

Town Board Minutes  
Town of North Castle  
15 Bedford Road  
Armonk, New York  
on  
February 16, 2011

Supervisor Weaver called the meeting to order at 5:00 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, which was then closed at 6:30 p.m. The work session was adjourned into an executive session which was then closed at 7:30. The regular meeting was reconvened at 7:35 p.m.

Assemblyman Robert Castelli presented a proclamation from the Westchester County Board of Legislators to Erling “Bumpy” Taylor in recognition of his many years of service to the Town. Supervisor Weaver presented a proclamation to Mr. Taylor from the Town Board and expressed his appreciation on behalf of the community.

On behalf on the Town Board, Supervisor Weaver presented a certificate of appreciation to retiring General Foreman Craig Useted and thanked him for his service to the Town and the Highway Department.

The minutes of the Public Hearing which commenced at 8:25 p.m. follow at the end of these minutes.

Councilman Roth moved, seconded by Councilman Kittredge, receipt of a memo from the Assistant Building Inspector William Richardson with the revised local law to amend Chapter 107, Fire Prevention to require installation of sprinklers in all new residential and commercial buildings, and further moved that the public hearing be reconvened on March 9, 2011.

The roll call was as follows:

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

Councilman Roth moved, seconded by Councilman Schiliro, the scheduling of a public hearing for March 23, 2011 to consider a local law for the maintenance of separate sewage disposal systems/on-site wastewater systems as required by NYSDEC and NYCDEP.

The roll call was as follows:

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

Receipt of a letter from Veneziano & Associates regarding Cockren Middle Income Units on Old Route 22 and request to support development of units to comply with the County Affordable Housing Settlement Agreement was tabled to the March 9, 2011 meeting at the request of Supervisor Weaver.

Councilman Kittredge moved, seconded by Councilman Schiliro, to award bid to the sole bidder, Sullivan Data for \$22,671.76 for Information Technology Upgrades and Replacements.

The roll call was as follows:

Town Board Meeting  
February 16, 2011

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

Pursuant to a letter from Tax Receiver Colombo regarding a Consent Judgment for Valenti Armonk Corp., 73 Old Route 22, Section 2, Block 11, Lot 9, Councilman Kittredge moved, seconded by Councilman Roth, authorization to issue a refund in the amount of \$4,096.81.

The roll call was as follows:

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

Councilman Schiliro moved, seconded by Councilman Roth, authorization for payments in connection with the wastewater treatment plant nitrogen removal project as follows:

1. Payment #11 to BMJ Construction Co., Inc. in the amount of \$204,145.50
2. Payment #4 to D. J. Heating & Air Conditioning, Inc. for \$1,910.00

The roll call was as follows:

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

Receipt of applications for Holiday Display Permits, for the period of December 12, 2011 to January 9, 2012, were tabled by Supervisor Weaver at the request of the applicant.

Councilman Kittredge moved, seconded by Councilman Schiliro, the following reappointments to the Parks and Recreation Advisory Board:

- Anita Tumminelli as Chairman for a term to expire December 31, 2013
- Bernadette Valcich for a term to expire December 31, 2013
- Susan Lichten for a term to expire December 31, 2013.

The roll call was as follows:

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

Councilman Kittredge moved, seconded by Councilman Schiliro, approval of terminal leave pay for Constance Olsen.

The roll call was as follows:

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

Councilman Kittredge moved, seconded by Councilman Schiliro, the following:

Receipt of Workers Compensation Reports for Highway Department employees.

Receipt of receipt of a franchise fee payment from Verizon for the fourth quarter of 2010 in the amount of \$18,900.23.

The roll call was as follows:

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

After all persons were heard who desired to be heard, the Supervisor closed the meeting at 8:50 p.m. in memory of Tonie Fon, mother of Rich Fon, Superintendent of Public Works.

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Anne Curran, Town Clerk

Dated: March 3, 2011

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PUBLIC HEARING

February 16, 2011

At 8:25 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 February 16, 2011, at 7:30 p.m., or as soon thereafter, at Town Hall, 15 Bedford Road, Armonk, New York 10504, for the purpose of considering the adoption of a Local Law to reduce the recreation fee, to allow additional height for driveway entry pier and gates and to remove the two extension maximum for final subdivision plat approval pursuant to NYS Town Law.

By Order of the Town Board  
Anne Curran, Town Clerk

Dated: February 3, 2011  
Armonk, New York

The Public Notice read by the Town Clerk 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 September 17, 2010 was marked Exhibit "D" for the record.

A letter from Zoning Board of Appeals Chairman George Nagle, Jr. dated October 12, 2010 was marked Exhibit "E" for the record.

A letter from the Westchester County Planning Board to Mr. Kaufman dated January 25, 2011 stating that the action is a matter for local determination was marked Exhibit "F" for the record.

Mr. Kaufman said that changes to the Town's recreation fee requirements for residential development were discussed at a recent Town Board work session. The following was noted regarding fees in the proposed local law:

- With respect to a subdivision, a parks reservation fee of \$10,000 per new building lot would remain unchanged at \$10,000.
- For all middle income units developed, the recreation fee shall be \$1,000 per new building lot.
- For multifamily development, the recreation fee shall be \$3,000 per dwelling unit; assisted living units shall have a recreation fee of \$1,000 per unit.

Mr. Kaufman said the proposed legislation permits additional height for driveway entry piers and gates, as recommended by the Zoning Board of Appeals. In addition, the law eliminates the prohibition of the Planning Board to issue no more than two 90 day extensions for final subdivision plat approvals. Mr. Kaufman explained that NYS Legislature has amended NYS Town Law allowing this limitation to be removed in Town Code.

Lydia Rippstein, School Street, inquired if the reduction in recreation fees would have any impact on the recreation programs. Mr. Kaufman explained that recreation fees are impact fees dedicated to a fund to be used for the purchase and development of sites for parks and recreational areas in the Town.

Councilman Schiliro added that the recreation fees are not part of the operating budget needed to run the department.

No other correspondence or comments were entered for the record.

Town Board Meeting  
February 16, 2011

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

The roll call vote was as follows:

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

Noes: None.

Councilman Roth 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.

The roll call vote was as follows:

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

Noes: None.

Councilman Roth moved, seconded by Councilman Schiliro, adoption of Local Law 1 of the year 2011, for the purpose of considering the adoption of a Local Law to reduce the recreation fee, to allow additional height for driveway entry pier and gates and to remove the two extension maximum for final subdivision plat approval pursuant to NYS Town Law.

The Local Law follows at the end of these minutes.

The roll call vote was as follows:

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

Noes: None.

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Anne Curran, Town Clerk

March 4, 2011

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**TOWN OF NORTH CASTLE**  
**Local Law 1 For the Year 2011**  
(Adopted February 16, 2011)

**A local law to reduce the recreation fee, to allow additional height for driveway entry piers and gates and to remove the two extension maximum for final subdivision plat approval pursuant to NYS Town Law.**

**Section 1.** Replace Section A216-35 of the Town Code with the following text:

§ A216-35.

- A. Where the Planning Board finds that, with respect to a subdivision, a reservation of land would be inappropriate, the Planning Board shall require the applicant to deposit with the Town Board a parks reservation fee of \$10,000 per new building lot. These moneys shall be placed in a special fund to be used for the purchase and development of sites for parks and recreational areas in the Town.
- B. In all cases where a middle income unit is developed, the recreation fee shall be \$1,000 per new building lot.

**Section 2.** Replace Section 143-5.B and C of the Town Code with the following text:

- B. The recreation fee paid to the town shall be \$3,000 per dwelling unit for a multifamily development (or other form of residential development) requiring only a site plan or special permit approval, except that assisted living units shall have a recreation fee of \$1,000 per unit.

Town Board Meeting  
February 16, 2011

- C. In all cases where a middle income unit is developed, the recreation fee shall be \$1,000 per dwelling unit for a multifamily development (or other form of residential development) requiring only a site plan or special permit approval.

**Section 3.** Replace Section 213-14.G(1) of the Town Code with the following text:

G. Walls and fences.

- (1) The yard requirements of this chapter shall not be deemed to prohibit any necessary retaining wall nor to prohibit any fence or wall, subject to applicable permits and reviews by the Building Inspector, and further provided that the finished side of such fencing or wall shall face the exterior of the property as defined by the property line, and provided that such fence or wall does not exceed six feet in height. Mesh deer fencing exceeding six feet in height and driveway entry piers and gates exceeding six feet in height shall be permitted to reach a height of eight feet, except that deer fencing over six feet in height shall not be permitted within 25 feet of the front property line.

**Section 4.** Replace Section A216-16.J of the Town Code with the following text:

- J. Expiration of conditional approval. Conditional approval of a final plat shall expire within 180 days after the date of the resolution granting conditional approval unless such requirements have been certified as completed. The Planning Board may extend the time in which a conditionally approved plat in final form must be submitted for signature if, in its opinion, such extension is warranted by the particular circumstances thereof, for periods of 90 days each.

**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.

Dated: February 16, 2011