

Town Board Minutes
Town of North Castle
15 Bedford Road
Armonk, New York
on
April 25, 2012

The meeting was called to order at 6:00 p.m. on the duly adopted motion of Councilman D'Angelo 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 7:35 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 D'Angelo, approval of the minutes of the meeting March 28, 2012.

The roll call was as follows:

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

Noes: None.

The minutes of the Public Hearing which commenced at 7:50 p.m. follow at the end of these minutes.

Supervisor Arden moved, seconded by Councilman D'Angelo, receipt of letter from Shamberg Marwell & Hollis, P.C. regarding Adopt-a-Dog Inc. withdrawal of petition to amend zoning code and application for site development plan approval, receipt of letter from Planning Director Kaufman notifying of Planning Board's positive recommendation for construction of an off-street parking area on Adopt-a-Dog property, and further moved that a Public Hearing be scheduled for May 23rd.

The roll call vote was as follows:

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

Noes: None

Jose Nieves, NYCDEP Project Manager came before the Town Board seeking approval of a resolution granting a Wetlands and Drainage permit for the proposed Wetland and Open Water Mitigation at the former Armonk Bowling Alley. Councilman DiDonato Roth questioned if the paving of the off-street parking area that DEP agreed to deed back to the Town could be paved by DEP as part of their commitment to re-surface Old Route 22. In addition, Councilman DiDonato Roth pointed out that the property is unsightly and she asked that DEP clean up and maintain the lot. Based on a recommendation from Town Attorney Baroni, Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, that consideration of the resolution be tabled for two weeks or until DEP can respond to the request to pave the parking lot.

The roll call vote was as follows:

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

Noes: None

The Supervisor stated that the Town's Labor Consultant was not available to attend the meeting, and therefore, consideration of adoption of two Town policy manuals: Compensation and Benefits Manual and Employment Practices Compliance Manual would be tabled.

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Councilman DiDonato Roth moved, seconded by Councilman Cronin, receipt of revised petition for Mark Real Estate, LLC. for amendments to NB Zoning District, and further moved that the matter be referred to the Planning Board.

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 \$205,308.72 for Requisition #6 to Bilotta Construction Corp. for work completed to repair town roadways through the period ending March 30, 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, approval of requests from General Foreman Norris, to award bids as follows:

Catch basins

Chemung Supply Corp. at the following prices:

30"X48" CATCH BASIS STRUCTURE WITH (4) KNOCKOUTS

1CB-NS3 3' DEPTH WITHOUT SUMP	Chemung Supply Corp. \$342.00
1CB-S3 3' DEPTH WITH SUMP	Chemung Supply Corp. \$342.00
1CB-NS4 4' DEPTH WITHOUT SUMP	Chemung Supply Corp. \$448.00
1CB-S4 4' DEPTH WITH SUMP	Chemung Supply Corp. \$448.00
1CB-NS5 5' DEPTH WITHOUT SUMP	Chemung Supply Corp. \$538.00
1CB-S5 5' DEPTH WITH SUMP	Chemung Supply Corp. \$538.00
1CB-NS6 6' DEPTH WITHOUT SUMP	Chemung Supply Corp. \$649.00
1CB-S6 6' DEPTH WITH SUMP	Chemung Supply Corp. \$649.00
FRAMES AND GRATES	Chemung Supply Corp. \$473.00
ALTERNATE FRAMES AND GRATES	Chemung Supply Corp. \$494.00
1D1 30"x30" DRAIN INLET WITH FOUR (4) KNOCKOUTS	
1DI-NS3 3' DEPTH WITHOUT SUMP	Chemung Supply Corp. \$274.00
1DI-S3 3' DEPTH WITH SUMP	Chemung Supply Corp. \$274.00
1DI-NS4 4' DEPTH WITHOUT SUMP	Chemung Supply Corp. \$359.00
1DI-S4 4' DEPTH WITH SUMP	Chemung Supply Corp. \$359.00
1DI-NS5 5' DEPTH WITHOUT SUMP	Chemung Supply Corp. \$433.00
1DI-S5 5' DEPTH WITH SUMP	Chemung Supply Corp. \$433.00
1DI-NS6 6' DEPTH WITHOUT SUMP	Chemung Supply Corp. \$494.00
1DI-S6 6' DEPTH WITH SUMP	Chemung Supply Corp. \$494.00
FRAMES AND GRATES	Chemung Supply Corp. \$284.00

Highway Materials

AGGREGATES

Bank Run	\$24.00 per ton	Red Wing Properties
Washed Stone	3/8" \$29.00 per ton del.	Wingdale Materials
	3/4" \$25.00 per ton del.	Wingdale Materials
	1-1/4" \$25.00 per ton del.	Wingdale Materials
	1-1/2" \$25.00 per ton del.	Wingdale Materials
Trapped Rock	3/8" \$31.40 per ton del.	Tilcon, NY
	3/4" \$24.00 per ton del.	Putnam Materials
	1-1/4" \$24.00 per ton del.	Putnam Materials
	1-1/2" \$24.00 per ton del.	Putnam Materials
Shoulder Material	\$18.70 per ton del.	Tilcon, NY
Screened Top Soil	\$34.00 per ton	Red Wing Properties
SKID CHAIN		
Clawcross	\$424.00 per 100 ft.	Chemung Supply Corp.
Sidechain	\$204.00 per 100 ft.	Chemung Supply Corp.

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SNOW PLOW & GRADER BLADES

8" x 5/8"	\$11.94 per ft.	Chemung Supply Corp.
8" x 5/8" 3 section	\$12.24 per ft.	Chemung Supply Corp.
Carbide Blades	\$49.90 per ft.	Chemung Supply Corp.

Peckam Materials:

403.198302M Top Course Type 7F23	\$83.00 per ton delivered
403.178302M Top Course Type 6F	\$76.00 per ton delivered
403.13 Binder, Type 3	\$76.00 per ton delivered
714.06 Asphaltic Concrete Curb	\$86.00 per ton delivered

Laid in Place Asphalt:

Bilotta Construction	\$88.25 per ton
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Pavement Markings

Safety Marking, Inc.	\$489.00 per linear mile
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Guide Rails

Chemung Supply Corp. as follows:

1. Galvanized corrugated beam rail 12 ft. 6 in. post spacing, installed to NYSDOT specifications.

Complete layout and installation	\$20.94 per linear foot
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2. Galvanized corrugated beam rail, 6 ft. 3 in. post spacing, installed to NYSDOT specifications.

Complete layout and installation	\$25.89 per linear foot
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3. Galvanized 6 in. x 6 in box beam rail, including all splice plates, hardware, etc. Installed to NYSDOT specifications.

Using type one end sections	\$37.68 per linear foot
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Using type two end sections	\$46.94 per linear foot
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4. 6 in x 6 in box beam rail shop cut, metered curve	\$74.20 per linear foot
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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 the request of Comptroller Kertesz-Lee to purchase Computer Fraud Coverage from NYMIR for \$700 which insures the Town up to a limit of \$500,000 with a \$5,000 deductible, for an annual premium of \$700.

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 appropriation of \$10,000 from Sewer District #4 fund balance for the purchase of a spare sewer pump for the pumping station.

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 Town Clerk Curran to award bid for cablecasting system upgrade to HB Communications, the lowest bidder, for \$21,064; the cost will be paid for with funds from PEG grant monies received from Verizon and Cablevision as part of the Town's franchise agreements.

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, ratification of a resolution amending the Municipal Cooperation Agreement of the NYCLASS Investment Program whereby

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the Village of Potsdam is made the new Lead Participant. It also provides for changes to the Investment Advisor from time to time as determined by the Governing Board of NYCLASS.

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, ratification of a resolution authorizing the Supervisor to execute renewal documents for the \$1,671,501 Bond Anticipation Note renewal on April 24, 2012.

The roll call vote was as follows:

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

Noes: None

Upon the recommendation of General Foreman Norris, Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, approval to issue a license to City Carting, Inc. to collect refuse and dispose of same, with an expiration date of March 31, 2013.

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 a letter from Receiver of Taxes Colombo and authorization to pay a Certiorari Consent Judgment for 135 Lafayette Avenue, LLC, 135 Lafayette Ave, North White Plains, NY, Parcel I.D. 6-09-2 for tax years 2009 - 2012 in the total amount of \$4,386.73.

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, approval for the Supervisor to sign an agreement with Kellard Sessions Consulting regarding Stormwater Management Program – MS4 for \$4,500.00 whereby Kellard will prepare and file the Town's MS4 Annual Report and Municipal Compliance & Certification Form.

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, authorization for the Supervisor to sign a one-year Inter-Municipal Agreement with Mount Pleasant for ALS (advanced life saving) ambulance services from June 1, 2012 to May 31, 2013 for \$37,808.

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 a one-year lease agreement with Westchester County Department of Parks, Recreation and Conservation in the amount of \$27,348 (an increase of 5% from previous year) for the Fisher Lane commuter parking lot; the term is April 1, 2012 to March 31, 2013.

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 Comptroller Dawn Kertesz-Lee (Gobeo) effective April 20, 2012.

The roll call vote was as follows:

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Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden
Noes: None

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, approval of unpaid leave of absence for James Bogan, Parks Department, from December 1, 2011 through August 1, 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, the re-appointment of John Fava as Chairperson of the Conservation Board for a term to expire April 8, 2014.

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, acceptance of letter of resignation from Maggie Pack from the Conservation Board, effective April 8, 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, the appointment of John Tiernan to the Conservation Board for a term to expire April 8, 2014.

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, the appointment of Doris Finch Watson to the Landmarks Preservation Committee as Honorary Member.

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, the appointment of Susan Geffen to the Landmarks Preservation Committee for a term to expire May 17, 2014.

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 Cronin, to accept the resignation of Frank Benish from the Architectural Review Board effective April 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 D'Angelo, the appointment of Ljubisa Jovasevic to the Architectural Review Board for a term to expire September 13, 2014.

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 Cronin, the appointment of Frank Benish to the Parks and Recreation Board for a term to expire December 31, 2014.

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The roll call vote was as follows:

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

Noes: Councilman Schiliro

Councilman DiDonato Roth moved, seconded by Councilman Cronin, the consensus agenda as follows:

- Receipt of memo from Library Director, Cris Ansnes, regarding the appointment of Marcus Renna as part-time Library Clerk, effective April 16, 2012
- Receipt of Town Clerk's monthly report for March, 2012
- Receipt of memo from General Foreman Norris for release of bonds as follows:
 - o Cablevision – Permits 0971, 0985, 0537, 0575, 0606, 0612, 0640, 0641, 0651, 0652, 0655, 0656, 0665, 0666, 0668, 0669, 0671, 0672, 0675, 0687, 0691, 0697, 0700, 0716, 0726, 0727, 0729, 0739, 0741, 0744, 0746, 0747 and 0748 for right of way work at various locations in the amount of \$27,250.00 to be reinstated to the \$50,000 bond.
 - o Verizon – Permits 0678 and 0682 for street openings and/or right of ways at various locations in the amount of \$3,500.00 to be reinstated to the \$100,000 bond.
 - o Con Edison – Permits 0597 and 0734 for street openings at various locations in the amount of \$2,000 to be reinstated to the \$65,000 bond.
 - o Maffucci – Permit 0722 in the amount of \$500.00 for driveway alteration at 35 School Street, Section 2, Block 13, Lot 14.H. Work has been completed and approved.
 - o Zarranz – Permit 0767 in the amount of \$500.00 for driveway alteration at 4 Robin Lane, Section 1, Block 01, Lot 2.-5. Work has been completed and approved.
- Receipt of workers compensation reports for Highway workers.

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 \$4,741,483.29 as indicated on Warrant #8.

After all persons were heard who desired to be heard, the Supervisor closed the meeting at 9:35 p.m. in memory of former residents Fred Rucker, Architect, who worked with the Planning Board and Building Department, Donald E. Kingsley, father-in-law of Roland Baroni, Town Attorney, and Gayle Narva, wife of Ken Narva who was Chairman of the ARB for many years.

Anne Curran, Town Clerk

Dated: May 7, 2012

PUBLIC HEARING

April 25, 2012

At 7:50 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 April 25, 2012, at 7:30 PM, or as soon thereafter, at Town Hall, 15 Bedford Road, Armonk, NY 10504, for the purpose of considering the Special Use Permit Application of St. Nersess Armenian Seminary, Inc., for the renovation and adaptive reuse of the existing buildings and the construction of a new 8,400 square foot, one-story theological center to include a library and private chapel on the 5.55 acre property located at 486 Bedford Road, Armonk, (Section 2, Block 8, Lot 17.B).

The special use permit application is available in the Town Clerk's office during regular business hours. ALL PERSONS HAVING AN INTEREST IN THE MATTER ARE INVITED TO ATTEND AND BE HEARD.

By Order of the Town Board
Anne Curran, Town Clerk

Dated: April 7, 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, with a Special Use Permit Application and exhibits, from McCullough, Goldberger & Staudt, LLP, dated September 9, 2011, was marked Exhibit “D” for the record.

Letters from Director of Planning Adam Kaufman dated September 27, 2011 and March 13, 2012 Re: Notification of Intent of Planning Board to act as Lead Agency were marked Exhibit "E" for the record.

Letter from Westchester County Planning Board dated September 30, 2011 was marked Exhibit “F” for the record.

Letter from Director of Planning Adam Kaufman dated February 28, 2012 Re: positive recommendation by the Planning Board was marked Exhibit “G” for the record.

Letters from McCullough, Goldberger & Staudt, LLP, dated March 7, 2012 and April 18, 2012 were marked Exhibit “H” for the record.

Letter from Director of Planning Kaufman dated March 23, 2012 responding to the Special Use Permit application, site plan and necessary approvals for permits, was marked Exhibit “I” for the record.

The green cards denoting receipt of certified mail by adjoining property owners were received and marked Exhibit "J" for the record.

Letter from resident Alex Greene dated April 21, 2012 was marked Exhibit “K” for the record.

Letter from Thomas, Whyatt of Oxman, Tulis, Kirkpatrick, Whyatt & Geiger on behalf of residents Errol and Mindy Cvern dated April 23, 2012 was marked Exhibit “L” for the record.

Seth Mandelbaum, McCullough, Goldberger & Staudt, LLP, appeared before the Board on behalf of the applicant, the contract vendee to purchase 486 Bedford Road from its current owner Congregation B'Nai Yisrael of Armonk. The subject property is located on the west side of Bedford Road, between Tripp Lane and Banksville Road. Mr. Mandelbaum said representatives from St. Nersess Seminary and Rabbi Krantz from Congregation B'Nai Yisrael were in attendance.

Father Daniel Findikyan, Dean of the Seminary, reviewed the history of St. Nersess, the only Armenian seminary in the Western hemisphere, which is currently located in New Rochelle, NY. Father Daniel said the Seminary is primarily charged with preparing students to become priests, and provided information about the graduate theological program. He said the seminary currently has five graduate students, median age of 30, two full time faculty members, two full time staff members, and a few adjunct faculty who visit a few times a week. Public lectures held quarterly attract about 25 people; and the graduation ceremony is attended by about 60 to 70 people. Summer study programs are attended by younger students of not more than 25 participants supervised by adults.

Rob Aiello, consulting engineer, John Meyer Consulting, PC, reviewed the updated site plan. Mr. Aiello said the existing barn structure would remain and there would be a total of 25 parking spaces. Wells and a septic system would be built, as required by the Westchester County Department of Health, and there would be no public water and sewer. Setbacks and building coverage requirements would conform to Town Code provisions. Storm water improvements have been designed to exceed both Town and NYS requirements. The lighting plan proposed for the parking area and driveway would ensure that any lighting bordering a neighboring property would be shielded. The landscaping plan would supplement and maintain upper canopies of mature trees. Mr. Aiello said the traffic study was reviewed by the Town’s consultant, and the traffic counts conducted during peak travel times at the current New Rochelle facility were doubled.

Robert Stanziale, architect, said the existing main house would be renovated and expanded with a two-story addition with eight bedrooms to house eight to ten seminarians. The existing barn would be renovated to accommodate four one-bedroom apartments, for married students, and four studio apartments for visiting and resident faculty. An on-site dean's residence would be in the renovated secondary house. The new theological center to be built would consist of administrative offices and classrooms on one end, a library at the other, and a private chapel, only for seminary use, in the center. He said the applicant has met with the Architectural Review Board. A widened driveway is proposed at the front entrance with an approximately four foot high stone wall with pillars on either side of the driveway.

Mr. Mandelbaum said that they are working to address comments from neighbors.

Esther Sands, Bedford Road, expressed her concerns regarding the number of students and the transient populations of teenagers attending programs at the seminary. Ms. Sands asked how the numbers of people would be controlled and if the married students would have children. She said the proposed use was a different from the current use of the temple and the church which are not residential institutions.

Mr. Mandelbaum said that the summer study program is not a camp; it is bible study with a current self-imposed capacity of 25 students. He said the seminarians are generally not at the facility in the summer. He referenced Director of Planning Adam Kaufman's memo to the Town Board which included consideration to use caps on occupancy as a condition of the special use permit. Mr. Mandelbaum said that the anticipated daily population is 15 to 20 people.

Lydia Rippstein, School Street, asked if the children of married students could attend the district schools.

Errol Cvern, Seymour Place, expressed concerns regarding the proposed location of the 8,400 square feet theological center since the rear of a large building would be visible from his adjacent property. Mr. Cvern asked if the Town Board would see if the center could be located on a different area on the site. He said there is runoff from the current property onto his property and he has had extensive work done to repair and abate water damage in his basement. He expressed concern regarding the water impact from the amount of forestry to be removed. He said that information on the St. Nersess website about the schedule of summer conferences held at the seminary was not previously provided by the applicant.

Alex Greene, Tripp Lane, said his property abuts the proposed location and he has had numerous conversations with Mr. Mandelbaum over the past six months. Mr. Greene said he does not have an objection to the seminary. He has requested that the lighting and landscaping be respectful and has received numerous assurances. As detailed in his letter, Mr. Greene is requesting that the Town Board establish as conditions to issuance of the permit restrictions regarding use and development of the seminary property, and requirements for landscaping, lighting and construction materials. He said there was not previously any discussion of transient populations during the summer and does not know what the impact would be and suggested that the Town impose restrictions and caps on future expansion of the facility.

Bertha Leinung, Seymour Place, said the proposed Dean's residence and dormitories are visible now and expressed concerns about the sight of two stories buildings and the teenagers attending summer programs. Ms. Leinung said there should be limitations on uses of the facility.

John Leinung, Seymour Place, expressed concerns regarding the impact of water and ongoing drainage problems, and the demands on the water table.

Mr. Mandelbaum said that John Kellard has reviewed and commented on the storm water and drainage, and other engineering issues, and the plans have been revised to his satisfaction. Mr. Mandelbaum said there have been several meetings with the Westchester County Department of Health which has jurisdiction over water supply and septic. He said he would like to speak to his client and report back to the Town Board and Planning Board next month on all issues which have been raised.

In response to a query from Councilman Schiliro, if the summer programs were part of the initial concept presented to the Planning Board, Mr. Kaufman said the Planning Board will address the site plan issues and operational issues will be detailed in a list. The Town Board can regulate the types of uses to be permitted and can consider conditions, such as the use of occupancy caps.

Councilman DiDonato Roth said she appreciated that the applicant is taking the residents' concerns regarding their property seriously, adding that proper drainage and landscaping, as well as the intended occupancy are very important issues.

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Councilman Cronin added that due to grade changes the proposed center does appear massive.

Mr. Mandelbaum said that the height of the cupola is exempt from the height requirement and the overall height of the building is 32.6 feet which is well below the maximum height permitted.

In response to a query from Councilman D'Angelo, Mr. Kaufman said that the items detailed in Mr. Greene's letter were reasonable and could be addressed in the special use permit.

Mr. Mandelbaum said he would ask that the conditions plan for the foreseeable future, that they be reasonable and appropriate, and provide for flexibility to allow the applicant to request any expansion that may become necessary.

In response to an inquiry from Ms. Sands regarding whether the zoning code permitted dormitories at religious institutions, Town Attorney Baroni said they are permitted at places of worship, subject to special permit. Mr. Baroni added that Fordham University received special permit approval for student housing at the Calder Center.

No other correspondence or comments were entered for the record.

After all persons were heard who desired to be heard, Councilman DiDonato Roth moved, seconded by Councilman Schiliro, that the Public Hearing be adjourned at 9:00 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 8, 2012