

Town Board Minutes
Town of North Castle
15 Bedford Road
Armonk, New York
on
October 10, 2012

The meeting was called to order at 6:00 p.m. at 15 Bedford Road 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 7:25 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 September 27, 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 that commenced at 7:39 p.m. follow at the end of these minutes.

Councilman Schiliro moved, seconded by Councilman D'Angelo, receipt of a report from F.P. Clark Associates, Inc. regarding analysis of traffic operation improvements at intersection of NYS Route 22 at Business Park Drive/Maple Avenue. The report will be forwarded to NYS DOT so that the State can evaluate and complete upgrades to the traffic signal.

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 recreation fee from St. Nersess Armenian Seminary, Inc. in the amount of \$19,000 to be deposited in the Town's recreation fee fund, in satisfaction of Planning Board resolution dated July 23, 2012 and Town Board Special Use Permit Approval resolution dated July 11, 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 from Sprint Nextel regarding notice to exercise its option to renew lease agreement for Sprint Site ID: NY0503-A at 115 Business Park Drive for the period January 1, 2013 through December 31, 2017.

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 of request from General Foreman Norris to issue a Request for Proposal for street light maintenance. Supervisor Arden said that he asked Mr. Norris to investigate phasing in of LED lights which use less electricity, last much longer than other lighting, and can result in cost savings.

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 memo from Chief Robert D'Angelo requesting that parking be prohibited on the south side of Bedford Road from its intersection with Maple Avenue, in an easterly direction to its terminus, and on the north side from Maple Avenue, in an easterly direction to MacDonald Avenue, and further moved the scheduling of a public hearing for October 24, 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 Land Banked Parking Agreement in satisfaction of Condition #7 of the Planning Board Resolution of Conditional Site Plan Approval for the Peapod Pickup Point within the parking area of the existing North White Plains Stop & Shop supermarket, to be filed with the County by Town Attorney.

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, to authorize the Supervisor to sign an agreement with Jay Fain & Associates, LLC, for a review regarding the proposed winter drawdown of North Lake, to include:

- Review existing water quality study
- Review lake turnover rates
- Review current ACOE & NYSDEC regulations regarding the drawdown
- Review potential impacts on downstream receiving water

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, adoption of a resolution requesting North Lake Association defer any action regarding the North Lake drawdown until Town professionals and consultants can review and confer with the Town Board.

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, receipt of notice from Doris Finch Watson of resignation from the Ethics Board, effective immediately.

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 Cronin, receipt of notice from Nancy Robinson of resignation from the Ethics Board, effective immediately.

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 David Simonds, Chairman of Ethics Board, effective October 11, 2012.

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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, the appointment of Reverend Joshua Condon to the Ethics Board, effective October 11, 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 D'Angelo, acceptance of letter of resignation from Robert Greene, Chairman of the Planning Board, effective immediately.

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 Arthur Adelman as Chairman of the Planning Board, to serve at the pleasure of the Town Board.

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 the following:

- A. Approval of a \$5,000 salary increase for Adam Kaufman, Director of Planning, effective October 1, 2012.
- B. Approval of a \$5,000 salary increase for Sal Misiti, Assistant Superintendent of Sewer & Water Department, effective October 1, 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 the Town Clerk's monthly report for September, 2012.

The roll call vote was as follows:

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

After all persons were heard who desired to be heard, the Supervisor closed the meeting at 8:10 p.m. in memory of resident, James E. Haley, and former resident, Gloria Gaudioso.

Anne Curran, Town Clerk

Dated: October 22, 2012

PUBLIC HEARING
October 10, 2012

At 7:39 p.m. Supervisor Arden reconvened the Public Hearing which was adjourned from September 27, 2012 to consider the increase and improvement of the facilities of Water District No. 2 in the Town of North Castle, Westchester County, New York.

Sal Misiti, Asst. Supt. of Sewer and Water Department, said the Town is still collecting survey responses. Mr. Misiti said he will be meeting on October 11 with representatives of Residents of Windmill (ROWI) Water Advisory Board to review questions posed by residents in their survey

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responses and any additional questions from the ROWI Board. He said after the information is compiled and presented, the Public Hearing will be reconvened and a decision will be made.

Supervisor Arden said the Town will work with the ROWI Water Advisory Board to find out what the community wants to do and will provide updates as the process proceeds.

Ed Woodyard, Windmill Road, said that the ROWI Advisory Board, which is comprised of a small group of people, does not represent all the people in the water district and he thought the talks should be opened to those members of the district who wish to attend and they should be heard and have input.

Supervisor Arden suggested Mr. Woodyard contact the ROWI Board members about attending meetings. Mr. Misiti said that the members of the ROWI Advisory Board include Jan Bernstein, Peter Coviello, Stuart Kovensky and Lester Berkelhamer.

Councilman Schiliro asked for clarification regarding the Town Board's role in the process as the Water Commissioners of the district and if they would be relying on the ROWI Advisory Board to conduct research and come back with a recommendation.

Supervisor Arden said Town Board wants to get input from residents and would like the ROWI Board to poll residents as only about 53% of residents have responded to the Town survey. Mr. Arden said the Town Board wants to fulfill the wishes of the residents.

Peter Coviello, Valley Lane, Secretary of ROWI Board, thanked Mr. Misiti, Town Attorney Baroni and the Town Board for making themselves available for discussions. Mr. Coviello said the ROWI Board's goal is to identify and obtain a full understanding all the issues, and then identify who will address each issue. With regard to the point raised by Mr. Woodyard, Mr. Coviello said that if the ROWI Board holds a meeting it is not an open meeting; and thought it was a good idea for the Town Board to open up the discussions to all members of the water district.

Mr. Woodyard said that since the Town Board, as Commissioners of the water district, will ultimately decide the course of action, the Town Board should direct which meetings will be held.

Town Attorney Baroni clarified that is occurring as the Town Board is sending Mr. Misiti and himself to the meeting on October 11 to gather information and report back to the Town Board, so the next time the public hearing is reopened more information will be available.

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 7:46 p.m. The roll call vote was as follows:

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

Anne Curran, Town Clerk

Dated: October 17, 2012

Note: Public Hearing	August 15, 2012	Adjourned to: September 12, 2012
Reconvened	September 12, 2012	Adjourned to September 27, 2012
Reconvened	September 27, 2012	Adjourned to October 10, 2012

PUBLIC HEARING
October 10, 2012

At 7:46 p.m. Supervisor Arden stated that a Public Hearing would be held in accordance with the Order calling the Public Hearing which is attached to the end of these minutes to consider the

petition, map, plan and report concerning the extension of Water District No. 5 to include 4 Fox Run, Town of North Castle, Section 2, Block 1D, Lot 12.

The Order calling the Public Hearing was marked Exhibit "A" for the record.

The Affidavit of Posting calling the Public Hearing was marked Exhibit "B" for the record.

The Affidavit of Publication from The Journal News calling the Public Hearing was marked Exhibit "C" for the record.

The petition, map, plan and report prepared by Naderman Land Planning and Engineering, P.C. were marked Exhibit "D" for the record.

Barry Naderman, P.E., Naderman Land Planning and Engineering, P.C., appeared before the Board on behalf of the applicant. Mr. Naderman displayed an area map and said the extension of the water district would service the residence under construction at the property located at 4 Fox Run, 300 feet south of the intersection with Whippoorwill Crossing. He said there is a water main which comes close to the property and terminates at a hydrant; and referenced a similar petition approved by the Board in 2009 for a vacant parcel at 3 Fox Run. Mr. Naderman said there would be no improvements and costs associated to the Town and the water district; and the service would be more than adequate for a single family residence. Mr. Misiti said the property is close to where the water main ends and there would be no problem to make the connection.

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 7:49 p.m.

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 the Resolution, which follows at the end of these minutes, to extend the boundaries of Water District No. 5 to include all properties listed as Exhibit "A" of the Resolution.

The roll call vote was as follows:

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

Noes: None.

Anne Curran, Town Clerk

Dated: October 18, 2012

At a meeting of the Town Board of the Town of North Castle at the Town Hall, 15 Bedford Road, Armonk, New York in the Town of North Castle, Westchester County, New York, on the 12th day of September, 2012, at 7:30 p.m.

P R E S E N T :

Hon. Howard Arden
Michael Schiliro
Diane DiDonato Roth
John Cronin
Stephen D'Angelo

-----X
In the Matter of the Extension of
Water District No. 5 in the Town of North Castle,
Westchester County, New York, pursuant to Article 12
of the Town Law.

ORDER

-----X
WHEREAS, a petition, a map and plan have been prepared by GALINA FEIT in such manner and in such detail as has heretofore been determined by the Town Board

relating to the extension of Water District No. 5 in the Whippoorwill area of the said Town, and

WHEREAS, said petition, map and plan have been duly filed in the office of the Town Clerk of said Town, and

WHEREAS, said petition, map and plan have been prepared by an engineer, duly licensed by the State of New York, showing the boundaries of the proposed extension and a general plan of the water system connection, and

WHEREAS, said map shows the transmission mains and appurtenant facilities to be connected to the existing water mains, and

WHEREAS, the boundaries of the proposed extension to said district to be known as "Fox Run Extension No. 2" are as follows:

SEE EXHIBIT A

WHEREAS, the improvements proposed are as set forth in the petition, and

WHEREAS, the cost of the improvements, including professional fees, will be paid for by the applicant, and

WHEREAS, the maximum amount proposed to be expended for said improvements is Five Thousand (\$5,000.00) Dollars, and

WHEREAS, said map and plan describing said improvements are on file in the Town Clerk's office for public inspection during normal business hours.

NOW, on motion of Councilman DiDonato Roth, seconded by Councilman D'Angelo, it is hereby

ORDERED, that the Town Board of the Town of North Castle shall meet and hold a public hearing at the North Castle Town Hall, 15 Bedford Road in said Town on the 10th day of October, 2012, at 7:30 p.m. in that day to consider said petition, map and report and to hear all persons interested in the subject thereof concerning the same and to take such action thereon as is required or authorized by law.

The adoption of the foregoing order was duly put to vote, and on a roll call the vote was as follows:

Hon. Howard Arden	voting Aye
Michael Schiliro	voting Aye
Diane DiDonato Roth	voting Aye
John Cronin	voting Aye
Stephen D'Angelo	voting Aye

and the order was thereupon declared duly adopted.

Dated: Armonk, New York
September 12, 2012

EXHIBIT A

GALINA FEIT

Section 2

Block 1D

Lot 12

Address: 4 Fox Run, Armonk, New York

At a meeting of the Town Board of the Town of North Castle at Town Hall located at 15 Bedford Road, Armonk, Westchester County, New York on the 10th day of October, 2012, at 7:30 P.M.

RESOLUTION TO EXTEND WATER DISTRICT NO. 5

WHEREAS, a Petition, Map and Plan have been prepared by GALINA FEIT dated August 27, 2012, for the extension of Water District No. 5 of the Town of North Castle, New York, was duly presented to this Town Board; and

WHEREAS, an Order was duly adopted by the Town Board on September 12, 2012, reciting the filing of said petition, the improvements proposed, the boundaries of the proposed extension, and the estimated expenses thereof and specifying October 10, 2012, at 7:30 p.m. as the time and the Town Hall in said Town as the place where the said Board would meet to consider the petition and to hear all persons interested in the subject thereof, concerning the same; and

WHEREAS, such order was duly posted, published and served as required by law; and

WHEREAS, a hearing in the matter was duly held by the Board on the 10th day of October, 2012, commencing at 7:30 p.m. o'clock at the Town Hall in said Town and considerable discussion upon the matter having been had, and all persons desiring to be heard having been duly heard and thereupon the hearing being duly closed.

NOW, upon the evidence given at such hearing and on motion of Councilman DiDonato Roth, seconded by Councilman D'Angelo, it is

RESOLVED AND DETERMINED, that (a) the petition aforesaid is signed and acknowledged or proved as required by law, it duly complies with the requirements of Section 191 of the Town Law as to sufficiency of signers with respect to the boundaries of the proposed district extension as herein approved and it is otherwise sufficient; b) all property and property owners within the proposed district extension are benefitted thereby; (c) all the property and property owners benefitted are included within the limits of the proposed district expansion; and (d) that it is in the public interest to grant in whole the relief sought; and it is further

RESOLVED AND DETERMINED, that the extension of Water District No. 5 as proposed in said petition be approved; that such extension be designated as Water District No. 5 Extension-Area "Fox Run Extension No. 2"; that the improvements to be constructed by applicant therein mentioned be constructed at the sole cost and expense of the applicant, and such extension be bounded and described as set forth in **Schedule A** attached hereto; said property also being known and designated as Section 2, Block 1D, Lot 12 on the tax assessment map of the Town of North Castle; and it is further

RESOLVED, that in addition to the proposed improvements to be constructed by the applicant, legal and engineering costs and the costs of an as-built survey shall be paid by the applicant; and it is further

RESOLVED, in accordance with Article 8 of the State Environmental Quality Review Act and 6 NYCRR Part 617, the Town Board hereby makes the determination that based on the information and analysis provided, the proposed action will not result in any significant adverse environmental impact, and it is further

RESOLVED, that the Town Clerk shall file certified copies thereof, in duplicate, in the office of the State Department of Audit and Control in Albany, New York and record same with the County Clerk, County of Westchester, Division of Land Records within ten (10) days hereof.

Roll Call:

Councilman Schiliro
Councilman DiDonato Roth
Councilman Cronin
Councilman D'Angelo
Supervisor Arden

Vote:

Aye
Aye
Aye
Aye
Aye

STATE OF NEW YORK
COUNTY OF WESTCHESTER
TOWN OF NORTH CASTLE

I, ANNE CURRAN, Town Clerk of the Town of North Castle, do hereby certify that I have compared the preceding Resolution with the original thereof filed in my office at Town Hall, 15 Bedford Road, Armonk, Westchester County, New York, that the same is a true and correct copy of said original and the whole thereof.

I further certify that all members of the Town Board had due notice of the meeting at which said resolution was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town this 10th day of October, 2012.

Town Clerk

STATE OF NEW YORK: COUNTY OF WESTCHESTER: SS:

On the 10th day of October in the year 2012 before me, the undersigned personally appeared ANNE CURRAN, Town Clerk of the Town of North Castle, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

SCHEDULE A

Section 2
Block 1D
Lot 12

PUBLIC HEARING
October 10, 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 in Town Hall, 15 Bedford Road, Armonk, NY, 10504, on October 10, 2012 at 7:30 p.m. or as soon thereafter, for the purpose of considering proposed zoning amendments to the NB Nursery Business Zoning District to allow for less restrictive and additional uses in the NB Zoning District. Changes include, but are not limited to, permitting additional seating associated with an accessory cafe, allowing an increase in size of an accessory cafe, increasing the hours of operation of an accessory cafe, permitting the sale of home furnishings and accessories and allowing indoor social functions. The property is located at 45 Bedford Road, Armonk, NY (Section 2, Block 16, Lot 3.A) and known on the North Castle Tax Maps as 108.03-1-65 and located within the NB Zoning District.

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: September 26, 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.

The Application documents from Shamberg Marwell & Hollis, P.C. dated April 19, 2012 with Petition for Text Amendments and Application for Site Development Plan Approval were marked Exhibit "D" for the record.

Notification of Intent to Act as Lead Agency from the Planning Board dated May 17, 2012 was marked Exhibit "E" for the record.

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Letter from Shamberg Marwell & Hollis, P.C. dated July 19, 2012 regarding revisions to applicant's petition was marked Exhibit "F" for the record.

Letter from Director of Planning Adam Kaufman July 20, 2012, letter from Kellard Sessions Consulting, PC, dated July 19, 2012 and letter from F.P. Clark Associates, Inc. dated July 20, 2012 were marked Exhibit "G" for the record.

Letter of positive recommendation from the Planning Board dated July 24, 2012 was marked Exhibit "H" for the record.

Letters of opposition to the petition from the following were marked Exhibit "I" for the record.

- Reverend Joshua Condon and Annlee Milani, St. Stephen's Episcopal Church, dated April 25, 2012
- Clifford L. Davis, Attorney for St. Stephen's Episcopal Church, dated April 25, 2012
- Susan Shimer, Chairman, Landmarks Preservation Committee, dated July 20, 2012
- Neil Baumann, on behalf of St. Stephen's Episcopal Church, dated September 27, 2012
- Annlee Milani, St. Stephen's Episcopal Church, dated October 9, 2012

The green cards denoting receipt of certified mail by adjoining property owners.

The proposed local law.

Supervisor Arden said the Board will not entertain comments at tonight's meeting as the Planning Board has to reconsider the Negative Declaration at its next meeting. Mr. Arden said the public hearing would be adjourned tonight and reconvened at the next Town Board meeting.

No other correspondence or comments were entered for the record.

After all persons were heard who desired to be heard, Councilman Schiliro moved, seconded by Councilman Di Donato Roth, that the Public Hearing be adjourned at 7:53 p.m.

The roll call vote was as follows:

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

Noes: None.

Anne Curran, Town Clerk