

Town Board Minutes  
Town of North Castle  
15 Bedford Road  
Armonk, New York  
on  
November 8, 2012  
(rescheduled from November 7, due to weather)

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 7:20 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

Town Administrator Joan Goldberg

The following items, concerning the Brynwood Golf & Country Club were considered:

- 1) Councilman DiDonato Roth moved, seconded by Councilman Schiliro, confirmation of Town Board as Lead Agency for Brynwood Golf & Country Club Petition.
- 2) Councilman DiDonato Roth moved, seconded by Councilman Cronin, adoption of the Positive Declaration for the Brynwood Petition.
- 3) Councilman DiDonato Roth moved, seconded by Councilman Cronin, approval of a proposal with BFJ Planning to assist Planning Director Kaufman on the Brynwood project. Supervisor Arden noted that the applicant pays for this.
- 4) Councilman DiDonato Roth moved, seconded by Councilman Cronin, the establishment of November 26, 2012 as the date for the public Scoping Session for Brynwood.

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 Shamberg Marwell & Hollis, P.C. requesting that the Public Hearing held on October 24, 2012 for Mark Real Estate (Mariani) be delayed to a future unspecified date.

The roll call vote was as follows:

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

Noes: None

Supervisor Arden stated that the 2013 Town and Special District Tentative Budgets would not be submitted until next Friday. The recent Super storm Sandy impacts and time lost working on the budgets allowed the delay as authorized by NYS Governor Cuomo.

Councilman Schiliro moved, seconded by Councilman D'Angelo, to schedule public hearings for November 28, 2012 to consider the 2013 Town and Special District preliminary budgets.

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, the scheduling of a public hearing on November 28, 2012 to consider a local law to override the tax levy limit.

The roll call vote was as follows:

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

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Noes: None

Councilman D'Angelo moved, seconded by Councilman Schiliro, approval to renew Market License to George Bridge, Banmonk Realty, LLC, at 23 Bedford Banksville Road for three months from December 1, 2012 through February 28, 2013, at \$50 per month, with recommendation of further discussion regarding a better long term solution for this type of use on the property. The resolution follows at the end of these minutes.

The roll call vote was as follows:

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

Authorization for the Supervisor to execute Release of Easement regarding 12 Yale Place, subject to Permissive Referendum was tabled, pending further study.

Pursuant to a letter from Tax Receiver Colombo, Councilman D'Angelo moved, seconded by Councilman DiDonato Roth, authorization for the Town's Attorney to execute Consent Judgments in the following matters:

- Verizon New York, Inc. – Index No. 24198/10 et al.
- Finelli – Index No. 26131/10 et al.
- 639-641 North Broadway, LLC – Index No. 56645/11 et al.
- 635 North Broadway, LLC – Index No. 56643/11 et al.
- 155 Lafayette Avenue Corp. – Index No. 24585/09 et al.
- Charlestown Assoc. – Index No. 26197/10 et al.
- White Plains Hospital Center – Index No. 26195/10 et al.
- Pierre Thouin – Index No. 56655/11 et al.
- Amir Khan – Index No. 26196/10 et al.

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 an IMA for shared services with the Town of Greenburgh for use of truck for seasonal bagged leaf collection, starting October 29, 2012, for up to seven weeks, at a cost of \$500 per week.

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 renewal agreement with Westchester County, through September 30, 2013, for removal of snow and ice from County Roads. The Town will receive \$3,244 per mile for two lane roads, of which the Town clears 7.64 miles, and \$4,723 for four lane roads, of which the Town clears .30 miles.

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, approval for accrued sick time of retiree, Robert Schupp, to be applied towards his retirement in lieu of being paid.

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 ratify the appointment of Lori Zawacki, Intermediate Clerk, part-time, Building Department, effective October 25, 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 D'Angelo moved, seconded by Councilman Cronin, the consensus agenda:

- Memo from Kellard Sessions Consulting, P.C. regarding assignment of new street address as follows:

<u>Current Street Address</u>	<u>New Street Address</u>	<u>Section/Block/Lot</u>
16 Greenway Road	49 Byram Ridge Road	2/05F/15

- Approval of request from General Foreman Norris for release of highway bonds as follows:
  - o Carrea & Sons – Permit 0782 in the amount of \$500 for driveway alteration at 5 Lyons Court, Section 1, Block 04, Lot 1.-9.
  - o Amy Aaronson – Permit 0780 in the amount of \$500 for driveway alteration at 23 Annadale St., Section 2, Block 02, Lot 23.B.
  - o Cablevision – Permit 0650 and 1004 for right of way work at various locations in the amount of \$1,500 to be reinstated to the \$50,000 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 \$173,256.90 as indicated on Warrant #19.

After all persons were heard who desired to be heard, the Supervisor closed the meeting at 8:35 p.m. in memory of Jack Baumler, son of former police officer, Eric Baumler, Mrs. Waltraud Walter, resident, and Gloria DeFilippo, mother of Richard DiFilippo, resident and NC4 volunteer.

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Anne Curran, Town Clerk

Dated: November 23, 2012

## RESOLUTION

<b>Action:</b>	Market License
<b>Application Name:</b>	Bridge Market License
<b>Owner:</b>	Banmonk Realty, LLC
<b>Applicant:</b>	George Bridge
<b>Designation:</b>	Section 1, Block 11, Lot 9C-24-A
<b>Zone:</b>	CB-B
<b>Acreage:</b>	Approx. 4-acres
<b>Location:</b>	23 Bedford Banksville Road
<b>Date of Approval:</b>	November 8, 2012
<b>Term of License:</b>	December 1, 2012 – February 28, 2013

WHEREAS, an application dated January 4, 2010 was previously submitted by George Bridge to operate a market at 23 Bedford Banksville Road pursuant to Chapter 131 of the Town Code; and

WHEREAS, the Town Board previously approved a market license to operate a market at 23 Bedford Banksville Road on January 27, 2010, June 23, 2010, July 28, 2010, October 27, 2010, February 9, 2011, and December 14, 2011; and

WHEREAS, Mr. Bridge is seeking an extension beginning December 1, 2012 and ending February 28, 2013 to sell plant material out of doors in the parking lot of the former Banksville Hardware store; and

WHEREAS, the operation of the market would not require any construction since the sales area will occur in the former hardware store's parking lot; and

WHEREAS, the site plan was previously forwarded to the Chief of Police, Fire Inspector and the Banksville Fire Chief so that they may make any pertinent recommendations to the Planning Board including, but not limited to, the designation of no-parking zones, emergency vehicle access or any other issues deemed important to providing emergency services; and

WHEREAS, the Police Department indicated that they did not have any issues of concern with the operation of the market; and

WHEREAS, the 4-acre property is located in the CB-B Zoning District and is designated on the Tax Maps of the Town of North Castle as Section 1, Block 11, Lot 9C-24-A; and

WHEREAS, the Town Board is familiar with the nature of the site and surrounding area;

WHEREAS, the Town Board has previously requested, received and considered comments from the Town Attorney, the Town Engineer and Town Planner regarding the development; and

WHEREAS, the proposed action is a Type II Action which has been determined not to have a significant impact on the environment and are otherwise precluded from environmental review under Environmental Conservation Law, article 8 under the State Environmental Quality Review Act (SEQR); and

NOW, THEREFORE, BE IT RESOLVED, that the market license is approved for a three month extension beginning December 1, 2012 and ending February 28, 2013, subject to the conditions identified below; and

BE IT FURTHER RESOLVED, that this license shall be deemed to authorize only the particular use or uses specified, and shall expire if the site is not maintained and if all conditions and standards are not complied with throughout the duration of the use.

**Prior to the Issuance of the Market License:**

*(The Town Clerk's initials and date shall be placed in the space below to indicate that the condition has been satisfied.)*

- \_\_\_\_\_ 1. Pursuant to Section 131-8 of the Town Code, the applicant is required to furnish a comprehensive general liability insurance policy to the town, or evidence thereof, in an amount of not less than \$1,000,000 combined single limit coverage for bodily injury or property damage liability, which also names the Town of North Castle as an additional insured landlord.
- \_\_\_\_\_ 2. Pursuant to Section 131-10 of the Town Code, the Town Clerk shall collect a fee in the amount of \$500 for each calendar year or \$50 for a monthly license or any part thereof.
- \_\_\_\_\_ 3. The applicant is required to provide written approval from property owner for use of the property to sell plant material beginning December 1, 2012 and ending February 28, 2013.

**Other Conditions:**

1. No sales shall be conducted after sunset.
2. Parking of motor vehicles for patrons attending the said business shall be maintained off-street only. Traffic shall be regulated in the area immediately adjacent to the premises, and parking must be maintained in good order with adequate supervision thereof at the expense of the licensee as prescribed by the Chief of Police.
3. The regulations of the Police Department, local Fire Department and Building Inspector must be adhered to.
4. All rubbish from the premises where business is conducted, and from any parking area used by said licensee in connection therewith, must be gathered and deposited in closed containers by no later than 6:00 p.m. of the day following and removed from the premises by 6:00 p.m. of the next day following.
5. Concessions serving food or drink for human consumption shall not be permitted.
6. The licensee shall not permit any unnecessary or unreasonable noise by means of loudspeakers, power amplifier devices or any other means which would create or tend to create a public nuisance.
7. Each vendor shall have a sign conspicuously placed where same may be visible, containing the name and address of the person conducting said concession.
8. Compliance with all applicable local laws and ordinances of the Town of North Castle and any conditions attached to permits issued thereunder.