

Town Board Minutes
Town of North Castle
10 Clove Road
North White Plains, New York
on
July 27, 2011

Supervisor Weaver called the meeting to order at 5:30 p.m. and the following persons were present:

Supervisor	William R. Weaver
Councilmen	Rebecca A. Kittredge
	Michael J. Schiliro
	Diane Roth
	John J. Cronin
Town Clerk	Anne Curran
Town Attorney	Roland A. Baroni

The meeting was immediately adjourned into a work session. The work session was adjourned into an executive session which was then closed at 7:15 p.m. The regular meeting was reconvened at 7:35 p.m.

The minutes of the Public Hearings which commenced at 8:50 p.m. follow at the end of these minutes.

Councilman Kittredge moved, seconded by Councilman Schiliro, receipt of memo from Director of Planning Adam Kaufman with a positive recommendation from the Planning Board regarding the proposed Armonk Square zoning changes and request for a special use permit, and further moved the scheduling of a public hearing for August 17, 2011.

The roll call vote was as follows:

Ayes: Councilman Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver

Noes: None

Councilman Schiliro moved, seconded by Councilman Kittredge, receipt of the International City/County Management Association (ICMA) Operations Review of the North Castle Police Department and a letter with comments on the review from Budget and Finance Advisory Task Force.

The roll call vote was as follows:

Ayes: Councilman Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver

Noes: None

Councilman Schiliro moved, seconded by Councilman Kittredge, approval to accept a letter of credit to replace a cash deposit in the amount of \$200,000 for the Cider Mill project, as requested in a letter from Mark Miller, Veneziano & Associates.

The roll call vote was as follows:

Ayes: Councilman Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver

Noes: None

Councilman Kittredge moved, seconded by Councilman Cronin, to authorize the Supervisor to sign an agreement, in the amount of \$6,000, to engage Frederick P. Clark Associates to provide planning and zoning services in connection with the study of formula businesses as they relate to the Town's Zoning Law. F.P. Clarke describes a formula business as generally thought of as a business which, through contractual or other arrangements, maintains a standardized appearance and/or array of services which causes it to be substantially identical to other such businesses in other locations.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver

Noes: None

With regard to the proposal from Frederick P. Clark Associates for a Banksville planning and zoning study along Bankville Avenue, resident Herbie Farquar presented the Board with a letter and a petition signed by residents opposed to any zoning changes in the Banksville area. Mr. Farquhar recommended that the Board review appropriate development lot by lot, rather than rezone the area from General Business to Commercial Business. He requested that the residents be part of the study process.

Town Attorney Baroni said if it were the Board's intention to consider amending the zoning in any way in this area, it would make sense for F.P. Clark Associates to review this part of their comprehensive study which was left open in 2006-2007.

Supervisor Weaver said that everyone in the area, business owners and residents, would be involved in the process.

In response to a question from Mr. Farquhar regarding the additional cost for environmental studies, Mr. Baroni said this work would be done by Town staff.

Councilman Schiliro moved, seconded by Councilman Cronin, to authorize the Supervisor to sign an agreement, in the amount of \$8,800, to engage Frederick P. Clark Associates to provide planning and zoning services in connection with a study of land use and zoning policies for the portion of the Banksville hamlet zoned General Business along Banksville Avenue, and for the property located at 7 Round House Road.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver

Noes: None

Councilman Kittredge moved, seconded by Councilman Schiliro, to adopt a resolution authorizing the Supervisor to consent to the Second Amendment to Lease between Empire State Development Corporation (ESDC) as Landlord and International Business Machines Corporation (IBM) as Tenant.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver

Noes: None

Councilman Schiliro moved, seconded by Councilman Kittredge, to adopt a resolution that authorizes a loan from the General Fund Balance to the Water District No. 6 Old Orchard Street Extension Area in the amount of \$13,300 to be repaid over a term not to exceed two (2) budgetary years; said loan to be made to said District to pay the cost of engineering, legal and administrative costs incurred in establishing the extension area.

The roll call vote was as follows:

Ayes: Councilman Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver

Noes: None

Upon the recommendation of Superintendent Richard Fon, Councilman Kittredge moved, seconded by Councilman Schiliro, approval to issue a license to collect and dispose of refuse in the Town of North Castle to City Carting, Inc.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver

Noes: None

Councilman Kittredge moved, seconded by Councilman Roth, receipt Finding of No Significant Impact (FONSI) regarding MTA Metro-North Railroad's North White Plains parking garage.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver

Noes: None

Pursuant to a letter from Tax Receiver Colombo regarding a Consent Judgment Notice and Application for Refund for Pepsi Co., Inc., King Street, Parcel I.D. 3-06-3.P, Councilman Kittredge moved, seconded by Councilman Roth, authorization for the refund in the amount of \$27,265.83.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver

Noes: None

Councilman Kittredge moved, seconded by Councilman Schiliro, authorization for the Supervisor to vote to adopt the East of Hudson Watershed Corporation By-Laws and Certificate of Incorporation.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver

Noes: None

Councilman Kittredge moved, seconded by Councilman Roth, receipt of a mortgage tax update for June 2011 from Comptroller Gobeo. The projection for June 2011 is \$78,000.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver

Noes: None

Councilman Kittredge moved, seconded by Councilman Roth, receipt of sales tax update for the second quarter of 2011 from Comptroller Gobeo. The Town received \$387,207 for the second quarter of 2011.

The roll call vote was as follows:

Ayes: Councilman Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver

Noes: None

Town Clerk Curran read the following statement from the North Castle Recycling Committee Co-Chairs April Paresi and Deborah Cerar:

As part of the North Castle Recycling Committee's continuing efforts to improve recycling in our community, committee member, Linda Trummer Napolitano, wrote a New York State Legislative Grant requesting funds for the purchase of additional three-source recycling bins for our town parks. The Recycling Committee recently received exciting news from the office of State Senator, Suzi Oppenheimer. The grant application was approved in the amount of \$10,000. With this funding, the Town of North Castle will be able to purchase 7 additional bin clusters identical to the one purchased this spring with Zero Waste Day donations. These attractive bins serve the dual purpose of enhancing recycling efforts and unifying the appearance throughout North Castle's green spaces. Though there are still a number of steps that need to be performed before the new bins can be ordered, the committee hopes the clusters will be available in the parks for this fall's sports season. The Recycling Committee wants to thank both Senator Suzi Oppenheimer for her support and Linda Trummer Napolitano for writing this award winning grant.

Councilman Roth moved, seconded by Councilman Schiliro, approval for the Supervisor to sign an agreement with NYS Department of State regarding recycling container grant funding in the amount of \$10,000.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver

Noes: None

Councilman Schiliro moved, seconded by Councilman Roth, a resolution to accept the Community Projects Appropriation Contract #TM00004 grant award for recycling (cluster) containers; and to authorize the Town Comptroller to modify the 2011 General Fund Budget to

Town Board Minutes
July 27, 2011

recognize the A.1000.3089 State Aid – other revenue and A.7110.0214 Equipment Other (Parks) expenditure in the amount of \$10,000.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver

Noes: None

Councilman Kittredge moved, seconded by Councilman Roth, approval of terminal leave pay to Anthony Patti, Police Department

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver

Noes: None

Councilman Schiliro moved, seconded by Councilman Roth, approval for Sergeant Robert Barnett to attend Crime Prevention Training Conference on August 20 in White Plains, NY.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver

Noes: None

Councilman Schiliro moved, seconded by Councilman Kittredge, the following items on the consensus agenda:

A. Approval for release of bonds as follows:

- Cablevision - Permits 0587 and 0592 for right of way work at various locations in the amount of \$1,500.00 to be reinstated to the \$50,000 bond.

- Jose Berra - Permit 0626 for driveway alteration at 6 Rosehill Drive in the amount of \$500.

- A. Corradi Builders - Permit 0632 for driveway alteration at 77 High Street in the amount of \$500.

B. Receipt of letter from John Delano, Chairman of Board of Fire Commissioners of North Castle South Fire District, No. 1, thanking Sal Misiti for assistance with the Westchester County GIS project.

C. Receipt of Workers Compensation Report for a Recreation Department worker.

D. Receipt of Notice of Claim and referral to Town Attorney regarding Catherine and Paul Shaffer vs. the Town of North Castle.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver

Noes: None

The Town Board audited and approved payments totaling \$459,709.84 as indicated on Warrant #13.

After all persons were heard who desired to be heard, the Supervisor closed the meeting at 10:20 p.m. in memory of Margaret Briggs, former resident, Marion E. Moger, resident, and Garrett Moynihan, brother-in-law of Anna Maria Marrone, Assessor.

Anne Curran, Town Clerk

Dated: August 12, 2011

PUBLIC HEARING

July 27, 2011

At 8:58 p.m. Supervisor Weaver 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 July 27, 2011, at 7:30 PM, or as soon thereafter, at North Castle Community Center, 10 Clove Road, North White Plains, NY 10603* for the purpose of considering a local law to Amend Sections 209-8.A.4.(a), 213-67.B and A216-34C of the Town of North Castle Town Code to add language regarding the establishment of project review escrow accounts, and to create a new Section 45-6 of the Town of the Town Code to add language regarding the establishment of project review escrow accounts. The 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: July 14, 2011
Armonk, New York

(* NOTE: LOCATION FOR PUBLIC HEARING WAS NORTH CASTLE COMMUNITY CENTER, 10 CLOVE ROAD, NORTH WHITE PLAINS, DIFFERENT FROM LOCATION PUBLISHED IN JOURNAL NEWS. AMENDED NOTICE WAS POSTED ON TOWN HALL BULLETIN BOARD.)

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.

A letter from Director of Planning Adam Kaufman dated June 7, 2011 was marked Exhibit "D" for the record.

A letter from the Westchester County Planning Board to Mr. Kaufman dated July 27, 2011 stating that the action is a matter for local determination was marked Exhibit "E" for the record.

The proposed local law was marked Exhibit "F" for the record.

Director of Planning Adam Kaufman provided a

No other correspondence or comments were entered for the record.

Planning Director Kaufman explained that the proposed law is to allow for a flat fee to applicants to cover the cost of consultant fees and professional staff services for projects that come before the RPRC. Mr. Kaufman reiterated that there would be a decision as to the necessity for a fee based on the scope of the project.

Supervisor Weaver questioned the ability to waive the fee and suggested that when a fee is deemed appropriate the amount should be lowered to \$750 from the original proposal of \$1,000.

Town Attorney Baroni suggested that the parameters for waiving the fee should not be subjective.

Planning Director Kaufman offered to revise the proposed language to lower the fee and clarify examples of minor projects that may allow for waiver of a fee:

The RPRC, in review of any application, may refer any such application reviewed by it to such engineering, planning, legal, technical, or environmental consultant(s) or professional(s) employed by the Town as the RPRC shall deem reasonably necessary for proper review of the application. The application fee for such review shall be \$750, except that the RPRC may waive the review fee for minor projects such as fence, deck and minor pavement applications.

After all persons were heard who desired to be heard, Councilman Kittredge moved, seconded by Councilman Schiliro, that the Public Hearing be closed at 9:15 p.m.

Councilman Kittredge moved, seconded by Councilman Schiliro, 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, and further moved the adoption of Local Law 7 of the year 2011 to establish project review escrow accounts.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Cronin, Supervisor Weaver.

Noes: Councilman Roth

The Local Law follows at the end of these minutes.

Anne Curran, Town Clerk

Dated: August 12, 2011

TOWN OF NORTH CASTLE

Local Law 7 For the Year 2011 (Adopted July 27, 2011)

A local law to Amend Sections 209-8.A.4.(a), 213-67.B and A216-34C of the Town of North Castle Town Code to add language regarding the establishment of project review escrow accounts. In addition, create a new Section 45-6 of the Town of North Castle Town Code to add language regarding the establishment of project review escrow accounts.

Section 1. Amend Section 213-67.B of the Town Code as follows:

- (1) The Town Board, the Planning Board or the Zoning Board of Appeals, in the review of any application described above, may refer any such application presented to it to such engineering, planning, legal, technical or environmental consultant, or professional(s) employed by the Town, as such Board shall deem reasonably necessary to enable it to review such application as required by law. Charges made by such consultants shall be in accord with charges usually made for such services in the metropolitan New York region or pursuant to an existing contractual agreement between the Town and such consultant. Charges made by the Town shall be in accord with the hourly rates upon which the employee's actual salary is based and fringe benefits and reasonable overhead. All such charges shall be paid on submission of a Town voucher. The applicant shall reimburse the Town for the cost of such consultant services upon submission of a copy of the voucher, in accordance with the escrow account procedure set forth below. In the event that an application is required to be reviewed by both the Town Board and the Planning Board, then, in such event and to the extent practicable, both Boards shall use the same consultant who shall, in such case, prepare one report providing data, information and recommendations requested. In all instances, duplications of consultants' reports shall be avoided wherever possible in order to minimize the cost of such consultants' reports to the applicant. The above schedule of fees is in addition to any and all other fees required by this or any other section of this chapter or any other Town ordinance or regulation.
- (2) Escrow accounts. At the time of submission of an application, the reviewing board may require the establishment of an escrow account from which withdrawals shall be made to reimburse the Town for the cost of consultant fees and professional staff services. The applicant shall then provide funds to the Town for deposit into such account, in the amount to be determined by the reviewing board based upon its evaluation of the nature and complexity of the application. The applicant shall be provided with copies of any Town voucher for consultant fees as they are submitted to the Town and with Town staff time records for services for which reimbursement is sought. When the balance in such escrow account is reduced to 1/3 of its initial amount, the applicant shall deposit additional funds into such account to restore the balance in such account to the amount of the initial deposit. If such account is

not replenished in 30 days after the applicant is notified, in writing, of the requirement for such additional deposit, the reviewing board may suspend its review of the application. A building permit or certificate of occupancy or use shall not be issued unless all such applicant's costs have been reimbursed to the Town. After all pertinent costs have been paid, the Town shall refund to the applicant any funds remaining on deposit.

Section 2. Amend Section 209-8.A.4.(a) of the Town Code as follows:

- (a) The approval authority, in review of any application for a major project, may refer any such application reviewed by it to such engineering, planning, legal, technical, or environmental consultant(s) or professional(s) employed by the Town as the approval authority shall deem reasonably necessary for proper review of the application. The Applicant shall reimburse consultant and staff expenses pursuant to the provisions of Section 213-67.B.

Section 3. Amend Section A216-34.C of the Town Code as follows:

- (1) Additional fees for the review of subdivisions. The Planning Board, in the review of any applications described above, may refer any such application presented to it to such engineering, planning, legal, technical or environmental consultant or professional(s) employed by the Town as the Board shall deem reasonably necessary to enable it to review such application as required by law. Charges made by such consultants shall be in accord with charges usually made for such services in the metropolitan New York region or pursuant to an existing contractual agreement between the Town and such consultant. Charges made by the Town shall be in accord with the hourly rates upon which the employee's actual salary is based and fringe benefits and reasonable overhead. All such charges shall be paid upon submission of a Town voucher, in accordance with the escrow account procedure set forth below.. The applicant shall reimburse the Town for the cost of such consultant services upon submission of a copy of the voucher. In the event that an application is required to be reviewed by the Town Board and/or the Town Engineer along with the Planning Board, then in such event and to the extent practicable, the same consultants shall be used in the review, and these consultants shall prepare one report providing the data, information and recommendations requested. In all instances, duplications of consultants' reports shall be avoided wherever possible in order to minimize the cost of such consultants' reports to the applicant.
- (2) Escrow accounts. At the time of submission of an application, the reviewing board may require the establishment of an escrow account from which withdrawals shall be made to reimburse the Town for the cost of consultant fees and professional staff services. The applicant shall then provide funds to the Town for deposit into such account, in the amount to be determined by the reviewing board based upon its evaluation of the nature and complexity of the application. The applicant shall be provided with copies of any Town voucher for consultant fees as they are submitted to the Town and with Town staff time records for services for which reimbursement is sought. When the balance in such escrow account is reduced to 1/3 of its initial amount, the applicant shall deposit additional funds into such account to restore the balance in such account to the amount of the initial deposit. If such account is not replenished in 30 days after the applicant is notified, in writing, of the requirement for such additional deposit, the reviewing board may suspend its review of the application. A building permit or certificate of occupancy or use shall not be issued unless all such applicant's costs have been reimbursed to the Town. After all pertinent costs have been paid, the Town shall refund to the applicant any funds remaining on deposit.

Section 4. Create the following new Section 45-6 of the Town of North Castle Town Code as follows:

The RPRC, in review of any application, may refer any such application reviewed by it to such engineering, planning, legal, technical, or environmental consultant(s) or professional(s) employed by the Town as the RPRC shall deem reasonably necessary for proper review of the application. The application fee for such review shall be \$750, except that the RPRC may waive the review fee for minor projects such as fence, deck and minor pavement applications.

Section 5. 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 6. 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 7. Effective Date.

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

PUBLIC HEARING

July 27, 2011

At 9:16 p.m. Supervisor Weaver 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 July 27, 2011, at 7:30 PM, or as soon thereafter, at Town Hall, North Castle Community Center, 10 Clove Road, North White Plains, NY 10603*, for the purpose of considering a local law to Amend Section 213-44.A of the Town of North Castle Town Code to prohibit off-street parking in the front yard setback in certain residential zoning districts. The 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: July 14, 2011
Armonk, New York

(* NOTE: LOCATION FOR PUBLIC HEARING WAS NORTH CASTLE COMMUNITY CENTER, 10 CLOVE ROAD, NORTH WHITE PLAINS, DIFFERENT FROM LOCATION PUBLISHED IN JOURNAL NEWS. AMENDED NOTICE WAS POSTED ON TOWN HALL BULLETIN BOARD.)

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.

A letter from Director of Planning Adam Kaufman dated June 6, 2011 was marked Exhibit "D" for the record.

A letter from the Westchester County Planning Board to Mr. Kaufman dated July 27, 2011 stating that the action is a matter for local determination was marked Exhibit "E" for the record.

The proposed local law was marked Exhibit "F" for the record.

No other correspondence or comments were entered for the record.

Planning Director Kaufman stated that the Planning Board recommended that the code be revised to prohibit off-street parking be in the front yard set back in certain residential areas where there is ¾ acre or greater lots. Off street parking would be permitted in areas where there are smaller lots and multi-family structures.

Councilman Roth stated she supports exempting smaller lots.

Ed Lobermann, Nethermont Avenue, suggested that the proposed local law was unreasonable and elitist.

Carmin Amato, MacDougal Drive, questioned if parking in front of houses where there are spaces cut out in North White Plains was illegal. Planning Director Kaufman reiterated that parking would remain unchanged for smaller properties where it is currently allowed.

Councilman Schiliro stated that he is not in support of the legislation.

After all persons were heard who desired to be heard, Councilman Kittredge moved, seconded by Councilman Schiliro, that the Public Hearing be closed at 9:30 p.m.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver.

Noes: None.

Councilman Schiliro moved, seconded by Councilman Roth, not to adopt the proposed local law to prohibit off-street parking in the front yard setback in certain residential zoning districts.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver.

Noes: None.

Anne Curran, Town Clerk

Dated: August 12, 2011

PUBLIC HEARING

July 27, 2011

At 9:30 p.m. Supervisor Weaver 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 July 27, 2011, at 7:30 PM, or as soon thereafter, at North Castle Community Center, 10 Clove Road, North White Plains, NY 10603*, 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 Section 3, Block 14, Lot 1.H 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.

(* NOTE: LOCATION FOR PUBLIC HEARING WAS NORTH CASTLE COMMUNITY CENTER, 10 CLOVE ROAD, NORTH WHITE PLAINS, DIFFERENT FROM LOCATION PUBLISHED IN JOURNAL NEWS. AMENDED NOTICE WAS POSTED ON TOWN HALL BULLETIN BOARD.)

By Order of the Town Board
Anne Curran, Town Clerk

Dated: July 14, 2011
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.

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

Town Board Minutes
July 27, 2011

- The application documents, including Short Environmental Assessment Form Part I, dated June 30, 2011.
- A memo from Fire Marshal/Assistant Building Inspector William Richardson dated July 18, 2011 acknowledging review of plans, stating that inspections before the event will address any concerns, and reporting that last year's event was held without any known incidents.
- The green cards denoting receipt of certified mail by adjoining property owners.
- An e-mail from Lisa Dorfman dated July 26, 2011.
- A letter from the Westchester County Planning Board to Town Clerk Curran dated July 27, 2011 stating that the action is a matter for local determination.
- The proposed resolution of approval.

Supervisor Weaver said the Halloween event at Rocky Ledge Swim Club was held for the first time last year and there were no complaints from the Police Department or the neighbors.

Marc Mancini, the applicant, appeared before the Board to request the Board's approval.

Joe Monticelli, Old Orchard Street, said the event went well last year, and confirmed with Mr. Mancini that there would be police presence and a fire watch at this year's event. He requested that there be no right turns into the street on the days the event would be held.

Councilman Schiliro summarized the e-mail from Lisa Dorfman, Memorial Lane, in which she said the event was well controlled and that she had no objection to it being held again. Ms. Dorfman requested that traffic continue to be diverted away from the neighborhood as it was last year.

No other correspondence or comments were entered for the record.

After all persons were heard who desired to be heard, Councilman Kittredge moved, seconded by Councilman Schiliro that the Public Hearing be closed at 9:35 p.m.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver.
Noes: None.

Councilman Kittredge moved, seconded by Councilman Schiliro, 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 11, 2011 and ending October 31, 2011, for a total of ten days, subject to the conditions in the resolution.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver.
Noes: None.

The resolution follows at the end of these minutes.

Anne Curran, Town Clerk

Dated: August 12, 2011

RESOLUTION

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:	July 27, 2011
Term of Special Event Permit:	October 14, 2011 – October 31, 2011

WHEREAS, an application dated June 30, 2011 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 (as well as Halloween Night); 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 the Town Board issued a Halloween special event permit; and

WHEREAS, the 2010 Halloween Special Event was 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 July 12, 2011; 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 July 27, 2011 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 and the North Castle Environmental Quality Review Law, 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 14, 2011 and ending October 31, 2011, for a total of ten 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:

Town Board Minutes
July 27, 2011

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.
4. 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.
6. 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.