws, ordinances and resolutions adopted by the Town Board subsequent to the enactment of this local law in such form as to indicate the intention of said Town Board to be a part of said Code shall, when finally enacted or adopted, be included therein by temporary attachment of copies of such changes, local laws, ordinances or resolutions until such changes, local laws, ordinances or resolutions are printed as supplements to said Code book, at which time such supplements shall be inserted therein.

#### **§ 1-9. Sale of Code; supplementation.**

Copies of the Code, or any chapter or portion of it, may be purchased from the Town Clerk, or an authorized agent of the Clerk, upon the payment of a fee to be set by resolution of the Town Board. The Clerk may also arrange for procedures for the periodic supplementation of the Code.

#### **§ 1-10. Penalties for tampering with Code.**

Any person who alters or tampers with the Code of the Town of North Castle in any manner whatsoever which will cause the legislation of the Town of North Castle to be misrepresented thereby, or who violates any other provision of this local law, shall be guilty of an offense and

shall, upon conviction thereof, be subject to a fine of not more than \$250 or imprisonment for a term of not more than 15 days, or both.

**§ 1-11. Changes in previously adopted legislation; new provisions.**

- A. In compiling and preparing the local laws, ordinances and resolutions for publication as the Code of the Town of North Castle, no changes in the meaning or intent of such local laws, ordinances and resolutions have been made, except as provided for in Subsection B hereof. In addition, certain grammatical changes and other minor nonsubstantive changes were made in one or more of said pieces of legislation. It is the intention of the Town Board that all such changes be adopted as part of the Code as if the local laws, ordinances and resolutions had been previously formally amended to read as such.
- B. In addition, the amendments and/or additions as set forth in Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this local law. (Chapter and section number references are to the local laws, ordinances and resolutions as they have been renumbered and appear in the Code.)

**§ 1-12. Incorporation of provisions into Code.**

The provisions of this local law are hereby made Article I of Chapter 1 of the Code of the Town of North Castle, such local law to be entitled “General Provisions, Article I, Adoption of Code,” and the sections of this local law shall be numbered §§ 1-1 to 1-13, inclusive.

**§ 1-13. When effective.**

This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.