

Town Board Minutes
Town of North Castle
15 Bedford Road
Armonk, New York
on
May 9, 2012

The meeting was called to order at 6:00 p.m. on the duly adopted motion of Councilman DiDonato Roth and immediately adjourned into executive session. All Town Board members and the Town Attorney were present for the executive session which closed at 7:35 p.m. The Town Clerk joined the regular meeting which reconvened at 7:40 p.m.

Supervisor	Howard B. Arden
Councilmen:	Michael J. Schiliro
	Diane DiDonato Roth
	John J. Cronin
	Stephen D'Angelo
Town Clerk	Anne Curran
Town Attorney	Roland A. Baroni

Councilman DiDonato Roth moved, seconded by Councilman Schiliro, approval of the minutes of the April 25, 2012 meeting.

The roll call was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden.

Noes: None.

The minutes of the Public Hearings which commenced at 7:55 p.m. follow at the end of these minutes.

Councilman DiDonato Roth moved, seconded by Councilman Schiliro, receipt of memo from Planning Director Kaufman regarding notification of intent of Planning Board to act as Lead Agency for CVS amended site plan application.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, approval of request from Co-Chair of 51st Annual Armonk Outdoor Art Show to use Community Park facilities September 29 and September 30, and to place their sign advertising the Show for the two week period from September 16 to September 30. Sylvia Rogers, Co-Chair of the Art Show, made a special appeal to the Board to address drainage issues in the Community Park that created a large sink hole that necessitated moving artists' booths last year. Ms. Rogers also noted contributions of approximately \$10,000 that the Art Show Committee has made over the years to upgrade and remediate the park.

The roll call vote was as follows:

Ayes: Councilmen Schiliro DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, approval of request from Assistant Supt. Misiti for a decrease in the water rate for Water District #1.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None

Pursuant to a letter from Kellard Sessions Consulting, Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, authorization to pay \$254,281.21 for Requisition #7 to Bilotta

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Construction Corp. for work completed to repair town roadways through the period ending April 30, 2012.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None

Councilman D'Angelo moved, seconded by Councilman DiDonato Roth, receipt of letter from Tax Receiver Colombo listing Small Claims Assessment Review Settlements and the Board approved refunds as follows:

<u>NAME</u>	<u>PARCEL I.D.</u>	<u>REDUCTION</u>	<u>AMOUNT</u>
WALD	1-01-9.-2	900	154.90
HASBROUCK	1-01-15.-14	1,300	200.23
PETRIE	1-01-16C01-5	70	12.05
GREENWALD	1-01-16C01-7	3,540	609.27
	1-01-16C01-		
LERNER	10	1,750	301.2
DE LUCA	1-02-5.A-1	2,500	430.28
SIVIN	1-02-6-C-38	3,000	516.34
GORDON	1-02-6-C-82	1,200	206.53
BERNSTEIN	1-02-6-C-89	2,900	499.12
WOLFE	1.-02-12	5,500	946.61
LEVY	1-02-12-A-2	11,000	1,893.22
NIKPRELIJAJ	1-03-3.-2	4,950	851.95
SHIN	1-03-6.-1	1,780	306.35
RUSKIN	1-04-1-D2F	2,900	446.67
DAI	1-04-1-D-5	550	84.71
RAISKUMS	1-04-1-D51	3,400	523.69
STEFANOPOULOS	1-04-1-D-9	700	107.82
GOYAL	1-04-1-D-24	2,600	400.47
SHWAB	1-04-10.-74	1,130	174.05
SPIEGEL	1-04-10.-76	700	107.82
SHAHEEN	1-04-10.-78	1,900	292.65
ALLAN	1-04-10.-210	7,600	1,170.59
RICHELSON	1-04-10.-322	1,150	177.13
RICE	1-04-10.-450	5,920	911.83
THANA	1-04-10-GP3	2,600	447.49
ELLNER	1-05-8.-12	1,050	180.72
KAPLAN	1-05-11.-12	3,900	671.23
LEDERMAN	1-05-11.-44	3,100	533.54
STAFFORD	1-05-11.-45	1,200	206.53
CAPONNETTO	1-05-21.B5	9,200	1,583.41
BORSELLINO	1-11-5.A-1	1,800	309.8
HERZ	2-02-5.-29	5,730	882.56
PEREIRA	2-02-15.-21	5,160	803.65
MARTINS	2-05-1.-19	1,640	252.61
SMITH	2-08-13-D-17	1,350	207.93
BRODBECK	2-08-13-E-48	2,900	446.67
RESTAINO	2-08-17-D	3,600	554.49
BOTTI	2-11-3-G01	2,700	420.51
NOVOTNY	2-11-8.-4	1,200	197.19
JAMES	2-11-8.-64	1,580	259.64
EGLOFF	2-11-12.-38	400	65.73
GARCEAU	2-11-12.-50	1,480	243.20
KRAMER	2-11B-2	4,140	637.67
CHACKO	2-16-14.-R	1,900	295.92

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PRIORE	2-16-17-B28	2,600	404.94
SHAPIRO	2-17-4-I01	1,060	163.27
BEMPORAD	2-17-5-G	2,800	431.27
DOUGLASS	3-07-25-B	300	61.78
LOBERMANN	7-04-1-A1C	700	131.49
STEAD	3-13-1-B	530	83.11
SMITH	.5-22-5	2,810	527.82
MANFREDI	.5-23-29	1,880	338.11
TOTALS		138250	22667.76

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None

Councilman Schiliro moved, seconded by Councilman D'Angelo, approval of request from Library Board of Trustees to re-award the bid for alterations to the circulation area of the Library to the second lowest bidder, Dolphin Construction Corp. of Elmsford, N.Y.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, approval of request from Armonk Lions Club for use of Wampus Brook Park for their annual Fol-de-Rol June 7-10, 2012, with access to set up as of June 1.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, receipt of letter from Chief D'Angelo and check in the amount of \$500.00 from the Byram Hills PTSA to the DARE Program.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None

Councilman D'Angelo moved, seconded by Councilman Schiliro, authorization for the Supervisor to sign the agreement between the Town of North Castle and Stephens, Baroni, Reilly & Lewis, LLP, for legal services for 2012.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, authorization for the Supervisor to sign the agreement between the Town of North Castle and Kellard Sessions Consulting, P.C., for engineering consultation services in 2012.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, authorization for the Supervisor to sign the agreement between the Town of North Castle and Kellard Sessions & Consulting, P.C., for wetlands consultation services for 2012.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None

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Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, authorization for the Supervisor to sign the 2012 Hydrant Use Agreement between Water & Sewer District No. 1 and South Fire District No. 1.

The roll call vote was as follows:

Ayes: Councilman Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, the appointment of Matt Trainor, Recreation Supervisor, effective May 21, 2012.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Weaver

Noes: None

Councilman DiDonato Roth moved, seconded by Councilman Cronin, the appointment of Michael Pinto to the Communications Committee to serve at the pleasure of the Board.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Weaver

Noes: None

Councilman DiDonato Roth moved, seconded by Councilman Cronin, the appointment of George Drapeau to the Communications Committee to serve at the pleasure of the Board.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Weaver

Noes: None

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, receipt of memo from Supervisor Arden to all Town employees regarding a project with part time administrator, Kimberly Barbieri, who will work with the Supervisor's Office to improve personnel record keeping, develop HR systems and an electronic data base.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, receipt of letter of resignation from Police Officer Thomas Cobelli, effective May 17, 2012.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None

Councilman DiDonato Roth moved, seconded by Councilman Schiliro, receipt of letter of retirement from Police Officer David Lander, effective May 20, 2012.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None

Councilman Schiliro moved, seconded by Councilman DiDonato Roth, the consensus agenda:

- Receipt of Town Clerk's monthly report for April, 2012
- Receipt of Annual Financial Update-2011 for North Castle Fire District No. 1
- Memos from Kellard Sessions Consulting, P.C. regarding assignments of new street addresses as follows:

<u>Current Street Address</u>	<u>New Street Address</u>	<u>Section/Block/Lot</u>
9 Ridgeview Circle	16 Sarles Street	2/05/2.D-19

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Creation of New Parcel of Land

Section 2, Block 16, Lot 11.B08 90 Business Park Drive (Existing)
Section 2, Block 16, Lot 11.B08.A 88 Business Park Drive (New)

- Receipt of Workers Compensation Report for Sewer & Water worker

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None

The Town Board audited and approved payments totaling \$3,271,079.42 as indicated on Warrant #9.

After all persons were heard who desired to be heard, the Supervisor closed the meeting at 10:25 p.m. in memory of Annette Shallo, Aunt of Patricia Colombo, Tax Receiver.

Anne Curran, Town Clerk

Dated: May 16, 2012

PUBLIC HEARING
May 9, 2012

At 7:55 p.m. Supervisor Arden 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 May 9, 2012 at 7:30 PM, or as soon thereafter, at North Castle Town Hall, 15 Bedford Road, Armonk, New York 10504, for the purpose of considering a local law to repeal Chapter 206 (Watercourses), Chapter 209 (Wetlands and Drainage) and Chapter 99 (Environmental Quality Review), to amend various sections of the Town Code with respect to Chapter 99, to create a new Chapter 209 (Wetlands and Watercourse Protection) and to Revise Sections of Chapter 45 (Residential Project Review Committee).

The proposed local law is available in the Town Clerk's office during regular business hours and on the Town website. ALL PERSONS HAVING AN INTEREST IN THE MATTER ARE INVITED TO ATTEND AND BE HEARD.

By Order of the Town Board
Anne Curran, Town Clerk

Dated: April 23, 2012
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.

Letters from Conservation Board Chairman, John Fava, dated December 21, 2011 and April 19, 2012 were marked Exhibit "D" for the record.

Letter from Director of Planning, Adam Kaufman, dated March 12, 2012 was marked Exhibit "E" for the record.

Notification of Intent of Town Board to act as Lead Agency, including Full Environmental Assessment Form (EAF), dated April 3, 2012.

Proposed Local Law.

Director of Planning Adam Kaufman said the Town Board, Conservation Board and Planning Department have been working to revise the existing wetlands law based on the Town Board's request to streamline wetland permits for residential properties. Mr. Kaufman said the two Code chapters, one for Wetlands and the other for Watercourses, were not workable and the review provided an opportunity to create a new chapter which would provide for consistent regulation. He said the local version of the SEQRA law, which dates back to the 1970s, has not kept up with changes to the State law, and therefore, the Town Board should repeal the local law and adopt the State law. Mr. Kaufman said one of the major changes in the proposed law would be the inclusion of a new administrative permit for residential projects which would be handled through the expansion of the Residential Project Review Committee (RPRC) to include the Town Wetlands Consultant and a member of the Conservation Board. The RPRC would evaluate applications for residential wetlands permits and direct them to the Building Inspector for issuance of the permit, in consultation with the Town Wetlands Consultant, or to the Planning Board for further review, including referral to the Conservation Board. The law would also remove the Town Board as the approval authority for certain wetlands permits, as with the NYCDEP projects currently under review. The law includes other procedural changes including clarification of permit requirements and clear regulations for mitigation plans.

Conservation Board Chairman John Fava displayed the Town's new Environmental Map dated April 2012, which replaced the map from 1998, and reviewed the locations of the watersheds. Referencing his memo to the Town Board, Mr. Fava said the Conservation Board supported most of the revisions in the proposed wetlands law, including the scheduling of a pre-application meeting by the applicant with the approval authority. He said the Conservation Board has concern with the proposed change to potentially allow administrative permits regulation for a one or two-family residential parcel and thereby an undeveloped parcel or teardown could skirt review by the Conservation Board and approval from the Planning Board. The Conservation Board recommended that administrative permits include activities only on an existing one or two-family residences, and activities for undeveloped parcels or teardowns be required to obtain Planning Board approval. Mr. Fava emphasized that projects on undeveloped parcels could be major in scope and include major land disturbance. He added that the determinations of the RPRC would be critical in steering projects to the appropriate approval authority.

In response to query from Supervisor Arden, Mr. Kaufman said that the decision to refer a project to the Conservation Board would be by majority vote of the RPRC.

Mr. Kaufman cited the membership composition of the expanded RPRC to include: one Conservation Board member and the Town Wetlands Consultant, in addition to the current composition of the Director of Planning, the Building Inspector, one Planning Board member, one Architectural Review Board member, and the Town Engineer. Mr. Kaufman said that the administrative permit would provide for a full review.

Councilman DiDonato Roth said the expansion of the RPRC would allow members from Boards to discuss and confer.

In response to a query from Lydia Rippstein, School Street, Mr. Kaufman said the Town Board would no longer be the approval authority for wetlands permits under the proposed law.

Planning Board Chairman Robert Greene, a rotating RPRC member, said that the Committee gives great weight to the comments by the professional member with expertise on the subject area under review, and would defer to the member within their area of responsibility.

Daniel Richmond, Zarin & Steinmetz, provided comments on behalf its client, Westchester Airport Associates, the owner of the parking garage at Westchester County Airport. Mr. Richmond said that the proposed law seems to relieve the applicant of a proposed parking garage in close proximity to the Kensico Reservoir at New King Street of its burden under the law. He requested that the Board leave the written comment period open. He said the definition of an intermittent stream in the proposed law was less protective than the DEP watershed regulations. He expressed the view that the law weakens wetland mitigation requirements and also had concerns with the definition of mitigation. He added that the Town should consider expanding buffer areas for critical environmental areas.

Mr. Kaufman said the law was not written with the parking garage in mind. He said the language regarding intermittent stream could be reviewed with the Conservation Board. With respect to the language regarding wetland mitigation, Mr. Kaufman said the language was consciously added and he recommended the language be kept.

Councilman Schiliro asked if a provision should be added to the law regarding referral of undeveloped parcels or teardowns with wetland concerns to the Planning and Conservation Boards. Mr. Kaufman said he had thought the Conservation Board's concern with an earlier draft of law was that it did not include its review and the Town Board's solution was to bring a Conservation Board member onto the RPRC.

Mr. Fava asked if it were possible for the Wetlands Consultant to provide, upon submission of an application, a report to the Conservation Board with possibility for comment by its next meeting or within a period of days, rather than provide an informational report.

Mr. Kaufman said the direction from the Town Board was to expedite the process and the review of reports by the Conservation Board would make it difficult to accelerate the process. Councilman Schiliro said the Town Board is relying on RPRC members to refer the projects as needed. Councilman DiDonato Roth said the addition of another layer to the RPRC would provide for wetlands projects which are major in scope to be referred, while minor projects, all of which must currently be referred, could be approved by the RPRC.

In response to a query from Councilman Schiliro to Mr. Greene about the RPRC referral process, Mr. Greene said that Town Engineer currently refers projects as needed. He reiterated that no RPRC member takes the position that he knows more than the person with professional expertise. He said if one member has an issue, the application is referred to the respective Board.

Councilman Schiliro said that after hearing from Mr. Greene, he was comfortable with the administrative permit process for existing residential properties, but said that Mr. Fava's recommendation regarding undeveloped parcels or teardowns should be added to the draft law. Councilman DiDonato Roth said she did not think it was necessary because the Wetlands Consultant would be on the RPRC.

When Councilman D'Angelo asked Mr. Fava if there were any projects with undeveloped land where the change he was requesting would have made a difference, he said there have been undeveloped parcels with problem wetland issues. He said wetland issues on undeveloped parcels could have unknown impacts on its development and would not be a minor project. He said he would expect that most undeveloped parcels would be referred to the Planning Board, but the draft law does not state this. Mr. D'Angelo asked if the recommended change could be made and then reviewed in a year.

Supervisor Arden said he would like to keep the hearing open and receive comments from Zarin & Steinmetz.

After further discussion by the Board, it was determined that the recommendation regarding undeveloped parcels would be considered as part of the review process and not added to the law at this time.

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 Cronin, that the Public Hearing be adjourned to a later date at 8:35 p.m.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, Roth, Cronin, D'Angelo, Supervisor Arden.

Noes: None.

Anne Curran, Town Clerk

Dated: May 14, 2012

At 8:36 p.m. Supervisor Arden 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 May 9, 2012 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 Chapter 175 (Streets and Sidewalks) of the Town of North Castle Town Code to require removal of snow, ice, dirt and other obstructions from a sidewalk and the repair of a sidewalk by property owners adjacent to a sidewalk.

The proposed local law is available in the Town Clerk's office during regular business hours and on the Town website. ALL PERSONS HAVING AN INTEREST IN THE MATTER ARE INVITED TO ATTEND AND BE HEARD.

By Order of the Town Board
Anne Curran, Town Clerk

Dated: April 23, 2012
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.

Letter from Director of Planning Adam Kaufman dated March 23, 2012 was marked Exhibit "D" for the record.

Letter from Jerry Hendricks, Maple Court Realty Associates, dated May 2, 2012 was marked Exhibit "E" for the record.

Letter from Boris and Vivian Utko, 11 Maple Avenue LLC, dated May 5, 2012 was marked Exhibit "F" for the records.

Letter from Katherine Trerotola Cozzette, Maple Court Realty Associates dated May 9, 2012 was marked Exhibit "G" for the record.

E-mail from Chris Santomero, dated May 9, 2012 was marked Exhibit "H" for the record.

Full Environmental Assessment Form was marked Exhibit "I" for the record.

Proposed Local Law.

Town Clerk Anne Curran read aloud letters from Jerry Hendricks, Boris and Vivian Utko, and Katherine Trerotola Cozzette objecting to the proposed legislation; and an email from Chris Santomero suggesting that more than usual and customary repairs and maintenance could be handled by establishing a BID group to perform such services from fees paid by participants.

Supervisor Arden said that the issue regarding sidewalk maintenance was raised twenty years ago and not acted on. Mr. Arden said it has been found to be unfair that some property owners have snow removal services provided by the Town, while other property owners do not. He said in looking at several other Towns, there was not one which provides the service. Mr. Arden said the Board is trying to obtain comment and find the best solution for the problem which is a cost issue. Currently Parks Department employees are paid overtime rates for snow removal which are four to five times the cost of private snow removal.

Director of Planning Adam Kaufman said he did a sampling of several Towns including Pleasantville, Harrison, Briarcliff, Mt. Kisco, New Castle, Mt. Pleasant and Yorktown and found they had the same or similar laws to the proposed law. Mr. Kaufman said a trash removal component was added to North Castle's law. He said that Yorktown has a snow removal district.

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In response to a query from Boris Utko, property owner, regarding the sidewalks to be built at Armonk Square, Town Attorney Baroni said there is a gap of about 200 feet between the Main Street and Maple Avenue frontage. Mr. Baroni said that a commitment for sidewalks was part of the original plan, but when the developers proposed a supermarket they changed some of their conditions and that area of sidewalk was not included.

In response to Councilman DiDonato Roth who asked if a vote regarding the amended conditions was taken at the time, Mr. Baroni said the Town Board did not have any involvement; the conditions were proposed as part of the Planning Board review.

Mr. Utko expressed his concerns regarding his liability for any injury if the proposed law were to be adopted. He said in other municipalities federal money was be used to rebuild sidewalks.

Supervisor Arden said the proposed law addressed repair, such as broken bricks or pavers, not rebuilding sidewalks.

Joe Cardillo, property and business owner, said he takes care of snow removal on his property. He said the Town repaired sidewalks on only one side of Main Street and should repair the sidewalks on the other side of Main Street which are in disrepair.

Sue Allison Dean, property and business owner on MacDonald Avenue, said she agreed with Mr. Utko and does not want to be held liable for any falls. Ms. Dean said that additional costs to commercial property owners would be passed onto tenants, and would result in cost increases for products and services. As a member of the Armonk Chamber of Commerce, she said members are working hard to provide products and services at the best cost they can and cost increases will discourage business. She said a larger issue is that the Armonk hamlet is not wheelchair and stroller friendly. She said there is a great opportunity to create a walking path throughout the hamlet and thereby attract people to come and patronize businesses.

In response to a query from Lydia Rippstein, School Street, whether property begins at the street line or a number of feet from the street, Mr. Baroni said a survey of the west side of Main Street showed that the principal length of the sidewalk was all on State property, and a survey of the other side of Main Street would determine how wide the right of way is. He said Maple Avenue is a Town roadway.

Councilman DiDonato Roth said it has been found that in other Towns if a property is State a road, the State will repair the sidewalks. Ms. DiDonato Roth said information is being gathered to best improve the sidewalks and facilitate the development of a walkable community. She said the Town does not have the funds to do this.

Barbara DiGiacinto, property owner, requested that the Town Board withdraw the proposed law, which she said was anti-small business and would be a financial burden to property owners and tenants. Regarding the removal of snow and ice, Ms. DiGiacinto said the Town has always been responsible for the public easement part of the sidewalk and snow removal is one of the few services provided to commercial property owners. She said the Town has the responsibility to research the legality of the Town assigning maintenance and repair of sidewalks; to research the easement agreements for all affected properties; and to identify and notify all property owners. Ms. DiGiacinto said the Town Board should provide an impact analysis and cost saving information based on this proposed legislation.

In response to a query from George Henry, Whippoorwill Road, as to why the proposed change in the law was rejected twenty years, Mr. Baroni said there were many of the same arguments.

Skip Beitzel, owner of Hickory & Tweed, said he was voicing his support on behalf of the business and property owners in Armonk and asked why the proposal is being considered and if there had been any significant problems. Mr. Beitzel requested that the Town Board consider the weak economy and the taxes currently being paid by property owners.

Barry Malvin, Green Valley Road, asked how much savings would result and said the proposed law is quite punitive and heavy handed. Mr. Malvin said that the new Board members had talked about streamlining and reducing regulation and the legislation being proposed would add another layer of

regulation. He added that the Town would be handing over the responsibility for cleaning and emptying the trash and recycling containers on Main Street.

Supervisor Arden said Suburban Carting empties the containers every morning on Main Street and would continue to do so.

John Poniros, property owner, referred to the Town Comprehensive Plan and said the Town has the responsibility to upgrade the sidewalks and make them uniform and pedestrian friendly.

Councilman Schiliro said the cleaning and sweeping of sidewalks in front of stores has merit and does not cost anything and makes the Town look better. Mr. Schiliro said snow removal is a burden and perhaps a middle ground could be reached. He said there is continuity because the Town provides the service. He said that trash collection should stay as is and sidewalk repair should not be required of property owners.

Mr. Utko said when the Highway Department plows and sands the street the dust enters the stores. He asked when was the last time a sweeper cleaned Main Street and cited Tarrytown as a municipality with alternate side parking for sweeping of streets.

Councilman D'Angelo said it was unfortunate that there had to be concern with trash on the sidewalks and store patrons should dispose of trash properly. Mr. D'Angelo said more discussion was needed regarding sidewalk cleaning and snow removal, and said that some sidewalks were in disrepair. He asked Mr. Baroni if the property owners on Maple Avenue owned the sidewalk to the street line and if the Town has easements to the sidewalks. Mr. Baroni said consent and release forms were secured from some owners when the Armonk Square project was approved in case access to their properties were needed, but he did not have information readily available about the properties on the other side of the street.

Mr. Bietzel said he is working on the issue of trash with the Armonk Chamber of Commerce.

Supervisor Arden said he would like to adjourn the hearing, receive comment, refine the legislation and come back with another proposal.

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 Cronin, that the Public Hearing be adjourned at 9:30 p.m.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, Roth, Cronin, D'Angelo, Supervisor Arden.

Noes: None.

Anne Curran, Town Clerk

Dated: May 18, 2012

PUBLIC HEARING

May 9, 2012

At 9:31 p.m. Supervisor Arden 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 May 9, 2012 at 7:30 PM, or as soon thereafter, at North Castle Town Hall, 15 Bedford Road, Armonk, New York 10504, for the purpose of considering a local law to Amend Section 213-34 of the Town of North Castle Town Code to include provisions that permit the Building Inspector to issue minor site plan amendment approvals.

The proposed local law is available in the Town Clerk's office during regular business hours and on the Town website. ALL PERSONS HAVING AN INTEREST IN THE MATTER ARE INVITED TO ATTEND AND BE HEARD.

By Order of the Town Board

Anne Curran, Town Clerk

Dated: April 23, 2012
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.

Notification of Intent of Town Board to act as Lead Agency, including Full Environmental Assessment Form, dated April 3, 2012.

Proposed Local Law.

Director of Planning Adam Kaufman said that the proposed law would permit the Building Inspector to issue minor site plan amendment approvals which previously required approval by the Planning Board. Mr. Kaufman said minor site plan amendments which would be approved by the Building Inspector would not involve intensification of the use, change of use, or construction. He provided examples of moving a light or a dumpster.

Jeffrey Baker, Young/Summer LLC, appeared before the Board on behalf of Concerned Citizens of Armonk (CCA). Mr. Baker said while the intent of the proposed law was good, there were issues regarding unintended consequences of the law. He expressed concerns that the law as drafted would not require notice to the Planning Board or the public and would not provide the opportunity to look at site plan issues, which may have arisen since the time of original approval, and require improvements and upgrades. He cited the issuance of a building permit for the proposed CVS by the Building Inspector, on the presumption that it was not a change in use, as improper leading to the appeal by CCA to the Zoning Board of Appeals, and the subsequent submission of a revised application for a special use permit by CVS.

In response, Mr. Kaufman said the proposed law does not include changes of use and in fact specifically excludes changes of use. He said if there were a change in use in a site plan, the Building Inspector could not approve the site plan amendments. He added that the Building Inspector, at any time prior to the issuance of site development plan approval, may request review by the Planning Board.

After further comments by Mr. Kaufman and Mr. Baker, Town Attorney Baroni recommended that the Board adjourn the public hearing and said he would work with Mr. Kaufman on the draft language to include language that would address points raised by Mr. Baker.

No other correspondence or comments were entered for the record.

After all persons were heard who desired to be heard, Councilman Cronin moved, seconded by Councilman DiDonato Roth, that the Public Hearing be adjourned at 9:45 p.m.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, Roth, Cronin, D’Angelo, Supervisor Arden.

Noes: None.

Anne Curran, Town Clerk

Dated: May 18, 2012

PUBLIC HEARING

May 9, 2012

At 9:46 p.m. Supervisor Arden stated that a Public Hearing would be held in accordance with the Public Notice that follows:

Town Board Minutes
May 9, 2012

NOTICE IS HEREBY GIVEN that the North Castle Town Board will hold a Public Hearing on May 9, 2012, at 7:30 p.m., or as soon thereafter, at Town Hall, 15 Bedford Road, Armonk, New York 10504, concerning grant of conservation easement and declaration of restrictive covenants for property located at 62 Byram Ridge Road, Armonk, New York.

ALL PERSONS HAVING AN INTEREST IN THE MATTER ARE INVITED TO ATTEND AND BE HEARD.

By Order of the Town Board
Anne Curran, Town Clerk

Dated: April 23, 2012
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 from Shamberg, Marwell & Hollis, P.C., Attorneys at Law, dated March 14, 2012 was marked Exhibit "D" for the record.

Megan Collins, Shamberg, Marwell & Hollis, P.C., appeared before the Board on behalf of its client. Ms. Collins said that the conservation easement is for one lot in the client's five lot subdivision, specifically 1.2 acres of lot 5 and would not involve any cost to the Town.

After all persons were heard who desired to be heard, Supervisor Arden moved, seconded by Councilman D'Angelo, that the Public Hearing be closed at 9:50 p.m.

Councilman Schiliro moved, seconded by Councilman DiDonato Roth, that the Supervisor be authorized to sign the Conservation Easement and Declaration of Restrictive Covenants for property located at 62 Byram Ridge Road, Armonk, New York.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, Roth, Cronin, D'Angelo, Supervisor Arden.

Noes: None.

Anne Curran, Town Clerk

Dated: May 21, 2012