

Board Minutes
Town of North Castle
15 Bedford Road
Armonk, New York
on
November 28, 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, the Town Attorney and Town Administrator 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
Town Administrator	Joan Goldberg

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, approval of Town Board meeting minutes for October 24 and November 8, 2012.

The roll call was as follows:

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

Noes: None.

Councilman DiDonato Roth moved, seconded by Councilman Cronin, approval of Town Board Special Meeting minutes for November 23, 2012.

The roll call vote was as follows:

Ayes: Councilmen DiDonato Roth, Cronin, Supervisor Arden

Noes: None

Abstained: Councilmen Schiliro and D'Angelo were not present at the November 23, 2012 meeting.

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

With regard to proposed sidewalk legislation requiring maintenance and repair by adjacent property owners, the Supervisor stated that the May 9, 2012 Public Hearing discussion centered on shoveling, garbage removal and the repair of sidewalks, the latter being the most troublesome for everyone. Planning Director Kaufman stated that the law would require the owner or occupant to keep the fronting sidewalk clear from snow, ice, dirt, and other materials.

The Board agreed that the language "required repair" should be eliminated from the proposed local law in effect requiring property owners to remove snow and garbage.

Boris Utko objected to the legislation raising concerns over liability to property owners. Mr. Baroni said that if property owners are required to remove snow that both the property owner and the Town could be named in a claim; though it is really no different than the liability for store property owners now, depending where the property line ends. Mr. Utko objected to the legislation, specifically as it relates to his properties on Maple Avenue.

Sue Allison Dean, MacDonald Avenue business owner, stated that the Town is potentially passing more liability on to property owners and she expressed concern about potential insurance costs.

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Supervisor Arden said that he doesn't feel that the \$10-15,000 Town maintenance cost is a legitimate cost for the Town to absorb and he doesn't believe that the burden to property owners and shopkeepers is onerous.

Barbara DiGiacinto clarified that the legislation addresses both residential and commercial properties. She asked the Town Board to look carefully and determine where commercial property lines end and how to regulate where garbage cans can be placed. Ms. DiGiacinto said property owners pay significant taxes, tenants do not burden the Town as they pay for private garbage collection, contribute to revenue through sales tax collection, etc. and asked what do they get in return?

Councilman D'Angelo stated that the Town would continue to pick up large snowfalls during the night or early morning when no cars are parked on the street, as is done now.

Councilman DiDonato-Roth proposed that they are looking to form a partnership with shop owners to keep the Town clean.

Wampus Avenue resident, Karen Johnson, stated that maintenance of the sidewalk in front of her home is a major concern as she is out at work all day and asked the Town Board to take a close look at this issue for Wampus Avenue residents. Town Attorney Baroni stated it's a different standard for residents versus businesses.

Councilman Schiliro stated that he has concerns of placing additional expenses on business owners and will speak to some owners again.

Robert Dean objected to legislating snow removal stating that more and more costs are being passed on to commercial property owners including leaf, and now, snow removal.

Sharon Tomback asked the Town Board to consider elderly property owners in North White Plains.

Councilman Schiliro asked if there were actual snow removal numbers from Parks Dept. Supervisor Arden said he based the calculation on salaries and an average of five snow events.

Councilman D'Angelo suggested evaluating if overtime costs could be reduced by working more during daytime hours.

Supervisor Arden said the matter will be reviewed further; Adam Kaufman will rework some of the wording and the date to reconvene the hearing will be determined when there is more information available.

Discussion of Banksville Avenue rezoning and consideration to schedule a Public Hearing on December 12, 2012 was tabled on the duly adopted motion of Supervisor Arden.

Councilman D'Angelo moved, seconded by Councilman DiDonato Roth, receipt of a petition, map, plan and report for extension of Sewer District No. 2 for properties at 98 Cox Avenue and 96 Cox Avenue, Sewer District Petition for 96 and 98 Cox Avenue. The Board further moved adoption of the Order and the scheduling of a Public Hearing for January 9, 2013.

The roll call vote was as follows:

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

Noes: None

Mark Miller, Veneziano & Associates, attorney for the applicant, appeared before the Board concerning the zoning petition for amendments regarding development of multi-family buildings on the Madonna Property, Old Mount Kisco Road. Mr. Miller explained that the proposed development for a 3.6 acre property seeks to:

- 1) Rezone the bulk of the property to RMFA, the same zoning district as is the Cider Mill property, permitting additional density in the hamlet area; and
- 2) Extend Sewer District No. 2 to include all of the property included in this development.

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Mr. Miller stated that his client is willing to consider some age restriction for the development and asked that the Town Board refer the petition to the Planning Board so that work could progress in addressing all concerns.

Barry Naderman, P.E., Naderman Land Planning and Engineering, P.C., displayed appeared before the Board on behalf of the applicant. Mr. Naderman displayed an area map showing the site consisting of three buildings, for a total of 28 (one and two bedroom) units. He stated that there is a tremendous benefit for neighbors to be able to tie into the sewer district and added that the property would be an attractive architectural gateway to the downtown area.

Christine Eggleton, Old Mt Kisco Road, stated numerous reasons she opposes the development, including:

- The proposed project conflicts with the comprehensive plan. The type of density proposed by this project should be located closer to downtown and near public transportation.
- The proposed project would cause significant design and visual impacts to the neighborhood character and would dwarf not only the largest house on Old Mount Kisco Road; it would create a canyon effect of tall structures to the east and steep slope to the west. The streetscape should be maintained with small scale single family homes.
- The petitioner knew the existing zoning prior to purchasing the properties and therefore re-zoning to multi-family zoning gives the appearance of spot zoning.
- The potential for significant impacts in opposition to the historic value of the street.
- Traffic concerns, impacts to plant and animal life and water quality.

Craig Useted and Denise Beach, both residents of Old Mt. Kisco Road, expressed concerns about re-zoning to multi-family as the applicant knew the property zoning restrictions when he purchased the property. They asked the Town Board to protect the rights of the current property owners on the street.

The Supervisor suggested that the Town Board has not had adequate time to investigate the project, and suggested waiting to refer the matter to the Planning Board, pending further study.

Councilman DiDonato Roth moved, seconded by Councilman Cronin, to table the referral to the Planning Board of the zoning petition for amendments regarding development of multi-family buildings on the Madonna Property, Old Mount Kisco Road.

The roll call vote was as follows:

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

Noes: None

Based on Mr. Miller's query, the Supervisor agreed that a work session to discuss the Madonna property could be scheduled as a next step.

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, approval of holiday display permit application submitted by Anita Cozza for use of Town property at Wampus Brook Park from December 1, 2012 through January 7, 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, approval of holiday display permit application submitted by Asad Gilani for use of Town property at Wampus Brook Park from December 1, 2012 through January 7, 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, ratification of approval of holiday display permit application submitted by Nancy Battistelli for a nativity at the

peninsula near Sir John's Plaza in North White Plains from December 1, 2012 through January 7, 2013.

Pursuant to a letter from Tax Receiver Colombo regarding a Consent Judgment for Ezriel Kornekl, 12 Gifford Lake Drive, Parcel I.D. 1-09-13.-10, Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, authorization to issue a refund in the amount of \$3,579.90.

The roll call vote was as follows:

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

Noes: None

Request from Town Clerk Curran to post part-time position for Coordinator of Cable TV & E-Communications was tabled on the duly adopted motion of Supervisor Arden.

Councilman D'Angelo moved, seconded by Councilman Cronin, the appointment of Councilman Schiliro to serve as Liaison to Sustainable North Castle.

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 following appointments to the North White Plains Division of the Beautification Committee: Nancy Battistelli, Chairman, Patricia Chong, Carolyn Cooper, Sue Coppola, Michele Falot, Maureen Keller, Terri Lobermann and Marilyn Maro.

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 reappointment of John Stamatov 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 Cronin, the appointment of Christopher Carthy to the Planning Board for a term to expire on December 31, 2016.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, Supervisor Arden

Noes: Councilman D'Angelo

Councilman DiDonato Roth moved, seconded by Councilman Cronin, the appointment of Michael Levy 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 Arden

Noes: None

Councilman DiDonato Roth moved, seconded by Councilman Cronin, the appointment of Grace LoBello, part-time Intermediate Account Clerk Typist, Tax Receiver's Office, effective December 3, 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, the consensus agenda as follows:

- Receipt of Town Clerk's monthly report for October, 2012.

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- Approval of request of General Foreman Norris for release of bonds as follows:
 - o Roccies Asphalt – Permit 0783 in the amount of \$500 for driveway alteration at 10 Bayberry Road, Section 2, Block 01H, Lot 3.
 - o Home Green Advantage – Permit 0784 in the amount of \$500 for driveway alteration at 92 Round Hill Road, Section 1, Block 10, Lot 4-1.
- Receipt of Cablevision franchise fee payment for 3rd quarter 2012 in the amount of \$28,864 for the Cablevision system, and \$7,218 for the Southern Westchester system.
- Receipt of Verizon FIOS franchise fee payment for 3rd quarter 2012 in the amount of \$24,859.08.
- Ratification of license agreement with Rocco Miceli and Cheryl Miceli regarding maintenance and repair of Belgian Block at 25 Maryland Avenue.
- Ratification of amended IMA for shared services with the Town of Greenburgh for use of truck for seasonal bagged leaf collection, with revised start date of November 6, 2012 for a period of 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

The Town Board audited and approved payments totaling \$593,595.82 as indicated on Warrant #20.

After all persons were heard who desired to be heard, the Supervisor closed the meeting in memory of residents Marton Klepp, Rocco Tateo and Anthony DeMarco, Rosary Silvestro, mother of Ree Schultz, Landmarks Preservation Committee, and Pietro Monteleone, retired Highway Department employee.

Anne Curran, Town Clerk

Dated: December 10, 2012

PUBLIC HEARING
November 28, 2012

At 7:55 p.m., Supervisor Arden stated that Public Hearings would be held in accordance with the Public Notices that follow:

NOTICE IS HEREBY GIVEN THAT THE Preliminary Budget of the Town of North Castle for the year 2013 has been completed and that the same has been filed in the office of the Town Clerk of said Town where the same is available for inspection by any person interested therein, and that a Public Hearing thereon will be held by and before the Town Board of said Town at Town Hall, 15 Bedford Road, Armonk, NY, on November 28, 2012 at 7:30 p.m., or as soon thereafter, when any person may be heard in favor of or against the Preliminary Budget as compiled, or for or against any item therein contained.

Supervisor	\$50,000
Four Town Council Members	\$72,544
Town Clerk	\$92,000

By Order of the Town Board
Town of North Castle, NY
Anne Curran, Town Clerk

Date: November 21, 2012
Armonk, NY

NOTICE IS HEREBY GIVEN that the Preliminary Budgets for the year 2013 have been completed for Sewer District Nos. 1, 1B, 2, 3, 4 and 5; Water District Nos. 1, 2, 4, 5, 6 and 7; Street Light District Nos. 1, 2 and 3; Parking District No. 1; Ambulance District Nos. 1 and 2;

and Fire Protection District No. 1; and that the same have been filed in the office of the Town Clerk of said Town, and

FURTHER NOTICE IS GIVEN that the Town Board of the Town of North Castle, NY, has been assessed the amount of estimated expenditures for Sewer District Nos. 1, 1B, 2, 3, 4 and 5 for the year 2012 less the estimated revenues as set forth in proportion as nearly as may be to the benefits which each lot or parcel will derive therefrom, and has prepared an assessment roll describing the several properties, the names of the owners or reputed owners thereof and the aggregate amount of assessment levied there against, and filed the same with the Town Clerk of said Town where it may be examined by any person interested therein, and

FURTHER NOTICE IS GIVEN that the Town Board will meet and review such Preliminary Budgets and such assessment roll at a Public Hearing to be held by and before said Board on November 28, 2012 at 7:30 p.m., or as soon thereafter, at Town Hall, 15 Bedford Road, Armonk, NY, at which time any person may be heard in favor of or against the estimates and/or assessment roll as compiled or in favor of or against any item therein contained.

By Order of the Town Board
Town of North Castle, NY
Anne Curran, Town Clerk

Dated: November 21, 2012
Armonk, NY

The Public Notices were marked Exhibit "A" for the record.

The Affidavits of Posting calling the Public Hearings were marked Exhibit "B" for the record.

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

The 2013 Preliminary Budget was marked as Exhibit "D" for the record.

Town Comptroller Faith Berland, using a PowerPoint presentation, gave an overview of the 2013 preliminary budget. The following points were presented:

- The Town-wide tax rate is made up of the General Fund, Highway and Library Budgets, and is what the taxes raised through real property tax contribute to.
- The General Fund is made up of Town Board, Police, Parks & Recreation, Building, Town Clerk, Court, Finance, Supervisor, Administrator, Planning, Tax Receiver and Assessor.
- The Town tax rate does not include Special Districts because those charges depend on the district in which the property is located. For example, a property owner who has a septic system and well does not pay sewer and water taxes.
- The total 2013 preliminary budget is \$29,318,876, up \$167,180 or 0.57% from 2012. General Fund, Highway and Library represent \$24,863,493 or 85% of the total preliminary budget.
- In 2011, Governor Cuomo implemented a 2% tax cap for NYS. In 2012, North Castle increased the tax levy by 1.23%, (\$249,045).
- The property tax cap calculation results in a \$629,241 or 3.07% growth in taxes levied in 2013. The preliminary budget calls for a \$775,515 or 3.79% growth in taxes levied, which is \$146,274 over the tax cap. This is primarily due to increases in mandated pension and healthcare expenses of \$659,517 which is 85% of the total tax levy growth. If the Town does not increase any other expenses, it will exceed the cap with the pension and healthcare expenses alone.
- Real Estate Taxes are calculated based on the General, Highway, and Library Fund expenses, revenue and fund balance. The Town takes its expenses for these funds and subtracts revenue and fund balance contributions to obtain the amount to be raised from real property taxes.
- Expenses increased by 2.62% or \$635,254 year on year primarily due to an increase in NYS mandated expenses for pension and health insurance.
- The tax rate is calculated by taking the money raised from property taxes divided by the total assessed value. Assessed values have gone down slightly year on year.
- Average tax rate increases were: 5 years 4.16%, 10 years 5.26% and 20 years 2.95%

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- If the Town were to reduce the budget by \$146,274 to meet the tax cap, the real property tax rate would be reduced to \$157.88 or a 3.74% increase from 2012.
- Following is the impact for the median market value of homes in North Castle which is \$909k and is assessed at \$18,900:
 - For 2012, the general town taxes were calculated by taking the assessed value of \$18,900 divided by \$1,000, multiplied by \$152.19, the tax rate in 2012, which resulted in \$2,876 in town taxes.
 - For 2013, using the same assessed value \$18,900 divided by \$1,000 and multiplied by \$159.13, the tax rate for the 2013 using the preliminary budget, would result in \$3,008 in town taxes.
 - The difference in the general taxes year on year would be \$131.28, a 4.56% increase.
- Revenue outside of property taxes include:
 - PILOTS (Payment of lieu of taxes) represent revenue from agreements with a few large corporations in Town.
 - Share of the mortgage tax and sales tax collected by Westchester County.
 - Department income includes Town Clerk Fees, Recreation Fees, Rebillables (police side jobs), and Cable Franchise Fees (the largest slice).
 - License and Permit fees collected through the Building Department, Town Clerk's Office, and to a smaller extent from Parks & Recreation.
 - Fines & Forfeitures associated with the courts, Interest Income based on investing of our funds and other revenue from state aid, Insurance Recoveries and miscellaneous sources.
- Personnel costs are 61% of the overall budget. Although NYS mandated pension and healthcare expenses have steadily increased over the past 5 years, the Town has kept overall staffing levels down. In 2013 the Town will be operating with 19% fewer staff than in 2007.
- NYS mandated and fixed costs continue to increase steadily. The total expenses of pension, healthcare, Advanced Life Support and Workers Compensation account for 93% of the total tax levy increase.

Supervisor Arden said that Town employees and retirees 65 years and older will now have the option to enroll in an Aetna Medicare PPO program which he said provides the comparable coverage to the NYS Health Insurance Program and in addition provides sometimes better coverage for retirees living outside of NYS. Mr. Arden said the costs of the Aetna program are significantly lower for the retirees and for the Town.

In response to an inquiry from Lydia Rippstein, School Street, regarding the total budget of \$29.3 million and its impact on the total tax increase, Comptroller Berland and Councilman Cronin explained that the Town budget does not include the Special District budgets and property owners in special districts pay for services based on use.

Michael Fareri displayed a chart indicating a decrease in the Town's property values versus other Westchester municipalities and said the Town has lost services, commenting on poor condition and safety of Town roads. In response to a query from Mr. Fareri regarding the amount of overtime paid to the Police Department in 2012, Town Administrator Goldberg said the overtime for 2012 is anticipated to be about \$600,000, excluding benefits. Ms. Goldberg said that filling two vacant positions will decrease overtime. Mr. Fareri made recommendations to further reduce the budget including payment of stipends rather than salaries to Town Board members, staff reductions in the Police and Building Departments, and a fee increase for the resident commuter parking lot in North White Plains. He asked if sick pay liability is included in the budget.

Anthony Futia, Custis Avenue, requested a copy of the budget for Fire District No. 1 in North White Plains. Mr. Futia said the Town Board is not responsible for the budget, but the fire district is required to submit it to the Board for presentation to the public. Mr. Futia also stated that there should be buy in fees for entry into sewer districts and a policy should be developed for buy in fees.

Supervisor Arden said there will be two public Work Sessions on the budget and invited the public to attend.

Councilman Schiliro said for the past several years the Town had balanced budgets and the fund balance has been used only for the Highway and Library, not for the General Fund. Using the Highway Department as an example, Mr. Schiliro said that the Town is trying to do the same amount of work with significantly reduced labor hours due to staff reductions. With regard to a question regarding accumulated sick pay liability not being accounted for in the budget, Mr. Schiliro confirmed with Town Administrator Goldberg that this could not be done because an employee may need to use accumulated sick time due to a catastrophic illness. Ms. Goldberg said the compensated absence could become part of an employee benefit liability fund if the Town Board chooses to fund it. Mr. Schiliro said that due to reduced revenues and NYS mandates there are extreme budget constraints on every municipality to stay below the 2% tax cap.

Supervisor Arden said the Town will be in the very lowest percentile of 2013 tax increases in Westchester County. Mr. Arden said adoption of the Compensation and Benefits policy has stopped the accumulation of sick leave for non-union employees. He said the Board is continuing to work hard on the budget.

Councilman Cronin said the Board has taken measures to reduce healthcare expenses for current employees and retirees. Mr. Cronin said that Councilmen Schiliro and D'Angelo did not support the measures and the costs have to be addressed.

Councilman Schiliro said the Board did agree on many of the policies in the manual including healthcare contributions by current and new non-union employees and cessation of sick leave accumulation. Both Councilmen Schiliro and D'Angelo said they did not want to impose healthcare cost increases on retirees.

Councilman Cronin said that healthcare costs for retirees are 42% the overall healthcare expense and must be addressed now in a responsible way.

Councilman D'Angelo said that perhaps a better health plan should have been had found before the retirees were required to contribute.

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 Schiliro, that the Public Hearing be adjourned at 9:10 p.m.

Anne Curran, Town Clerk

Dated: December 7, 2012

PUBLIC HEARING
November 28, 2012

At 9:10 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 November 28, 2012, at 7:30 PM, or as soon thereafter, at Town Hall, 15 Bedford Road, Armonk, NY 10504, for the purpose of considering the adoption of a local law to override the tax levy limit established in General Municipal Law 3-c.

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: November 17, 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.

Proposed local law.

Supervisor Arden made a motion which was seconded by Councilman DiDonato Roth not to consider the adoption of the local law. Councilman Schiliro requested to comment before the vote was taken. Mr. Schiliro said the local law was adopted last year as a formality and a prudent measure to have it in place just in case it was needed. He said there was no intention of exceeding the tax cap last year and it was not exceeded. Mr. Schiliro added that it is not his intention, nor the intention of any Board member, to adopt a budget which exceeds the tax cap.

Councilman D'Angelo said he agreed there was no reason not to adopt the law. Mr. D'Angelo said if it is not adopted the Board would not be able to approve funds in case of an emergency situation.

Supervisor Arden said since the intention of all Board members is to make sure the budget is under the cap, it is not necessary to adopt the law.

Michael Fareri suggested the public hearing be kept open rather than for the Board take a vote tonight on the adoption of the law.

In response to a query from Councilman D'Angelo regarding timing, Town Attorney Baroni said, if it were necessary to adopt the law, it would need to take place before the adoption of the budget. Mr. Baroni said the next Board meeting is scheduled for December 12th and the budget must be adopted by December 20th.

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 D'Angelo, that the Public Hearing be adjourned at 9:15 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

December 7, 2012

PUBLIC HEARING
November 28, 2012

At 9:15 p.m. Supervisor Arden reconvened the Public Hearing which was adjourned from October 24, 2012 for the purpose of considering the adoption of a Local Law to amend the Code of the Town of North Castle, Chapter 196 entitled "Vehicle and Traffic," Article III, Section 196-22 and Article VI, Section 196-53 (Schedule XIII) to establish "No Parking Any Time" zones 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 of Bedford Road from Maple Avenue in an easterly direction to MacDonald Avenue.

No additional correspondence was received since October 24, 2012.

Lt. Peter Simonsen said the proposal does not eliminate available parking as parking was never intended on portions of Bedford Road because the roadway is not wide enough to safely permit it. Lt. Simonsen listed complaints received by the Police and Building Departments from

Bedford Road business and property owners and the Byram Hills bus garage regarding parking on the road near the intersection of MacDonald Avenue. Lt. Simonsen said parking is occurring in the traffic lane in the improved portion of the roadway forcing motorists to drive around parked vehicles and cross the double yellow line, in violation of NYS vehicle and traffic law, and risk head on collision and side swipe hazard situations, and to assume liability for any incidents which may occur. Lt. Simonsen said he and former DPW Head Rich Fon made suggestions to the business owner of the former Burger Factory, now Armonk Burgers and Shakes regarding the need for signage to direct customer parking to other locations, but the suggestions have not solved the problem. He said the total lane width of both sides of Bedford Road is 25.9 feet versus the 32 feet width required for parking, adding that Mike Galante of F.P. Clarke visited the site and confirmed that parking is unacceptable at the location. Lt. Simonsen emphasized that legislation must be imposed to make it a safer situation.

Michael Fareri, Bedford Road and MacDonald Avenue property and business owner, said parking should not be prevented on Bedford Road from the intersection of MacDonald Avenue to the cul-de-sac on both sides of the street. Mr. Fareri said it probably makes sense to eliminate parking on Bedford Road from Maple to MacDonald Avenues, and on the south side only up to the cul-de-sac, but not to eliminate parking on both sides as this would hurt Armonk Burger and other businesses. He displayed photos of school traffic on Bedford Road, MacDonald and Maple Avenues and expressed concerns regarding safety hazards to children.

Robert Dean, Bedford Road and MacDonald Avenue property owner and business owner, said that the traffic situation at Bedford Road, MacDonald and Maple Avenues is a school district issue, not a Town problem. Mr. Dean said he viewed the traffic situation at the intersection of Bedford Road and MacDonald Avenue as similar to that on Wampus Avenue and recommended the traffic situation on Wampus also be reviewed and the public hearing be kept open. He said the cul-de-sac has nothing to do with the school traffic and perhaps 15 to 20 parking spaces could be accommodated there. In response to a query from Councilman Cronin whether he agreed with any parking restrictions on Bedford Road, Mr. Dean said he agreed with parking restrictions on one side before the cul-de-sac, but was not sure if it should include both sides.

Sue Allison Dean asked that any proposal to eliminate parking on Bedford Road be seriously considered as it would have adverse impacts on businesses. Ms. Dean talked about the impacts of school traffic on the business community including access to their businesses, parking for customers and scheduling of deliveries. She expressed concern about the speeding on Bedford Road and MacDonald Avenue and recommended a stop sign on MacDonald before the entrance to Crittenden School. She also recommended the development of a small municipal lot in the area of the fire whistle and a bus only entry and exit from School Street through Lombardi Park.

Councilman DiDonato Roth said parking is vital to businesses; and a balance is needed between safety for children and parking for the commercial district. Ms. DiDonato Roth said parking on the cul-de-sac should be considered.

Lt. Simonsen said his parking proposal was written to prohibit parking on Bedford Road to its terminus which does not necessarily include the cul-de-sac. Town Attorney Baroni said the law could be revised to exclude the cul-de-sac from the no parking proposal.

Roderick Green, Bedford Road property owner, said his tenants park on his property. Mr Green said if parking is to be permitted on the cul-de-sac there needs to be space for vehicles to turn around.

The Town Board agreed that Mr. Baroni should draft a revision to the local law for the next meeting to permit parking on the cul-de-sac, with the provision of no overnight parking between the hours of 10 p.m. to 6 a.m.

Town Attorney Baroni said if the lumberyard property is developed as housing there could be a need to permit overnight parking for guests. Councilman Schiliro recommended that the Board review the overnight parking restriction if properties are developed as residential.

With regard to Lt. Simonsen's comment that there was more to be done with regard to the management of parking at Armonk Burger, Mr. Dean said that they have posted signs and encouraged people to park behind the premises, but if they choose not to use off-street parking, it

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cannot be controlled. Mr. Dean recommended that a review be done to develop parking on the cul-de-sac to its full advantage.

Lt. Simonsen said there are future plans for a crosswalk to connect the sidewalk on MacDonald Avenue to the sidewalk on Bedford Road and for a contiguous sidewalk in front of Elide Plaza. The Board agreed that the crosswalk should be done as soon as possible.

Following discussion regarding safer walking paths for school children, Councilman DiDonato Roth recommended that Lt. Simonsen attend a monthly meeting with the Byram Hills school district to talk about crosswalks and walking paths.

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 DiDonato Roth, that the Public Hearing be closed at 9:55 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

December 7, 2012