

Town Board Minutes
Town of North Castle
15 Bedford Road
Armonk, New York
on
June 13, 2012

The meeting was called to order at 5:00 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 7:25 p.m. The Town Clerk joined the regular meeting which reconvened at 7:30 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 May 23, 2012 meeting.

The roll call was as follows:

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

Noes: None.

Abstain: Councilman Schiliro who was absent from the May 23, 2012 meeting

The minutes of the Public Hearings that commenced at 8:05 p.m. follow at the end of these minutes.

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, approval for the Supervisor to sign a retainer agreement with Keane & Beane, P.C. to serve as special counsel to the Town in its review and consideration of the proposal for the Brynwood Club Development.

The roll call vote was as follows:

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

Noes: None

On the duly adopted motion of the Supervisor, the adoption of the Town of North Castle Compensation and Benefits Manual with itemized amendments was tabled.

Councilman DiDonato Roth moved, seconded by Councilman Cronin, adoption of Town of North Castle Employment Practices Compliance Manual.

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 irrevocable Stand-by Letter of Credit from applicant, Lawrence Massaro.

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 adoption of updated Minimum Insurance Requirement Policies for service contracts and contractors/sub-contractors.

The roll call vote was as follows:

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

Noes: None

Town Board Minutes
June 13, 2012

Councilman Schiliro moved, seconded by Councilman DiDonato Roth, adoption of updated Workplace Violence Prevention Policy.

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, receipt of letter from Tax Receiver Colombo, regarding Small Claims Assessment Review Settlements and the Board approved refunds as follows:

NAME	PARCEL I.D.	REDUCTION	REFUND
CHAO	1-02-6.C-78	900	154.90
BREIDENBACH	1-04-10.-438	700	107.82
NG	1-04-23.-3	2,090	359.71
LAPERUTA	1-05-8.-20	3,800	654.02
KIMMEL	1-05-11.-14	8,100	1,394.10
DADAKIS	1-05-11.-25	15,080	2,595.43
HANSBURG	1-05-11.-37	6,900	1,187.56
BRIODY	1-05-11.-12	6,080	1,046.43
BERENBLUM	1-05-14.F06	1,600	275.38
ROSENSTEIN	1-05-15.-5	4,900	754.73
SCHWARTZ	1-09-13.-5	1,600	275.38
MILLER	1-11-11.-6	34,300	5,903.40
MILLER	1-11-11.-9	47,500	8,175.26
JACOBS	1-11-11.-11	31,460	5,414.60
COLE	2-01-6	1,900	292.65
STURZ	2-01C-3.-1	3,080	474.40
KLEIN	2-01H-6.-6	9,500	1,463.24
SCHACTER	2-02-5.-28	3,950	608.40
RAMIREZ	2-02-9.-8	1,400	218.04
ISBAN	2-02D-1-G-1	8,000	1,245.96
HERZ	2-03-6-B	3,250	500.58
BLOOM	2-03-7.-3	9,980	1,692.92
TOBIAS	2-03-8-C-3	4,400	677.71
LANGER	2-05-14.-2	1,300	220.52
SALAZAR	2-05-14.-5	4,300	729.41

Town Board Minutes
June 13, 2012

GREENE	2-05-14.-17	4,250	720.93
SCHISSLER	2-05-14.-21	4,400	746.38
COLON	2-05-20-H	470	80.53
TUN	2-05B-19	2,860	440.51
HUTTER	2-08-2.-8	800	123.22
BREHENY	2-10-1.-34	3,100	477.48
MICELI	2-13-35.-19	1,060	165.09
KALAJDIAN	2-16-14-E04	1,500	233.62
<hr/>			
TOTALS		234,510	39,410.32

The roll call vote was as follows:

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

Noes: None

Pursuant to a request from Superintendent of Recreation Snyder, Councilman Schiliro moved, seconded by Councilman D'Angelo, approval to award bid for bus services for Recreation Teen Travel Camp to J&R Bus Company in the amount of \$13,537.

The roll call vote was as follows:

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

Noes: None

Abstain: Councilman DiDonato Roth

Pursuant to a letter from Kellard Sessions Consulting, Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, authorization to pay \$226,828.10 for Requisition #8 to Bilotta Construction Corp. for work completed to repair town roadways through the period ending May 21, 2012.

The roll call vote was as follows:

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

Noes: None

Supervisor Arden stated that Water District No. 2 water system improvements are being considered based on a study by GHD that found substandard and failing systems in some places. There will be further analysis on how to remediate and the following measures are part of that process:

1. Town Attorney Baroni informed the Board that the GHD will be revising a proposal dated June 5, 2012. Receipt of this proposal was tabled on the duly adopted motion of Councilman D'Angelo.
2. Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, receipt of a short EAF prepared by GHD and that the Town Board declare its intent to act as Lead Agency.

The roll call vote was as follows:

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

Noes: None

3. Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, to schedule a Public Hearing on August 15, 2012 to consider improvements to Water District No. 2 and the adoption of a bond resolution, subject to receipt of maps, plans and studies.

The roll call vote was as follows:

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

Noes: None

4. Pursuant to explanation from Town Attorney Baroni, adoption of a resolution to fund advanced soft costs for Water District No. 2 improvements was not considered as the State Comptroller does not require engineering fees to be considered soft costs.

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, authorization for the Supervisor to sign agreement with Dolphin Construction Corp. for alterations in circulation area of the North Castle Public Library for \$121,000.

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 Richard Walz, Technical Support Specialist, effective June 7, 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 payment to Leo Virillo, hourly consultant to Finance Department.

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 Andrea Grenadier, hourly consultant for electronic communications development, effective June 18, 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, receipt of letter of resignation from Lorraine Pompei, part-time intermediate Account Clerk Typist, Tax Receiver's office, effective June 4, 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 Margaret Matturro, part-time intermediate Account Clerk Typist, Tax Receiver's office, effective June 18, 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, receipt of letter of resignation from Reverend Josh Condon, Library Board of Trustees, effective immediately.

The roll call vote was as follows:

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

Noes: None

Town Board Minutes
June 13, 2012

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

- Receipt of Town Clerk's monthly report for May, 2012
- Receipt of Notice of Claim and referral to Town Attorney regarding Sidney Ellner vs. Town of North Castle
- Receipt of Cablevision franchise fee payment for 1st quarter 2012
- Memo from General Foreman Norris requesting release of bonds as follows:
 - o Cablevision – Permits 0641, 0516, 0591, 0684, 0751, 0753, 0754, 0755, 1001 and 1003 for right of way work at various locations in the amount of \$10,750.00 to be reinstated to the \$50,000.
 - o Con Edison – Permits 0595, 0598, 0634, 0638, 0707 and 0718 for right of way/street openings at various locations in the amount of \$5,750.00 to be reinstated to the \$65,000 bond.

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 \$1,229,461.24 as indicated on Warrant #11.

After all persons were heard who desired to be heard, the Supervisor closed the meeting at 9:05p.m. in memory of residents Garrett Costello and John Troy II; resident Carmen Scaglione, former Chairman of Republican Town Committee; former resident Dorothy O'Keefe; former North Castle Police Officer Jon Perritano; Daniel C. Preston, father-in-law of Detective Mark Thomas, North Castle Police Dept, and George Baldwin, grandfather of Kim Barbieri, a consultant to the Supervisor's office.

Anne Curran, Town Clerk

Dated: June 25, 2012

PUBLIC HEARING

June 13, 2012

At 8:05 p.m. Supervisor Arden reconvened the Public Hearing which was adjourned from April 25, 2012 for the purpose of considering a 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 following correspondence was received since the last Public Hearing:

Letter from McCullough, Goldberger & Staudt, LLP dated April 30, 2012 was marked Exhibit "M" for the record.

Letter from McCullough, Goldberg & Staudt, LLP to Planning Board dated May 16, 2012 was marked Exhibit "N" for the record.

Letter from McCullough, Goldberg & Staudt, LLP to Town Board dated May 16, 2012 was marked Exhibit "O" for the record.

Seth Mandelbaum, McCullough, Goldberger & Staudt, LLP, appeared before the Board on behalf of the applicant and provided an update since the April 25, 2012 public hearing, including the adoption of a Negative Declaration by the Planning Board on May 30, 2012. Mr. Mandelbaum said the applicant has been working with the Planning Board and the neighbors to the landscaping plan to further mitigate potential impacts on neighboring properties. The revised plans include a retaining wall behind the building, perimeter fencing on the western, northern and southern properties lines, and enhanced landscaping. The revised plans have incorporated changes, requested by the Planning Board and an abutting neighbor, to the proposed perimeter fencing, including removing the fencing along the northern and southern property borders in close proximity to Bedford Road, and changing

of the color from almond to forest green to better blend the fence with the existing and proposed vegetation.

Peter Weiller, Windmill Road, said the approval of the special use permit application would not be in the best interest of the Town, due to impacts on roads, Police and Fire Departments, and would not provide any tax revenue.

Stuart Kovensky, Long Pond Road, who was not able to be present, submitted a letter read by Town Clerk Curran, expressing his concerns including:

1. The permit could set a dangerous precedent for other developers looking to increase density on their property as St. Nersess can house up to 30 people at night and population can increase to 50 during the day and higher on special occasions.
2. The Seminary presents a risk to the Town's character given its placement in a high traffic area on 22 North, close to the high school and the elementary school.
3. As a religious entity, the Seminary will not pay any taxes to the town, yet children of Seminary students or teachers could attend public schools.

Lydia Rippstein, School Street, suggested tuition payments could be made by the applicant to the school district for any children residing at the seminary who would attend Byram Hills schools.

In response to a query from Susan Shimer, Pond Lane, regarding a proposed structure fronting Route 22 as indicated on the site plan, Rob Aiello, consulting engineer, John Meyer Consulting, PC, said the structure was an underground stormwater system. Ms. Shimer said that in the interest of the community, the wall at the entrance of the seminary should be built consistent with 19th century style.

Mr. Mandelbaum provided information with respect to the proposed on-site population at the seminary. He said for nearly 300 days per year, during the normal academic year, no more than 20 people, and more likely less than that number since it is based on 12 seminarians and there are only 4 seminarians currently, and an additional 5 persons, the dean and his family which includes 2 school age children, would be living on site. An additional 7 commuting faculty and administrative staff would be coming to the site during the daytime, for a total maximum population of 27. The on-site population would be 40 to 50 people for short time periods for other events such as continuing education workshops and lectures. There would be two annual fundraising events and the graduation ceremony in the spring with larger number of attendees. During the summer when the one-week bible study conferences are held, the seminarians would not usually be on site. The on-site population during the summer would be approximately 40 people comprised of the conferences attendees, volunteers, parents and administrative staff who supervise the attendees. Mr. Mandelbaum said they were requesting conditions in the special use permit which would allow for flexibility to run the seminary and not need to come back to the Town to hold a particular event. He said that there have been several meetings with Susan Shimer and the exterior current look of the location would remain as is. He said there have been discussions regarding a voluntary recreation fee since Town recreation facilities would be used and that none of the seminarians have children.

In response to a query from Councilman DiDonato Roth regarding the number of attendees expected at the lecture series and the number of on-site parking spaces, Mr. Mandelbaum said there were 25 planned on-site parking spaces, and the applicant is entering into a reciprocal agreement with Congregation B'nai Israel of Armonk for overflow parking. Robert Stanziale, architect, said that lectures series would be located in the center of the library which would accommodate about 50 people.

In response to queries from Councilman D'Angelo regarding the approximate number of young people who would attend the summer bible study programs, the activities that they would do in their time off and whether they would leave the campus, Father Daniel Findikyan, Dean of the Seminary, said there would be about 25 people attending each week long program. They would be involved in various programs throughout the day and evening, with some time for on campus afternoon sports and they would not be leaving the campus. With response to Mr. D'Angelo's question regarding number of people attending the family picnic, Father Daniel said about 100 people attended in the last few years. Mr. Mandelbaum said the parking across the street would be used for this event.

In response, to a query from Councilman Schiliro regarding the activities during the academic year, Father Daniel said the academic year runs from mid-August to mid-May. The median age of a seminarian in the graduate theological program is 30 and most of their time is spent in class, at the library studying, or attending classes at other schools. In response to a query regarding if all programs would be held at the new location, Mr. Mandelbaum said it was the intent to move the seminary's entire operation to the new location. He added that a traditional summer camp is held at upstate location.

Mr. Weiller said it is apparent that the seminary is intending to move to the new location to have larger facility to be able to offer more programs, and he was concerned about the impact on the Town's resources which he the Board to take into consideration.

Councilman Schiliro asked Director of Planning Adam Kaufman if he had any other concerns or comments for the Board. Mr. Kaufman said that the proposed resolution for the special use permit specifically identifies the types of activities and the ties them to the maximum populations. In response to a query from Mr. Schiliro, Town Attorney Baroni said it the permit could be rescinded if the requirements were not met. In response to Mr. Schiliro's question regarding issues of the neighbors being addressed, Mr. Kaufman said that the major issue of screening has been addressed. Mr. Kaufman said that the traffic study reviewed by the Town's traffic consultant has found no significant adverse impact. Regarding required off-street parking, Mr. Mandelbaum said 23 parking spaces are required and 25 are planned.

In response to a question from Mario Ruggiero, Limestone Road, regarding the number of apartments, Mr. Stanziale said there would be 19 apartments.

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 Cronin, that the Public Hearing be closed at 8:37 pm.

The roll call vote was as follows:

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

Noes: None

Councilman Cronin stated that he was not prepared to vote tonight on granting the special use permit as he had concerns with the occupancy and the intensity of use on the property.

Councilman Cronin moved, seconded by Councilman DiDonato Roth, that a progress report on the application be reviewed at the June 27, 2012 meeting.

The roll call vote was as follows:

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

Noes: None

Anne Curran, Town Clerk

Dated: June 26, 2012

PUBLIC HEARING

June 13, 2012

At 8:40 p.m. Supervisor Arden reconvened the Public Hearing which was adjourned from May 9, 2012 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.

Revised Proposed Local Law.

No additional correspondence was received since the May 9, 2012 meeting.

Director of Planning Adam Kaufman said that during the May 9th Public Hearing, the Town Board expressed concern that the original draft law was too broad. In the revised proposed law, he

included language to list Minor Site Plan Amendment Categories that the Building Inspector could issue minor site plan amendment approvals for, including:

Construction/modification of site lighting, planting/screening, fencing, garbage enclosures, parking spaces, curbing, sidewalks and walkways, generators, propane tanks, external refrigerators and transformers.

Mr. Kaufman added that he believed that the list encompassed all minor categories that are on a typical site plan review.

Councilman Schiliro said that this follows the path of the RPRC in that it's clear what can be approved and that the scope of approval can continue to expand over time.

Sara Doto, Hobby Lane, commented that this law is like opening Pandora's Box and suggested that someone on the Board oversee the Building Inspector.

Bob Greene, Chair of Planning Board, stated that the law is trying to simplify the approval process for developers and homeowners. He added that we need to trust professionals because the Town and Planning Boards should not have to get involved in so many minor approvals.

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 D'Angelo, that the Public Hearing be closed at 8:50 p.m.

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, to adopt Local Law #3 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 roll call vote was as follows:

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

Noes: None.

The Local Law follows at the end of these minutes.

Anne Curran, Town Clerk

Dated: June 26, 2012

TOWN OF NORTH CASTLE

Local Law No. 3 for the Year 2012 Adopted June 13, 2012

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.

Section 1. Amend Section 213-34 of the Town Code to state the following:

§ 213-34. Approval required. No building permit shall be issued, and no structure or use shall be established or changed, other than for one single-family dwelling approved in accordance with the procedures specified in Article VII of this chapter, except in conformity with a site development plan approved and endorsed by the Planning Board with its date of approval, and no certificate of occupancy for such structure or use shall be issued until all the requirements of such site plan and any conditions attached thereto have been met. The continued validity of any certificate of occupancy shall be subject to continued conformance with such approved plan and conditions. Revisions of such plans shall be subject to the same approval procedure. Where the Building Inspector finds that a change of use or occupancy will not require an increase in the number of off-street parking or loading spaces, as required by Article IX, beyond that required for the previous use, or in the number of spaces actually approved for construction to serve the previous use, site plan approval requirements may be waived by said Board. However, an applicant, upon the submission of all required forms and the payment of the required fee may request that the Building Inspector review a minor proposal for the categories identified in Section 213-34.1 provided that the minor amendment does not include a change of use or principal building enlargement, will not substantially intensify the use or substantially modify the site with respect to generation of traffic, pedestrian movement, parking needs, noise, glare, exposure to hazard from fire or flood, utilization of

Town Board Minutes
June 13, 2012

water supply, sanitary sewer, drainage or other utility system and will not in any other way have a substantial impact upon the character or environment of the surrounding area. Unless such request is made, minor proposals shall follow the requirements for a regular site plan. If the Building Inspector determines that the proposal is consistent with the general purpose and intent of this chapter, site development plan approval for a minor proposal may be issued by the Building Inspector. At any time prior to the issuance of the minor site development plan approval, the Building Inspector or the applicant may request review by the Planning Board, which shall follow the procedures for a regular site plan.

§ 213-34.1 Minor Site Plan Amendment Categories.

- a. Construction/modification of site lighting
- b. Planting/modification site planting/screening
- c. Construction/modification of fencing
- d. Construction/modification of garbage enclosures
- e. Restriping of parking spaces
- f. Relocation of handicap parking spaces
- g. Adjustment to curbing
- h. Construction/modification of sidewalks and walkways
- i. Construction/modification of generators
- j. Construction/modification of propane tanks
- k. Construction/modification of external refrigerators
- l. Construction/modification of transformers
- m. Construction/modification of bollards

Section 2. 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 3. 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 4. Effective Date.

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