

Town Board Minutes
Town of North Castle
15 Bedford Road
Armonk, New York
on
August 14, 2013

The meeting was called to order at 6:30 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 7:30 p.m. The Town Clerk joined the regular meeting which reconvened at 7: 35 p.m. and the following persons were present:

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 Schiliro, approval of the minutes from the July 24, 2013 meeting.

The roll call vote was as follows:

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

Noes: None

Supervisor Arden moved, seconded by Councilman DiDonato Roth, the appointment of Geoffrey Harisch to Police Chief, effective August 10, 2013, and approval of the Memorandum of Agreement.

The roll call vote was as follows:

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

Noes: None

Supervisor Arden moved, seconded by Councilman DiDonato Roth, the appointment of Matt Harisch to Lead Mechanic, Highway Department, effective August 19, 2013.

The roll call vote was as follows:

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

Noes: None

The minutes of the public hearings that commenced at 7:50 p.m. follow at the end of these minutes.

Regarding the rezoning of Banksville Avenue, Supervisor Arden moved, seconded by Councilman D'Angelo, receipt of a memo from Planning Director Kaufman with a revised local law to amend Chapter 213, Zoning, and referral of same to the Planning Board and further moved to schedule a public hearing on September 11, 2013.

The roll call vote was as follows:

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

Noes: None

Regarding the zoning petition for the Madonna Property on Old Mount Kisco Road, Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, receipt of letter and proposed local law from Veneziano & Associates, referral of same to the Planning Board, and approval to schedule a public hearing for September 11, 2013.

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, receipt of Special Use Permit Application for outdoor nursery sales at 23 Bedford-Banksville Road, referral to Planning Board of same, and scheduling of a Public Hearing on September 25, 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 Cronin, receipt of Determination and Order regarding Verified Complaint filed with NYS, Division of Human Rights, Linda DiFiore vs. Town of North Castle. The complaint charging age discrimination was ordered dismissed and closed.

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 Special Use Permit application from Whippoorwill Club for new Turf Management and a Maintenance Facility at 150 Whippoorwill Road, and referral to the Planning Board for review. It was requested that the Planning Board pay close attention to size, location, visual impact and screening.

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, approval of request from Director Water & Sewer Misiti to award annual emergency generator maintenance service to Peak Power Systems at a cost of \$4,472, for the period August 15, 2013 through August 15, 2014.

The roll call vote was as follows:

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

Noes: None

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo approval to award consulting services for rehabilitation of windmills in Water District No. 2 to Michael Piccirillo, AIA, and approval for appropriation of funds from the fund balance in the amount of \$11,115.

The roll call vote was as follows:

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

Noes: None

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, approval of request from Friends of the North Castle Public Library to conduct their 3rd annual Armonk Outdoor Art Show Road Race on September 22, 2013.

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 D'Angelo, receipt of Special Event permit application and cash bond (\$500) from Marc Mancini, Haunted Dead End, and approval to schedule a public hearing on September 11, 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 an alcohol permit for Atlantic Westchester, Inc. for an event at Lombardi Park on September 14, 2013, subject to Police Department review. Subsequent to this meeting, this event was cancelled by Atlantic Westchester.

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 of request from Town Clerk Curran to initiate on-line purchase and credit card payments for permits and licenses.

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 make the budget transfers that follow at the end of these minutes, as requested by Comptroller Berland.

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, approval of Police Department request to schedule a public hearing on September 11, 2013 to establish no parking areas as follows:

1. Bedford Road – vicinity of #12 and #14.
2. Wampus Avenue – near School Street

The roll call vote was as follows:

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

The request for the Supervisor to sign an agreement with Key Merchant Services, LLC to provide credit card payment payments via the internet for property tax payments, for the period of 8/14/13 – 8/2/17, was tabled.

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, authorization for the Supervisor to sign the agreement with Westchester County Department of Correction for prisoner transportation between the Town and Westchester County jail, for the two-year period of January 1, 2013 through December 31, 2014.

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, authorization for the Supervisor to sign agreements with Cablevision (Northern and Southern) regarding Franchise Fee obligations for the period of July 1, 2004 through May 31, 2013, based on audit and multi-municipal claim to collect underpayments. Per the agreement, Cablevision will pay the Town a total of \$71,577.

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, authorization for the Supervisor to sign the agreement with Virtual Town Hall Holdings, LLC, for on-site training in connection with website development at a cost of \$1,983.

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 Multi Modal #1 Program agreement with NYS DOT (Department of Transportation) in connection with sidewalks along Bedford Road from Elide Plaza to Maple Avenue.

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 notification of retirement from Elaine Vrouletis, Deputy Tax Receiver, effective August 23, 2013, and authorization of a resolution concerning her benefits and terminal leave payment.

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, authorization to increase to 35 hours per week (full time) for Police Dispatcher, Kathy Giaccio, effective August 12, 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, a resolution authorizing payment of \$100 each to Assessment Board of Review members for attendance at annual and regular meetings of the Assessment Board of Review, per the following resolution:

Resolved, on August 14, 2013, the Town Board authorized payment to the five (5) members of the Assessment Board of Review for meeting attendance;

Be it further resolved that annual meetings and payments to Assessment Board of Review members for attendance at meetings will be made according to the Town Assessor's requisition, in the amount of \$100 per meeting.

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 of request from Gerardo DiFeo, Highway Dept., for carryover of two weeks of his vacation from 2013 to 2014 since he was out on workers compensation in 2013 and did not accrue his full vacation time for 2014.

The roll call vote was as follows:

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

Noes: None

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, approval of request from Tax Receiver Colombo for an additional part-time employee, on an as needed basis, at a rate of \$20.00 per hour.

The roll call vote was as follows:

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

Noes: None

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, approval of request from Assessor Sirota to attend the annual Assessor's Association conference and seminar in Lake Placid, NY, from October 1 through October 4, 2013; the expenses of \$952 will be submitted for reimbursement to the State.

The roll call vote was as follows:

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

Noes: None

At the suggestion of Town Attorney Baroni, Councilman D'Angelo moved, seconded by Councilman DiDonato Roth, to schedule a Public Hearing for September 11, 2013 to consider adoption of provisions to allow installment payments on delinquent taxes.

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 consensus agenda as follows:

- Receipt of Notice of Claim from Debra DiBetta and referral to Town Attorneys.
- Release of Highway bonds as follows:
 - o Cablevision – Permit 0683 for street opening at 4 Stone Hollow Way in the amount of \$1,000 to be reinstated to the \$50,000 bond.
 - o Verizon – Permits 0756, 0757, 0758, 0759, 0760, 0761 and 0764 for street opening/right of ways at various locations in the amount of \$7,000 to be reinstated to the \$100,000 bond.
 - o Glendale Subdivision – Permit 0721 in the amount of \$750.00 for curb cut at 26 Glendale Ave., Section 2, Block 13, Lot 17.-18.A.
 - o Emilio DiMatteo – Permit 0800 in the amount of \$500.00 for driveway alteration at 6 Birch Grove Drive, Section 2, Block 08, Lot 13.D-18.
- Receipt of Town Clerk's monthly report for July, 2013
- Receipt of NYS DEC Annual Comprehensive Inspection Report for waste water treatment plant
- Authorization of an additional payment of \$142.94 to Milone & MacBroom for expenses in connection with feasibility study for synthetic turf field at Community Park.

The Town Board audited and approved payments totaling \$335,784.03 as indicated on Warrant #15.

After all persons were heard who desired to be heard, the Supervisor closed the meeting at 10:40 p.m. in memory of residents Linda Brill, John Guglielmo, Robert Clark and Ralph Ristaino, and Lucy Gullo, mother-in-law of Bill McClure, former Town Board member.

Anne Curran, Town Clerk

Dated: September 10, 2013

Town Board Minutes
August 14, 2013

Budget Transfers Aug 14, 2013

General Fund fr:			General Fund to:			
A.1420.0470.0014	Cont. Legal Expense	(5,000.00)	A.1380.0434	Cont. Other - Bank Fees	5,000.00	
A.1420.0470	Cont. Legal Expense	(3,500.00)	A.1420.0432.0003	Cont. Professional Services	3,500.00	
A.3120.0850	Dental Vision & Life Ins	(1,000.00)	A.3120.0850.0101	Dental Vision & Life Ins	1,000.00	
A.3620.0411	Supplies & Expenses	(40.00)	A.3620.0413	Uniforms	40.00	
A.8160.0432	Cont. Prof Services (ewaste)	(800.00)	A.8160.0130	Overtime (ewaste)	800.00	
A.1420.0470.0014	Cont. Legal Expense	(2,000.00)	A.5680.0432.0032	Underground Facility Prot.	2,000.00	
A.7020.0432	Cont. Professional Services	(1,000.00)	A.7020.0431	Cont. Equip Repair and Rent	1,000.00	
A.7020.0850	Dental & Vision	(12,000.00)	A.7110.0850	Dental & Vision	12,000.00	
A.7020.0110	Salary	(10,000.00)	A.7140.0432	Cont. Professional Services	10,000.00	
A.8612.0434	Cont. Other	(100.00)	A.8612.0460	Legal Notices	100.00	
Increase:						
A.1000.1002.0000	Appropriated Fund Balance	21,495.67	A.1680.0211	Computer Hardware & S/W	21,495.67	
A.1000.1002.0000	Appropriated Fund Balance	15,332.68	A.1680.0432	Cont Prof Service - Data Proc.	15,332.68	
A.1000.4960	Federal Emergency Disaster Assist	1,695.00	A.7110.0425	Disaster Expenses	1,695.00	Wampus Brook Park Wa
Highway from:			Highway to:			
DA.5132.0411	Supplies & Expenses	(900.00)	DA.5132.0432	Cont. Professional Services	900.00	
Increase:			Increase:			
A.9950.0991	Interfund Transfer Out	260,225.29	DA.1000.5031	Interfund Transfers	260,225.29	New Vehic
A.1000.1002.0000	Appropriated Fund Balance	260,225.29	DA.5130.0213	Equip - Highway	260,225.29	
S1B from:			S1B to:			
S1B.8120.0431	Cont. Equip Repair & Rent	(30.00)	S1B.8120.0451	Utility Telephone	30.00	
SS1 from:			SS1 to:			
SS1.8120.0431	Cont. Equip Repair & Rent	(10.00)	SS1.8120.0451	Utility Telephone	10.00	
SW1 from:			SW1 to:			
SW1.8320.0453	Utility Heat & Fuel	(700.00)	SW1.8310.0453	Utility Heat & Fuel	700.00	
Increase:			Increase:			
SW2.1000.4960	Federal Emergency Disaster Assist	3,357.00	SW2.8310.0431	Cont. Equip Repair & Rent	3,357.00	FEMA
SW4 from:			SW4 to:			
SW4.8310.0431	Cont. Equip Repair & Rent	(4,141.00)	SW4.8310.0432	Cont. Professional Services	4,141.00	LB&G - IBN Grnd water rul
SW4.8310.0411	Supplies & Expenses	(63.40)	SW4.8320.0411.0003	Supplies - Chemicals	63.40	
SW5 from:			SW5 to:			
SW5.8310.0431	Cont. Equip Repair & Rent	(30.00)	SW5.8310.0451	Utility Telephone	30.00	
SW7 from:			SW7 to:			
SW7.8310.0411	Supplies & Expenses	(15.00)	SW7.8310.0451	Utility Telephone	15.00	

PUBLIC HEARING

August 14, 2013

At 7:50 p.m. Supervisor Arden stated that a Public Hearing would be held in accordance with the Public Notice that follows:

NOTICE IS HEREBY GIVEN THAT the North Castle Town Board will hold a Public Hearing on August 14, 2013, at 7:30 p.m., or as soon thereafter, at Town Hall, 15 Bedford Road, Armonk, New York 10504, concerning grant of conservation easement and declaration of restrictive covenants for property located at 3 Terrace Circle, Armonk, New York.

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: July 31, 2013
Armonk, NY

The Public Notice was marked Exhibit "A" for the record.

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

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

Letter from Paul Attaguile, Attorney, with proposed Conservation Easement Agreement, dated July 19, 2013 was marked Exhibit "D" for the record.

Mr. Attaguile addressed the Board on behalf of his clients Biagio and Meredith Conte of 3 Terrace Circle, Armonk, asking acceptance of the conservation easement as proposed.

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 a 7:55 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, that the Supervisor be authorized to sign the Conservation Easement and Declaration of Restrictive Covenants for property located at 3 Terrace Circle, Armonk, New York.

The roll call vote was as follows:

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

Noes: None.

Anne Curran, Town Clerk

Dated: August 23, 2013

PUBLIC HEARING

August 14, 2013

At 7:55 p.m. Supervisor Arden stated that a Public Hearing would be reconvened in accordance with the Public Notice that follows:

NOTICE IS HEREBY GIVEN, that the North Castle Town Board will reconvene a Public Hearing in Town Hall, 15 Bedford Road, Armonk, NY, 10504, on August 14, 2013 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, the establishment of a wine bar & café with seating limited to a maximum of 72 seats and 3,500 total gross floor area in a garden market building; increasing the hours of operation of a wine bar & café to 8:00 a.m. and 11:00 p.m.; and permitting the sale of home furnishings and accessories. 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: July 31, 2013
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.

Email from Linda Trummer-Napolitano dated October 24, 2012 was marked Exhibit "D" for the record.

Documents from Shamburg, Marwell & Hollis Re: Revisions to the Petition dated: March 5, 2013, March 20, 2013, April 3, 2013, April 16, 2013 and July 16, 2013 were marked Exhibit "F" for the record.

Letter from North Castle Historical Society dated April 7, 2013 was marked Exhibit "G" for the record.

Letter from Clifford Davis, Esq. - legal counsel for St. Stephen's Church dated April 10, 2013 was marked Exhibit "H" for the record.

Protest Petition pursuant to Town Law, Section 265, submitted by St. Stephen's Episcopal Church, dated April 10, 2013 was marked Exhibit "I" for the record.

Memo from Michael Cromwell, North Castle Assistant Building Inspector, dated April 17, 2013 was marked Exhibit "J" for the record.

Email from Town Attorney Roland Baroni dated April 18, 2013 was marked Exhibit "K" for the record.

Letter from Kellard Sessions Consulting to Planning Board dated July 12, 2013, regarding zone text changes and revised site plan was marked Exhibit "L" for the record.

Letter from Clifford Davis, Esq. to Planning Board dated July 18, 2013 was marked Exhibit "M" for the record.

Email from Neal Baumann dated August 2, 2013 was marked Exhibit "N" for the record.

Letter from Planning Director Kaufman regarding Zone Text and Site Plan Amendments, dated August 2, 2013 was marked Exhibit "O" for the record.

Negative Declaration adopted by the Planning Board on August 5, 2013 was marked Exhibit "P" for the record.

Letter from Adam Kaufman dated August 6, 2013, regarding positive Planning Board recommendation (as adopted August 5, 2013) was marked Exhibit "Q" for the record.

The following emails, read aloud by Town Clerk Anne Curran as requested by the senders who were unable to attend the public hearing, were marked Exhibit "R" for the record:

Jay Bialsky, dated August 13, 2013
Charlene Jacobi, dated August 13, 2013
Charlotte Watson, dated August 13, 2013
Norma Hill, dated August 14, 2013

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

The revised local law.

P. Daniel Hollis, Shamberg Marwell & Hollis, P.C., appeared before the Board on behalf of the applicant, Mark Real Estate, LLC, with respect to its property located at 45 Bedford Road, known as Mariani Gardens. Megan Collins, Shamberg Marwell & Hollis, P.C. and Rob Aiello, project engineer, John Meyer Consulting, PC, were also in attendance.

Mr. Hollis submitted a petition signed by Town residents in support of the amendments before the Board for consideration tonight. The public hearing was opened on October 12, 2012 and adjourned, and reconvened on October 24, 2012. Mr. Hollis said the proposal has changed from the one submitted on October 10, 2012 and has changed substantially from when it was first submitted to the Town Board in July, 2011. Mr. Hollis reviewed the major changes to the proposed zoning amendments currently under consideration which would permit an accessory wine bar and café to be expanded from the previously proposed 1,000 square feet and 16 seats café to a maximum of 3,500 square feet with 72 seats, and to permit the sale of home furnishings and accessories and luxury lifestyle items. Changes would also permit carry out service, waiter and waitress service, beer and wine sales and consumption, extend hours of operation from 8:00 a.m. to 11:00 p.m., and remove the owner operated requirement from accessory wine bar and café. Mr. Hollis said that the social function component of the proposal has been removed. He read a listing of home furnishings and accessories and luxury lifestyle items. He added that his client's property is the only parcel zoned NB Nursery Business in the Town and any amendment to the NB zoning district would affect only this property.

Rob Aiello reviewed the site plan of the subject property and reviewed the proposed modifications to the market building, the only building which would have interior modifications. The greenhouse spaces would remain; the existing market portion would be reduced in size and transferred to the expanded wine bar and café. Four additional parking spaces would be added.

Town Clerk Anne Curran read emails from Jay Bialsky, Charlene Jacobi, Charlotte Watson, and Norma Hill.

Susan Shimer, Landmarks Preservation Committee Chair, said the applicant's retail operation is reportedly in violation of the zoning ordinance, and therefore the applicant should not be entitled to zoning relief by the Town Board. Mrs. Shimer said that any expansion of the café should be allowed by special use permit only. She said that in adopting the EIS the Planning Board relied on a traffic study which was done before Armonk Square was operational and said a further study should be done.

Alana Adler expressed her support for the proposed changes.

Michael Circosta, Landmarks Preservation Committee member, expressed concerns about the impact of noise and traffic on the historic districts resulting from the expanded uses and suggested that any alteration to the permitted use of the property should be in the form of a special use permit as that would allow for closer monitoring.

Clifford Davis, counsel for St. Stephen's Episcopal Church, submitted a super majority protest petition under Town Law Section 265. As detailed in his letter dated August 14, 2013, Mr. Davis expressed his view that a zoning analysis has not been done by the Town nor the applicant, and said the Town Board has to take a comprehensive look at whether the proposed zoning is consistent with the Town's Comprehensive Plan and is good for the community. He expressed his concerns that there is no definition of the terms home furnishing and accessories and luxury lifestyle accessories to properly analyze the zone change and ensure proper regulation. He said it is not clear whether the zone change permits the sale of wine only or all alcohol to be sold, amplified music in the restaurant, and tables outside; and what the limitations are on the number of guests at private parties. Mr. Davis urged the Board not to take any action on the proposal at this time.

Neal Baumann, member of St. Stephen's Church, said productive discussions have taken place between St. Stephen's Church vestry representatives and Supervisor Arden and Planning Board Chair Adelman. Mr. Baumann said that St. Stephen's would be comfortable with the scaled down 72 person restaurant and the grandfathering of the retail operations currently in violation as long as the language is tightened and the application is approved via a special use permit. Mr. Baumann said the application should be tightened up so the uses cannot change in the event of a sale and title change of the property. He said both the retail operation and the restaurant should be approved through a special use permit, not a zone text amendment, in order to mitigate any adverse impacts on the Church and historic district. He added that the language in the proposed law regarding home furnishings and accessories must be more specific. With regard to outdoor dining, Mr. Baumann said that the language needs to be tightened regarding the number of seats permitted which now provides for 72 seats. He asked the Board not to vote and reconvene on a September meeting date.

In response to queries from resident Bob Romano whether the applicant would be applying for a restaurant wine license, which requires that 50% or more sales be for food, or a tavern wine license, and how the area serving alcohol would be delineated, Mr. Hollis said the applicant will apply for a restaurant wine and beer license and there will be a segregation between the wine bar and café and retail area.

Tony Futia asked if the impact on the future development of the area in the event the American Legion property is sold has been addressed. Mr. Hollis said that the American Legion is in the R-10 residential zoning district and any future owner would have to seek a zoning amendment to request a zoning change.

In response to a request from Councilman D'Angelo that definitions of home furnishings and accessories and luxury lifestyle accessories be included in the legislation, Mr. Hollis read a listing of the types of items permitted for sale which he said could be specifically incorporated into the site plan approval and agreed to include the items in the legislation. In response to Mr. D'Angelo's query, Mr. Hollis confirmed that the applicant would apply for a wine and beer license for the 3,500 square feet area only and agreed to the suggestion that the Certificate of Occupancy be issued to permit a wine and beer license only. Mr. Baroni said a memo should be sent to the Building Inspector to this effect.

In response to a query from Councilman Cronin regarding measures the Board could put in place regarding change of ownership in the future, Town Attorney Baroni said there has been discussion regarding using a condition already existing in the CB zoning district that any future use of retail space of more than 5,000 square feet would require the issuance of a special use permit.

Councilman Schiliro confirmed that the 5,000 square feet restriction would apply to the wine bar and accessory use as well.

Councilman DiDonato Roth said she was comfortable with the application as many of the outstanding issues have been addressed.

Councilman Schiliro said the application has been reduced, the uses have been defined and the future use of the property is addressed with the special use permit. Mr. Schiliro added that the current application requires that 50% of the property must be used for nursery business.

Mr. Davis asked for clarification whether outdoor dining would be permitted. Following discussion, it was agreed the legislation would be amended to include that outdoor dining be permitted pursuant to Chapter 142, and additionally, require Planning Board site plan approval.

Supervisor Arden thanked the members of St. Stephen's Church for meeting with him and appreciated everyone's effort in bringing the process to a close. Mr. Arden said the property is an enhancement to the Town and that the applicant will be considerate of St. Stephen's Church.

Marianne and Neal Baumann expressed concerns that the Planning Board could approve 72 seats of outdoor dining and questioned if parking has been considered. Mr. Arden said this was a valid point and the Board wants the Planning Board to consider it as part of the site plan approval process.

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 9:25 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 Cronin, adoption of Local Law 6 of the year 2013 to amend Chapter 213 of the Town of North Castle Town Code, with additional definitions of home furnishings and accessories and luxury lifestyle accessories; language regarding the 5,000 square foot limitation on single retail users and the accessory wine bar and café; a separate memo to Building Inspector for beer and wine license only to be included on the Certificate of Occupancy and the requirement of Planning Board site plan approval for outdoor Dining; to permit the creation of a new Accessory Wine Bar & Café in place of the existing Accessory Café with the expansion of the café from 1,000 square feet with 16 seats to 3,500 square feet with 72 seats. In addition, the local law would permit for less restrictive and additional uses in the NB Nursery Business Zoning District.

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: August 29, 2013

TOWN OF NORTH CASTLE

Local Law No. 6 for the Year 2013 Adopted August 14, 2013

A local law to amend Chapter 213 of the Town of North Castle Town Code to permit the creation of a new Accessory Wine Bar & Café in place of the existing Accessory Café as well as the expansion of the café from 1,000 square feet with 16 seats to 3,500 square feet with 72 seats. In addition, the local law would permit for less restrictive and additional uses in the NB Nursery Business Zoning District.

Section 1. Amend Section 213-3 of the Town Code to amend the definition of an ACCESSORY CAFÉ as follows:

ACCESSORY WINE BAR & CAFÉ -- An establishment similar to a restaurant but limited to the extent that the accessory wine bar & café is not the sole principal use on the lot, seating is limited to a maximum of 72 seats and the total gross floor area of the accessory cafe is not in excess of 3,500 square feet.

Section 2. Amend Section 213-20 Schedule of Business District Regulations.

Permitted Principal Uses

3. The sale and display of garden and nursery accessories and supplies; home furnishings and accessories (e.g., patio and sunroom furniture, side tables, consoles, chairs, topiaries and silk flower arrangements, vases and terrariums, coffee table books, pillows, bowls, candles and diffusers and tabletop settings), and luxury lifestyle accessories (e.g., soaps and lotions, jewelry and women's accessories (e.g., scarfs, sweaters, wraps); property owner operated garden center management offices and property owner-operated landscape design offices associated with the operation of the on-site nursery business; and accessory wine bar & cafes not in excess of 3,500 square feet when located in a garden market building. The total-gross floor area of sale and display of garden and nursery accessories and supplies, home furnishing and accessories, and luxury lifestyle accessories, garden center management offices and landscape design offices and accessory wine bar & café on the property shall not exceed 50% of the gross floor area of all on-site buildings (including greenhouses and storage buildings). Non-nursery uses over 5,000 square feet shall require Town Board special use permit approval.

Section 3. Amend Section 213-23.G Additional business district regulations as follows:

- (7) Accessory wine bar & cafes within the NB District shall only operate between the hours of 8:00 a.m. and 11:00 p.m. Amplified music shall be prohibited outdoors. All indoor amplified music shall be adequately mitigated to the satisfaction of the Planning Board. Outdoor dining shall be permitted pursuant to Chapter 142 and shall additionally require Planning Board site plan approval.

Section 4. Amend 213-45. Schedule of Off-Street Parking Requirements. Amend the Accessory Café off-street parking requirement as follows:

Accessory Wine Bar & Cafe	1 for each 150 square feet of gross floor area
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Section 5. 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 6. 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 7. Effective Date.

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

Dated: August 14, 2013

PUBLIC HEARING

August 14, 2013

At 9:30 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 August 14, 2013 at 7:30 PM, or as soon thereafter, at Town Hall, 15 Bedford Road, Armonk, NY 10504, to consider a local law to create a Master Fee Schedule for the Town of North Castle through the creation of a new Chapter 27 within the Town Code, and to amend various chapters of the Town Code including Chapter 213, Zoning.

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: July 31, 2013
Armonk, NY

The Public Notice was marked Exhibit "A" for the record.

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

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

Letter from Director of Planning, Adam Kaufman, dated August 6, 2013 noting the Planning Board's positive recommendation and its endorsement of proposed amendments.

Letter from Westchester County Planning Board dated August 12, 2013 stating that the matter is for local determination was marked Exhibit "D" for the record.

The proposed local law.

The Master Fee Schedule.

Negative Declaration for adoption.

Director of Planning Kaufman explained that the purpose is to remove all specific dollar references for permits within the Town Code; adopt a local law to change the code and to adopt the Master Fee Schedule that includes all fees. Mr. Kaufman stated that the RPRC fees and the Administrative Wetland fees were evaluated with proposed revisions and previously presented to the Town Board. Supervisor Arden added that all fees that have been changed were reviewed with Town experts.

Mr. Kaufman recommended that fees be evaluated prior to January by Department Heads for possible updating.

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 9:35 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, that the Town Board adopt the Negative Declaration.

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 Local Law 7 of the year 2013 to create a Master Fee Schedule for the Town of North Castle through the creation of a new Chapter 27 within the Town Code, and to amend various chapters of the Town code including Chapter 213, Zoning.

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, adoption of the newly created Master Fee Schedule, with amended RPRC and Administrative Wetland fees.

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: August 23, 2013

Local Law No. 7 of the year 2013
(Adopted August 14, 2013)

A **local law** to create a Master Fee Schedule for the Town of North Castle

Section 1. Create the following new Chapter 27 within the Town Code in proper numerical order:

MASTER FEE SCHEDULE

§ 27-1 Purpose. The Town of North Castle incurs significant expenses in the operation of the Planning Department, Zoning Board of Appeals, Sewer and Water Department, Town Board, the Building Department and the Police Department in administering the Town Code. There is hereby established a chapter whereby the Town Board shall have the authority to impose and collect all reasonably necessary administrative fees in connection with any application as set forth or as may hereinafter be set forth in the laws of the Town of North Castle and review of said applications, including, but not limited to, fees to be paid in connection with any application for licenses, permits, public safety and health matters, and planning, zoning, building and construction approval. These fees are necessary to carry out the Town of North Castle's regulatory measures.

§ 27-2 Master Fee Schedule. The Town Board shall establish, by resolution, a Master Fee Schedule setting forth the fees to be charged to applicants in connection with all applications made pursuant to the laws of the Town of North Castle, including, but not limited to, any application for licenses, permits, public safety and health matters, and planning, zoning, building and construction approval. The Town Board may also set forth fees in the Master Fee Schedule for reimbursement of various administrative fees, including, but not limited to, the cost of photocopies, preparation of birth and death certificates, and rental of the Town facilities. The Master Fee Schedule may be amended by resolution from time to time, as the Town Board deems necessary.

§ 27-3 Administrative fees. All administrative costs that are reasonably necessary in carrying out the objectives of the laws of the Town of North Castle shall be charged to the applicant. Administrative costs shall be set forth in the Master Fee Schedule, and shall be reflected as the actual costs of administering and reviewing such applications by the Town. For the purpose of this chapter, administrative costs shall include, but are not limited to, actual costs involved in processing applications, preparation of hearing notices, publication of hearing notices, providing notice to other governmental agencies, preparation of affidavits of posting and publication, preparation and maintenance of official records regarding the application and municipal review of the application, processing of resolutions, photocopies, preparation of birth and death certificates, rental of the Town facilities and other similarly related and necessary costs in connection with administering the laws of the Town of North Castle.

§ 27-4 Payment in advance. Unless otherwise specifically provided in this chapter, the fees required pursuant to this chapter shall be paid in advance upon submission of the application. The failure to submit the full payment required shall render the application incomplete.

Section 2. Amend Section 10-4 of the Town Code as follows:

A fee shall be charged in connection with the review of all Building and Highway Department applications described in or contemplated by this chapter in such amounts as set forth in the Master Fee Schedule. All fees as required by this section shall be doubled whenever the work which is subject to a fee is commenced or completed prior to the issuance of the appropriate permit.

~~The following fees shall be payable to the Town in connection with the issuance of permits, certificates and services to be provided by the Building and Highway Department:~~

~~A. Building permits:~~

	Value	Permit Fee
	\$1,000	No charge

	\$1,001 to \$15,000	\$75
	\$15,001 and up	\$11.00 per \$1,000

B. Plumbing permits:

	Type		Permit Fee
	New installation of 1 to 8 fixtures or appliances		\$60
		Each additional fixture or appliance over 8	\$7
	Installation of new house sewer from connection to public sewer or private sewer in the street or to the connection with a private septic system or other approved means of disposal to the building wall		\$25
	Sewer tie in inspection		\$15
	Replacement of hot water heater (gas, electric or oil fired), gas stove, gas dryer, gas heating boiler, etc.		\$25
	Fire sprinkler installation or replacement, fire standpipe or combination sprinkler and a standpipe, including water service from tap with main source to building control valve station or valve location. (This test covers the initial inspection and 2 hour hydrostatic tests.)		\$120
	Fire sprinkler system within buildings (to include backflow preventor)		
		New systems and replacements, 1 to 8 fire sprinkler heads and/or fire standpipe connection	\$25
		Each additional fire sprinkler head and/or fire standpipe connection	\$2
	Lawn sprinkler systems, irrigation systems or ornamental display fountains (to include backflow preventor)		
		1 to 10 connections	\$25
		Each additional connection over 10	\$1

	Type		Permit Fee
	Street openings (any asphalt surface)		
		Permit	\$25
		Bond	\$1,000 up to 200 square feet; over 200 square feet, the bond shall be calculated at a rate of \$5 per square foot
		Gutter, shoulder or other area within the right-of-way to be disturbed	\$750 up to 750 square feet; over 750 square feet the bond shall be calculated at a rate of \$1 per square foot
		Driveway construction	
		Permit	\$25
		Bond	
		New driveway	\$750
		Alteration	\$500

	Type	Fee
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C. Highway Department street and driveway permits and bonds:

D. Building Department services:

		\$0 to \$15,000	\$0
		\$15,001 and up	\$75
		Application fees	
		\$0 to \$15,000	\$20
		\$15,001 and up	\$30
		New one family residences	\$50
		New two family residences	\$100
		New commercial buildings	\$150
		Electrical work application permit in conjunction with New York State, Board of Fire Underwriters permit	
		Single family	\$50
		Two family	\$100
		Commercial new building	\$150
		Residential addition, renovation, pool	\$50
		Commercial addition, renovation	\$100
		Temporary certificate of occupancy	\$500
		Certified copy of certificate of occupancy	\$25
		Pre date letter (with file research)	\$60
		Follow up inspection after any required inspection, building or plumbing	\$100
		Demolition permit	
		\$0 to \$1,000	\$50
		\$1,001 to \$50,000	\$150
		\$50,001 and up	\$250
		Certificate of compliance for demolition permit	\$75
		Plan reproduction administration fee	\$10
		Fuel oil tank removal	
		Permit fee	\$150
		Certificate of compliance	\$75

appropriate permit.

~~E. All fees as required by this section shall be doubled whenever the work which is subject to a fee is commenced or completed prior to the issuance of the~~

Section 2. Add the following new section 209-6.D(4) of the Town Code as follows:

(4) Administrative Wetland Permit Fees. A fee shall be charged in connection with the review of administrative wetland permit applications and other actions of the Town Wetlands Consultant described in or contemplated by this chapter in such amounts as set forth in the Master Fee Schedule.

Section 2. Amend Section 45-6 of the Town Code as follows:

§ 45-6. Review of application; fee. The RPRC, in review of any application, may refer any such application reviewed by it to such engineering, planning, legal, technical, or environmental consultant(s) or professional(s) employed by the Town as the RPRC shall deem reasonably necessary for proper review of the application. ~~The application fee for such review shall be \$750, except that the RPRC may waive the review fee for minor projects such as fence, deck and minor pavement applications.~~

A fee shall be charged in connection with the review of all Residential Project Review Committee (RPRC) applications and other actions of the RPRC described in or contemplated by this chapter in such amounts as set forth in the Master Fee Schedule.

Section 3. Amend Section 60-3.D of the Town Code as follows:

D. Fees.

~~(1) The initial alarm user permit fee shall be \$25 per calendar year or part thereof.~~

~~(2) The annual renewal fee shall be \$25.~~

~~(3) The late fee (payment after March 31 shall be \$50.~~

A fee shall be charged in connection with the review of all alarm applications and other actions of the Town described in or contemplated by this chapter in such amounts as set forth in the Master Fee Schedule.

Section 3. Amend Section 60-4.C(1) of the Town Code as follows:

(1) Any owner or lessee of property having an alarm device or system of devices on his or its premises and any user of services or equipment furnished by a licensee under this chapter shall pay to the Town a charge for each and every false alarm to which the Police Department or Fire Department responds in each calendar year as follows in such amounts as set forth in the Master Fee Schedule.

~~(a) For the first false alarm each year: a warning and fine schedule accompanied with written notice of violation.~~

~~(b) For the second false alarm each year: \$25.~~

~~(c) For the third false alarm each year: \$50.~~

~~(d) For a fourth through tenth false alarm: \$100.~~

~~(e) For an eleventh false alarm and each false alarm thereafter: \$200~~

Section 3. Amend Section 63-2.C of the Town Code as follows:

C. ~~The license fee shall be paid at the rate of \$100 for each amusement device.~~

A license fee shall be charged in connection with the review of all amusement device applications and other actions of the Town described in or contemplated by this chapter in such amounts as set forth in the Master Fee Schedule.

Section 3. Amend Section 80-6 of the Town Code as follows:

The license fee per annum for a cabaret license shall be in such amount as set forth in the Master Fee Schedule. ~~and the same is hereby fixed at the sum of one hundred dollars (\$100.),~~ provided that in the event a license is granted after the first of July of any year, the license fee shall be one-half (1/2) of the amount of the annual license fee. The Town Board shall not issue any such license until the applicant shall produce a receipt of the Town Clerk showing that the applicant has paid to the town the license fee herein provided. The term of licenses shall be for a period of one (1) year, commencing with January 1

and terminating at the end of the follow December, except that an original license shall be effective from the date the license is granted to the end of the month of December. Such license shall not be transferable and shall not authorize the person to whom it is granted to conduct a cabaret at any other location other than that specified therein.

Section 3. Amend Section 83-3.E of the Town Code as follows:

- E. Amusement rides, as a temporary facility not to exceed 10 days' duration, shall be permitted in any special event, including a charitable, religious or not-for-profit corporation event or activity, only upon compliance with the following additional procedure:
- (1) Eight copies of a sketch showing the area to be occupied by the proposed amusement rides.
 - (2) A filing fee of \$175 as set forth in the Master Fee Schedule.
 - (3) Not more than eight amusement rides per acre of vacant land shall be permitted.
 - (4) Compliance with the applicable provisions of the Labor Law of the State of New York.
 - (5) Compliance with the applicable rules and regulations of the Town of North Castle Building Department and the Code of the Town of North Castle.

Section 3. Amend the first sentence of Section 83-4 of the Town Code as follows:

Any person desiring to procure a permit as herein provided shall file with the Town Clerk, for submission to the Town Board, a written application, upon a form prescribed by the Town Board and furnished by the Town Clerk, together with an application fee in an amount as set forth in the Master Fee Schedule of \$100.

Section 3. Amend Section 92-5 of the Town Code as follows:

- C. Fees for licensing of dogs; impoundment fee.

- (1) The fee for a spayed or neutered dog shall be as set forth in the Master Fee Schedule. ~~Schedule A attached hereto. Subsequent amendments to Schedule A may be by Town Board resolution.~~ It shall include a state assessment pursuant to § 110, Subdivision 3 of the New York State Agriculture and Markets Law and additional funds for enumeration as provided for by § 110, Subdivision 4(a), of the Agriculture and Markets Law.
- (2) The fee for an unspayed or unneutered dog shall be as set forth in the Master Fee Schedule. ~~Schedule A attached hereto. Subsequent amendments to Schedule A may be by Town Board resolution.~~ It shall include a state assessment pursuant to § 110, Subdivision 3, of the New York State Agriculture and Markets Law and additional funds for enumeration as provided for by § 110, Subdivision 4(a), of the Agriculture and Markets Law.
- (3) Enumeration fee. When the Town Board determines the need for a dog enumeration, a fee set by the Town Board by resolution shall be assessed to all dogs found unlicensed or renewed at the time enumeration is conducted.
- (4) Purebred licenses. The Town of North Castle will not be issuing purebred or kennel licenses. All dogs will be licensed individually as per the fee system stated above.
- (5) Service dogs. The Town of North Castle requires licenses for all dogs living or harbored within the Town; however, the Town fee for licensure of all types of service dogs listed in § 110, Subdivision 2, of the Agriculture and Markets Law, including, but not limited to, guide dogs, service dogs, hearing dogs, and detection dogs, is waived.
- (6) Shelters. The Town of North Castle does not allow the licensing of dogs by a shelter. The shelter must notify the adoptive owners of their responsibility to license any dog which will be living within North Castle with the North Castle Town Clerk within 30 days of adoption. The shelter shall provide the Town Clerk with a list of adoptive owners monthly.

- (7) Seniors. Dogs owned by one or more senior residents, 65 years or older, are exempted from Town licensing fees.
- (8) Impoundment fees. Impoundment fees should be as set forth in the Master Fee Schedule. ~~Schedule A. Subsequent amendments to Schedule A may be by Town Board resolution.~~

Section 3. Amend Section 92-8 of the Town Code as follows:

~~§ 92-8. Penalties for offenses.~~

~~An offense against this chapter shall be deemed a violation, and a person convicted of such an offense shall be liable to a fine of \$50 for a first violation within a twelve month period; to a fine of \$100 for a second violation within a twelve month period; and to a fine of \$150 for a third or subsequent violation within a twelve month period.~~

RESERVED

Section 3. Amend Section 102-11 of the Town Code as follows:

A fee shall be charged in connection with the review of all excavation applications and other actions of the Town described in or contemplated by this chapter in such amounts as set forth in the Master Fee Schedule.

~~The Town Clerk of the Town of North Castle shall charge and collect as a fee for the issuance of any permit hereunder the sum of \$5 per \$1,000 of the cost of such improvement or excavated area as appears from the plans submitted by the applicant, with a minimum fee of \$5 in any event, but in no case to exceed the sum of \$500.~~

Section 3. Amend Section 105-1.E of the Town Code as follows:

A fee shall be charged in connection with the review of all fill permit applications and other actions of the Town described in or contemplated by this chapter in such amounts as set forth in the Master Fee Schedule.

~~The Building Inspector shall charge a permit fee to the landowner in the amount of \$125 plus \$3 per cubic yard of fill delivered to owner's property.~~

Section 3. Amend Section 106-4 of the Town Code as follows:

~~Each applicant shall pay a fee to the Town of North Castle set in a fee schedule determined by the Town Board as attached hereto for filming, videotaping or recording on private property per day and a fee set in a fee schedule determined by the Town Board per day for any filming, videotaping or recording on public property.~~

A fee shall be charged in connection with the review of all film permit applications and other actions of the Town described in or contemplated by this chapter in such amounts as set forth in the Master Fee Schedule.

Section 3. Amend Section 108-4.F of the Town Code as follows:

F. The application shall be signed by the sponsor and the operator and ~~shall be accompanied by a fee of \$250.~~ a fee shall be charged in connection with the review of all film permit applications and other actions of the Town described in or contemplated by this chapter in such amounts as set forth in the Master Fee Schedule.

Section 3. Amend Section 131-10 of the Town Code as follows:

~~The fee for the license to operate said business shall be \$500 for each calendar year or \$50 for a monthly license or any part thereof. Each location where such business is to be conducted must be separately licensed.~~

A fee shall be charged in connection with the review of all market license applications and other actions of the Town described in or contemplated by this chapter in such amounts as set forth in the Master Fee Schedule.

Section 3. Amend Section 142-10 of the Town Code as follows:

~~A cash deposit of \$500 shall be required. The deposit shall be returned upon expiration of the license. The license fee for outdoor dining shall be \$100.~~

A deposit and fee shall be charged in connection with the review of all outdoor dining license applications and other actions of the Town described in or contemplated by this chapter in such amounts as set forth in the Master Fee Schedule.

Section 3. Amend Section 148-6 of the Town Code as follows:

~~A. The following fees shall be paid on application to the Town Clerk:~~

~~(1) For each person, corporation or company proposing to peddle or solicit, whether on foot or from a licensed vehicle, a filing fee of \$200.~~

~~(2) For any permit issued after July 1 in any year, the fee shall be \$100.~~

A fee shall be charged in connection with the review of all peddling and soliciting license applications and other actions of the Town described in or contemplated by this chapter in such amounts as set forth in the Master Fee Schedule.

Section 3. Amend Section 151-1 of the Town Code as follows:

No person shall conduct the business of a master or employing plumber in the Town of North Castle without first having obtained a license from the Trades Licensing Division of the Office of the Westchester County Clerk in accordance with the provisions of this chapter; nor shall any master or employing plumber so licensed commence any new work or the repair of any old plumbing work within the Town of North Castle without first having obtained a permit to do so from the Building Inspector of the Town of North Castle.

Section 3. Amend Section 151-2 of the Town Code as follows:

RESERVED

~~A. Any person desiring to conduct the business of a master or employing plumber shall file with the Town Clerk, on a form to be provided by that office, an application to conduct such a business. At the time of filing, such applicant shall pay an examination fee of \$100 to the Town Clerk.~~

~~B. An applicant may withdraw his application at any time prior to his examination. Upon approval of the Town Board, a refund not to exceed \$50 of the application fee shall be made to such applicant.~~

~~C. Any person holding a current master plumber's license from a municipality whose standards are comparable with the standards established by this chapter shall be issued a reciprocal license without further written examination upon payment of an application fee of \$100 to the Town Clerk. No reciprocal license shall be issued on the basis of another reciprocal license. The Board of Plumbing Examiners, for purposes of applications pursuant to this section, shall make a determination and compile a list of municipalities within the County of Westchester whose licensing procedures are comparable with the standards established by this chapter and whose licenses shall qualify for the issuance of a license under this chapter without further examination.~~

~~D. The Board of Plumbing Examiners may grant reciprocity on a case by case basis to licenses from outside the County of Westchester when it finds, by a majority of the Board, that the licensing standards of the municipality issuing the license are comparable with the standards established by this chapter, and that the credentials of the applicant justify granting such exception.~~

Section 3. Amend Section 151-3 of the Town Code as follows:

RESERVED

- A. ~~The Town Board shall appoint a Board of Plumbing Examiners to consist of five members. The Building Inspector, or his duly appointed representative, of the Town of North Castle shall be an ex-officio member. Two members shall be licensed master plumbers holding a current license in a town located in Westchester County and residing in the Town of North Castle. The two master plumbers appointed shall have at least five years of accredited experience as master plumbers. One member shall be a journeyman plumber residing in the Town of North Castle with at least five years accredited experience as a journeyman plumber. Such appointments shall be for a period of two years. The Chairman shall be designated by the Town Board.~~
- B. ~~Compensation for each member shall be \$15 paid to each Examining Board member, with the exception of the Building Inspector or his duly appointed representative, present to administer a test to an applicant or applicants. It shall be mandatory for a member to be present during the entire test to be eligible to receive compensation.~~
- C. ~~It shall be the function of the Board of Plumbing Examiners to determine the competency and fitness of applicants for license to engage in business as a master or employing plumber in the Town of North Castle and to inspect any new or old work in relation to plumbing systems within the town at the request of the Building Inspector.~~

Section 3. Amend Section 151-4 of the Town Code as follows:

RESERVED

- A. ~~Applicant hearings and testing.~~
- (1) ~~Hearings and testing shall be conducted at least four times during a calendar year, namely during the months of February, May, August and November. Specific dates during these months shall be up to the discretion of the Board of Examiners and at least two weeks' written notice shall be given to applicants prior to the dates arrived at. Additional hearings may be held in excess of the minimum four at the discretion of the Examining Board.~~
- (2) ~~The Town Clerk upon receiving applications for plumbing licenses shall promptly forward a copy of the application to the Chairman of the Examining Board.~~
- B. ~~At the hearing, the applicant shall present satisfactory evidence that he has served in any jurisdiction, a six year journeymanship under the supervision of a master plumber and such other evidence, as the Board may require, that he is a qualified person to carry on such business. If the applicant fails to present such evidence, his application will be denied and the full examination fee refunded.~~
- C. ~~Examination.~~
- (1) ~~If the applicant presents such satisfactory evidence, he shall then be required to take an examination consisting of two parts:~~
- (a) ~~Part One: written exam, questions relative to plumbing mathematics, plumbing systems and code interpretation.~~
- (b) ~~Part Two: schematic plumbing drawing.~~
- (2) ~~Examining Board members present during the examination shall fairly monitor the examination and grade the same after completion. Those members present shall sign the names to Part One and Part Two of all exams taken under their direction and witnessing.~~
- D. ~~Decision on application.~~
- (1) ~~Notice of approval or rejection shall be forwarded to the applicant by the Board within five working days after such examination and hearing. Any notice hereunder shall be signed by a majority of the members of the Board of Plumbing Examiners. In the event that approval is granted, the applicant shall provide the Building Inspector with the following:~~

- ~~(a) — Certificate showing compliance with New York State statutory requirements for Workers' Compensation Insurance.~~
 - ~~(b) — Certificate showing liability insurance in force, including completed operations coverage, which designates the Town of North Castle as a named insured, in the following amounts:
 - ~~{1} — For liability due to damage to property, \$500,000;~~
 - ~~{2} — For liability due to injury or death of persons, \$250,000 as to any one person and \$500,000 as to any one accident.~~~~
 - ~~(c) — A surety bond in the amount of \$5,000 guaranteeing the faithful compliance by him with the provisions of the State Building Construction Code, and local laws and ordinances of the Town of North Castle applicable to the work to be performed by him under his license, which bond shall be maintained in force during the term of the license. Said bond shall undertake to indemnify the Town of North Castle from all claims, including claims by third parties, resulting from any work performed under the terms of his license.~~
- ~~(2) — Upon receipt by the Building Inspector of the items specified above, he shall register the name and address of the applicant in a book to be kept for that purpose and shall issue to the applicant a numbered certificate of competency to conduct the business of plumbing, subject to obtaining the proper permits therefor as hereinafter provided.~~
- ~~E. — In the event that the applicant is rejected by the Board, the applicant may appeal such rejection within 60 days of the Town Board hearing. If such hearing is unsuccessful or if the applicant fails to initiate such appeal, \$25 of the examination fee shall be refunded to the applicant and the balance retained by the Town of North Castle.~~
- ~~F. — A grade of 65% or higher must be attained on the examination by an applicant in order to be approved for granting of a license. If an applicant fails to achieve a passing grade on the combined three-part examination, he may reapply under the provisions set forth in § 151-2 and shall be subject to the following procedures:~~
- ~~(1) — Second test: six month minimum waiting period following the date of the taking of the first exam.~~
 - ~~(2) — Third test: one year minimum waiting period following the taking of the second exam.~~
 - ~~(3) — Subsequent tests: a minimum waiting period of at least one year.~~

Section 3. Amend Section 151-5 of the Town Code as follows:

RESERVED

~~Each license issued hereunder shall expire on the next succeeding 31st day of December and shall be renewed within 30 days preceding such expiration by application to the Town Clerk and the payment of a fee of \$25. A license which has not been renewed on or before its expiration may be renewed within one year after its expiration by application to the Town Clerk and payment of a fee of \$40, which renewal shall be retroactive to the date of such expiration. A license which has not been renewed within one year after its expiration shall not be renewed without reexamination by the Board of Plumbing Examiners, pursuant to the procedures hereinbefore set forth.~~

Section 3. Amend Section 151-6 of the Town Code as follows:

RESERVED

~~No person receiving a license hereunder shall loan, rent or permit any person to use or receive the benefit of such license, directly or indirectly, by any arrangement whatsoever, and any person so doing shall subject his license to revocation.~~

Section 3. Amend Section 151-7 of the Town Code as follows:

RESERVED

- A. ~~If, at any time after the issuance of the license, the Board of Plumbing Examiners determines that the licensee is unfit or incapable of properly conducting his trade or business, it shall so report such fact to the Town Board, which may revoke such license after a public hearing. If the license is so revoked, there shall be no reimbursement of the licensing fee.~~
- B. ~~Any person having his license so revoked shall not become eligible for relicensing for a period of one year from the date of revocation, and only then after reexamination in accordance with the provisions of this chapter.~~

Section 3. Amend Section 151-9 of the Town Code as follows:

A fee shall be charged in connection with the plumbing permit applications and other actions of the Town described in or contemplated by this chapter in such amounts as set forth in the Master Fee Schedule.

Fees shall be as follows:

- A. ~~Installation of new house sewer from connection to public sewer or private sewer in the street or to the connection with a private septic system or other approved means of disposal to the building wall: \$10.~~
- B. ~~Sewer tie in inspection: \$5.~~
- C. ~~Installation of fire sprinkler, fire standpipe or combination sprinkler and standpipe water service from tap with main source to building control valve station or valve location: \$50. This fee covers the initial inspection and the two-hour hydrostatic test required.~~
- D. ~~New installation of one to eight fixtures, appliances or fire standpipe connections: \$35.~~
- E. ~~Each additional fixture, appliance or fire standpipe connection over eight: \$3 each.~~
- F. ~~Replacement of hot water heater (gas, electric or oil fired), gas stove, gas dryer, gas heating buffer, etc.: \$10.~~
- G. ~~Sprinkler system within buildings:~~
~~(1) New systems and replacements, one to eight sprinkler heads: \$10.~~
~~(2) Each additional head: \$1.~~
- H. ~~Lawn sprinkler systems, irrigation systems or ornamental display fountains:~~
~~(1) One to 10 connections: \$10.~~
~~(2) Each additional connection over 10: \$0.25 per connection.~~

Section 3. Amend Section 160-5.F of the Town Code as follows:

A deposit and fee shall be charged in connection with the review of all refuse, recyclables and trash license applications and other actions of the Town described in or contemplated by this chapter in such amounts as set forth in the Master Fee Schedule.

- F. ~~License fee. The license fees shall be as follows:~~
~~(1) For trucks with a capacity of less than 10 yards: \$25 per year, per normal working truck.~~
~~(2) For trucks with a capacity of 10 yards or more: \$50 per year, per normal working truck.~~

Section 3. Amend Section 164-13B.B of the Town Code as follows:

- B. Before any work is commenced, the owner(s) shall apply for a connection building sewer permit for residential sewer service which will be filed by the owner or his/her agent and shall make application on a special form furnished by the Town. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Superintendent. ~~A permit and inspection fee of \$25 for a residential building sewer permit shall be paid to the Town at the time the application is filed. A fee shall be charged in connection with the sewer service applications and other actions of the Town described in or contemplated by this chapter in such amounts as set forth in the Master Fee Schedule.~~

Section 3. Amend Section 164-35 of the Town Code as follows:

~~There shall be two classes of building sewer permits; for residential and commercial service, and for service to establishments producing industrial wastes. In either case The owner or his agent shall make application on a special form furnished by the town. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee of \$25 for a residential or commercial building sewer permit and \$50 for an industrial building sewer permit shall be paid to the town at the time the application is filed, commencing one year after the opening of the treatment plant. A fee shall be charged in connection with the sewer service applications and other actions of the Town described in or contemplated by this chapter in such amounts as set forth in the Master Fee Schedule.~~

Section 3. Amend Section 164-85 of the Town Code as follows:

~~There shall be two classes of building sewer permits; for residential and commercial service, and for service to establishments producing industrial wastes. In either case, The owner or his agent shall make application on a special form furnished by the town. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee of \$25 for a residential or commercial building sewer permit and \$50 for an industrial building sewer permit shall be paid to the town at the time the application is filed, commencing one year after the opening of the treatment plant. A fee shall be charged in connection with the sewer service applications and other actions of the Town described in or contemplated by this chapter in such amounts as set forth in the Master Fee Schedule.~~

Section 3. Amend Section 173-8.D of the Town Code as follows:

- D. Fees for services. The Town of North Castle may require any person undertaking land development activities regulated by Chapter 173 of the Town Code to pay reasonable costs at prevailing rates for review of SWPPPs, inspection, or SMP maintenance performed by the Town of North Castle or performed by a third party for the Town of North Castle in such amounts as set forth in the Master Fee Schedule.

Section 3. Amend Section 186-3 of the Town Code as follows:

Upon the order of the Town Board, the Town Clerk is hereby authorized and empowered to grant and issue the licenses referred to in the preceding section, which licenses are to continue in force until the first day of January next ensuing the granting thereof, on receipt for each license so granted in such amounts as set forth in the Master Fee Schedule. ~~of the sum of \$100.~~

Section 3. Amend Section 186-4 of the Town Code as follows:

Upon the order of the Town Board, the Town Clerk is hereby authorized to issue an annual renewal of each of said licenses upon payment in such amounts as set forth in the Master Fee Schedule. ~~to him of the sum of \$100 for each annual renewal thereof.~~

Section 3. Amend Section 192-5.C of the Town Code as follows:

- C. An application fee ~~of \$50~~ payment in such amount as set forth in the Master Fee Schedule, shall be submitted with the filing of the application. A separate application and fee shall be required for each lot, in such amount as set forth in the Master Fee Schedule. ~~An additional fee of \$25 shall be~~

submitted at the time the applicant requests a certificate of completion in accordance with § 192-14.

Section 3. Amend Section 204-4 of the Town Code as follows:

Persons desiring the use of the district water for building construction shall make application for such service. Water for building construction will be charged for at a flat rate depending on the type and size of the building, the minimum charge for any building shall be in such amount as set forth in the Master Fee Schedule being \$50. The district reserves the right to regulate the purpose for which the water may be used during construction and may, at its option, require the water to be metered and the fee for such water paid for at the rate then in force.

Section 3. Amend Section 204-5.A of the Town Code as follows:

- A. No water shall be obtained from the mains of the district for any purpose, except properly authorized construction, except through metered service. When meters are furnished for temporary or permanent service, a fee in such amount as set forth in the Master Fee Schedule, ~~of \$20~~ will be required by the Board for each meter.

Section 3. Amend Section 204-5.B of the Town Code as follows:

- B. To cover the cost of water meter replacement, the district shall require ~~make the following~~ meter charge on a quarterly basis in such amount as set forth in the Master Fee Schedule:

	<u>Size of Meter (inches)</u>	<u>Amount to be Charged (per quarter)</u>
	5/8 x 3/4	\$2.00
	1	3.50
	1 1/2	4.25
	2	5.00

Section 3. Amend Section 204-8 of the Town Code as follows:

In case of the violation of any of the rules, the Superintendent may shut off the supply upon 24 hours' notice, and water shall not be turned on again until the rules are complied with and all unpaid charges and rents are paid, together with additional charges basis in such amount as set forth in the Master Fee Schedule ~~of \$20~~ for turning off the water and ~~\$20~~ for turning on the water.

Section 3. Amend Section 204-10 of the Town Code as follows:

Written notice must be given by the owner to the Superintendent at 115 Business Park Drive, Armonk, New York, that the use of water is to be discontinued, and it shall be turned off at the curb when the property is temporarily vacated. The meter will be removed. A charge in such amount as set forth in the Master Fee Schedule ~~of \$20~~ will be made for turning off the water. The owner will be responsible for the use of water up to the time such notice is filed with the Superintendent, and a written request must be filed to have the water turned on again for which service a charge in such amount as set forth in the Master Fee Schedule ~~of \$20~~ will be made.

Section 3. Amend Section 204-17 of the Town Code as follows:

~~Charges for taps and connections shall be fixed by the Town Board, and charges may be changed by the Town Board without notice to meet changes in costs of labor or material. A fee shall be charged in connection with tap and connection applications and other actions of the Town described in or contemplated by this chapter in such amounts as set forth in the Master Fee Schedule. The charge shall include furnishing, delivering and inserting the tap.~~

Section 3. Amend Section 204-19.B of the Town Code as follows:

Should a leak develop, it shall be repaired immediately. In the event of the failure of the owner to repair such leak, the water district may, at its option, either shut off the service at the curb box and keep it off until repairs are made or enter upon the property and make the necessary repairs, charging the cost of same to the owner in such amount as set forth in the Master Fee Schedule. Whenever any service is so cut off, a charge in such amount as set forth in the Master Fee Schedule ~~of \$20~~ will be made for reopening the same.

Section 3. Amend Section 204-29 of the Town Code as follows:

~~A. The service charges are as follows:~~

	Diameter of Tap (inches)	Charge
	1	\$250.00
	1 1/2	\$350.00
	2	\$500.00

~~B. Any taps two inches or longer are to be made by the applicants, at no cost to the water district, and all materials used in making said tap must be approved by the Water Superintendent, under whose supervision and direction the installation will be made.~~

RESERVED

Section 3. Amend Section 204-31 of the Town Code as follows:

Meters will be furnished by and will remain the property of the water district. A fee shall be charged in connection with the water meter in such amounts as set forth in the Master Fee Schedule.

~~The following charges shall be made by the district to the consumer:~~

Meter Size (inches)	Charge
5/8 to 3/4	\$100.00
1	\$175.00
1 1/2	\$325.00
2	\$450.00

Section 3. Amend Section 204-33 of the Town Code as follows:

Should the consumer feel that the meter is not registering properly, he shall file a complaint with the Superintendent, whereupon the meter will be removed and tested by the Water Department. If it is found to register against the consumer by more than 2%, there will be no charge for removing, repairing and resetting the meter. If, however, the meter is not found to register against the consumer by more than 2%, a minimum charge in such amount as set forth in the Master Fee Schedule ~~of \$25~~ will be made for the test.

Section 3. Amend Section 204-35 of the Town Code as follows:

It shall be the duty of the property owner to protect the property of the district from harm. Should a meter become frozen or otherwise damaged, it shall be repaired by the water district at the expense of the owner in such amount as set forth in the Master Fee Schedule. ~~The minimum charge for such repair shall be \$25.~~

Section 3. Amend Section 204-38 of the Town Code as follows:

Meter reading transmitters placed on or within the building for the purpose of meter reading by the district will remain the property of the water district. It shall be the duty of the property owner to protect the property of the district from harm. Should a transmitter be removed, lost or otherwise damaged, it shall be replaced by the water district at the expense of the owner. The minimum charge for such repair shall be in such amount as set forth in the Master Fee Schedule ~~\$95.~~

Section 3. Amend Section 204-40 of the Town Code as follows:

No seal placed by the district for the protection of any meter, valve, fitting or other water connection shall be tampered with or defaced. It shall not be broken except on written authorization from the district. Where the seal is broken, the district reserves the right to order the meter removed for test, in such amount as set forth in the Master Fee Schedule. ~~at the expense of the consumer~~ and upon a penalty of \$25.

Section 3. Amend Section 204-50 of the Town Code as follows:

The fee for connecting a sprinkler system shall be paid in such amount as set forth in the Master Fee Schedule ~~fixed by the Town Board from time to time.~~

Section 3. Amend Section 204-60 of the Town Code as follows:

Persons desiring the use of the district water for building construction shall make application for such service. Water for building construction will be charged for at a flat rate depending on the type and size of building, the minimum charge for any building shall be paid in such amount as set forth in the Master Fee Schedule ~~being \$50.~~ The district reserves the right to regulate the purpose for which the water may be used during construction and may, at its option, require the water to be metered and the fee for such water paid for at the rate then in force.

Section 3. Amend Section 204-61 of the Town Code as follows:

- A. No water shall be obtained from the mains of the district for any purpose, except properly authorized construction, except through a metered service. When meters are furnished for temporary service, a fee paid in such amount as set forth in the Master Fee Schedule ~~of \$50~~ will be required by the Board for each meter.
- B. To cover the cost of water meter replacement, the district shall require charge ~~a make the following~~ meter charge on a quarterly basis in such amount as set forth in the Master Fee Schedule.

	Size of Meter (inches)	Amount to be Charged (per quarter)
	5/8 x 3/4	\$2.00
	1	\$3.50
	1 1/2	\$4.25
	2	\$5.00

- C. This meter charge will be reflected on the quarterly water bill, March 1, June 1, September 1, and December 1, annually.

Section 3. Amend Section 204-64 of the Town Code as follows:

In case of the violation of any of the rules, the Superintendent of the district may shut off the supply upon 24 hours' notice, and water shall not be turned on again until the rules are complied with and all unpaid

charges and rents are paid, together with additional charges in such amount as set forth in the Master Fee Schedule of \$20 for turning off the water and \$20 for turning on the water.

Section 3. Amend Section 204-66 of the Town Code as follows:

Written notice must be given by the owner to the Superintendent at 115 Business Park Drive, Armonk, New York, that the use of water is to be discontinued, and it shall be turned off at the curb when the property is temporarily vacated, if requested by the owner. The meter may be removed. A charge in such amount as set forth in the Master Fee Schedule of \$20 will be made for turning off the water. The owner will be responsible for the use of water up to the time such notice is filed to have the water turned on again, for which service a charge in such amount as set forth in the Master Fee Schedule of \$20 will shall be made.

Section 3. Amend Section 204-67 of the Town Code as follows:

All applications for tapping and making connections with the mains or water pipes of the district or any pipes privately owned or supplied by the district must be made to the district by the owner of the property or by an authorized agent. Said owner or his agent, filing a written authority from the owner, must pay in advance the charges made for tapping in such amount as set forth in the Master Fee Schedule . All applications must be accompanied by a site plan drawing showing the exact location and specifications of the proposed service line and meter. Said site plan must be approved by the Superintendent prior to the commencement of any work.

Section 3. Amend Section 204-73 of the Town Code as follows:

A fee shall be charged in connection with tap and connection applications and other actions of the Town described in or contemplated by this chapter in such amounts as set forth in the Master Fee Schedule. ~~Charges for taps and connections shall be fixed by the Town Board, and charges may be changed by the Town Board, without notice, to meet changes in costs of labor or material.~~ The charge shall include furnishing, delivering and inserting the tap.

Section 3. Amend Section 204-75 of the Town Code as follows:

No service pipe leading from the curb box to the meter shall be less than one inch in diameter or less than four feet under the ground, unless special permission is granted by the district for a shallower depth. All service pipes between the curb box and meter shall be maintained in good condition by the property owner. Should a leak develop, it shall be repaired immediately. In the event of the failure of the owner to repair such leak, the water district may, at its option, either shut off the service at the curb box and keep it off until repairs are made, or enter upon the property and make the necessary repairs, charging the cost of same to the owner. Whenever any service is so cut off, a charge in such amount as set forth in the Master Fee Schedule of \$10 ~~will~~ shall be made for reopening the same.

Section 3. Amend Section 204-85 of the Town Code as follows:

~~A. The service charges are as follows:~~

	Diameter of Tap(inches)	Charge
	1	\$250.00
	1 1/2	\$350.00
	2	\$500.00

~~B. Larger size taps shall be by application to the Superintendent.~~

RESERVED

Section 3. Amend Section 204-86 of the Town Code as follows:

Meters will be furnished by and will remain the property of the water district. A fee shall be charged in connection with the water meter in such amounts as set forth in the Master Fee Schedule.

The following charges shall be made by the district to the consumer:

Meter Size (inches)	Charge
5/8 to 3/4	\$100.00
1	\$175.00
1 1/2	\$325.00
2	\$450.00

Section 3. Amend Section 204-88 of the Town Code as follows:

Should the consumer feel that the meter is not registering properly, he shall file a complaint with the Superintendent, whereupon the meter will be removed and tested by the Water Department. If it is found to register against the consumer by more than 2%, there will be no charge for removing, repairing and resetting the meter. If, however, the meter is not found to register against the consumer by more than 2%, a minimum charge in such amount as set forth in the Master Fee Schedule ~~of \$25~~ will be made for the test.

Section 3. Amend Section 204-90 of the Town Code as follows:

It shall be the duty of the property owner to protect the property of the district from harm. Should a meter become frozen or otherwise damaged, it shall be repaired by the water district at the expense of the owner in such amount as set forth in the Master Fee Schedule. ~~The minimum charge for such repair shall be \$25.~~

Section 3. Amend Section 204-91 of the Town Code as follows:

No more than one meter will be furnished for each service. Where more than one meter to a tap is desired, the owner may obtain it by paying the charge for the use of the extra meter as set forth in the Master Fee Schedule ~~herein~~.

Section 3. Amend Section 204-93 of the Town Code as follows:

Meter reading transmitters placed on or within the building for the purpose of meter reading by the district will remain the property of the water district. It shall be the duty of the property owner to protect the property of the district from harm. Should a transmitter be removed, lost or otherwise damaged, it shall be replaced by the water district at the expense of the owner in such amount as set forth in the Master Fee Schedule. ~~The minimum charge for such repair shall be \$95.~~

Section 3. Amend Section 204-95 of the Town Code as follows:

No seal placed by the district for the protection of any meter, valve, fitting or other water connection shall be tampered with or defaced. It shall not be broken except on written authorization from the district. Where the seal is broken, the district reserves the right to order the meter removed for test, in such amount as set forth in the Master Fee Schedule. ~~at the expense of the consumer and upon a penalty of \$25.~~

Section 3. Amend Section 204-102 of the Town Code as follows:

The owner must keep the service pipes and fixtures in good repair, at his own risk and expense, and prevent all unnecessary waste of water, and all water consumers shall be liable for all such repairs as shall be deemed necessary to prevent water waste. Upon failure to comply with this rule, the district may repair the same and bill the owner. In the event that any such charge for work done or materials furnished shall remain unpaid for one month after the presentation of the bill, the Board may turn off the water and not turn it on again until all charges are paid, including charges in such amount as set forth in the Master Fee Schedule ~~of \$20~~ each for turning off and on the water.

Section 3. Amend Section 204-129 of the Town Code as follows:

Persons desiring the use of the district water for building construction shall make application for such service. Water for building construction will be charged for at a flat rate depending on the type and size of the building, the minimum charge for any building being in such amount as set forth in the Master Fee Schedule \$50. The district reserves the right to regulate the purpose for which the water may be used during construction and may, at its option, require the water to be metered and the fee for such water paid for at the rate then in force.

Section 3. Amend Section 204-130 of the Town Code as follows:

- A. No water shall be obtained from the mains of the district for any purpose, except properly authorized construction, except through a metered service. When meters are furnished for temporary service, a fee paid in such amount as set forth in the Master Fee Schedule ~~of \$50~~ will be required by the Board for each meter.
- B. To cover the cost of water meter replacement, the district shall require ~~charge~~ a ~~make the following~~ meter charge on a quarterly basis in such amount as set forth in the Master Fee Schedule.

	Size of Meter (inches)	Amount to be Charged (per quarter)
	5/8 x 3/4	\$2.00
	1	\$3.50
	1 1/2	\$4.25
	2	\$5.00

- C. This meter charge will be reflected on the quarterly water bill, March 1, June 1, September 1, and December 1, annually.

Section 3. Amend Section 204-133 of the Town Code as follows:

In case of the violation of any of the rules, the Superintendent of the district may shut off the supply upon 24 hours' notice, and water shall not be turned on again until the rules are complied with and all unpaid charges and rents are paid, together with additional charges in such amount as set forth in the Master Fee Schedule ~~of \$20~~ for turning off the water and ~~\$20~~ for turning on the water.

Section 3. Amend Section 204-135 of the Town Code as follows:

Written notice must be given by the owner to the Superintendent at 115 Business Park Drive, Armonk, New York, that the use of water is to be discontinued, and it shall be turned off at the curb when the property is temporarily vacated, if requested by the owner. The meter may be removed. A charge in such amount as set forth in the Master Fee Schedule ~~of \$20~~ will be made for turning off the water. The owner will be responsible for the use of water up to the time such notice is filed to have the water turned on again, for which service a charge in such amount as set forth in the Master Fee Schedule ~~of \$20~~ will ~~shall~~ be made.

Section 3. Amend Section 204-136 of the Town Code as follows:

All applications for tapping and making connections with the mains or water pipes of the district or any pipes privately owned or supplied by the district must be made to the district by the owner of the property or by an authorized agent. Said owner or his agent, filing a written authority from the owner, must pay in advance the charges made for tapping in such amount as set forth in the Master Fee Schedule . All applications must be accompanied by a site plan drawing showing the exact location and specifications of the proposed service line and meter. Said site plan must be approved by the Superintendent prior to the commencement of any work.

Section 3. Amend Section 204-142 of the Town Code as follows:

A fee shall be charged in connection with tap and connection applications and other actions of the Town described in or contemplated by this chapter in such amounts as set forth in the Master Fee Schedule. Charges for taps and connections shall be fixed by the Town Board, and charges may be changed by the Town Board, without notice, to meet changes in costs of labor or material. The charge shall include furnishing, delivering and inserting the tap.

Section 3. Amend Section 204-144 of the Town Code as follows:

No service pipe leading from the curb box to the meter shall be less than one inch in diameter or less than four feet under the ground, unless special permission is granted by the district for a shallower depth. All service pipes between the curb box and meter shall be maintained in good condition by the property owner. Should a leak develop, it shall be repaired immediately. In the event of the failure of the owner to repair such leak, the water district may, at its option, either shut off the service at the curb box and keep it off until repairs are made, or enter upon the property and make the necessary repairs, charging the cost of same to the owner. Whenever any service is so cut off, a charge in such amount as set forth in the Master Fee Schedule ~~of \$20 will~~ shall be made for reopening the same.

Section 3. Amend Section 204-154 of the Town Code as follows:

A. ~~The service charges are as follows:~~

	Diameter of Tap(inches)	Charge
	1	\$250.00
	1 1/2	\$350.00
	2	\$500.00

B. ~~Larger size~~

~~taps shall be by application to the Superintendent.~~

RESERVED

Section 3. Amend Section 204-155 of the Town Code as follows:

Meters will be furnished by and will remain the property of the water district. A fee shall be charged in connection with the water meter in such amounts as set forth in the Master Fee Schedule.

~~The following charges shall be made by the district to the consumer:~~

Meter Size (inches)	Charge
5/8 to 3/4	\$100.00
1	\$175.00
1 1/2	\$325.00
2	\$450.00

Section 3. Amend Section 204-157 of the Town Code as follows:

Should the consumer feel that the meter is not registering properly, he shall file a complaint with the Superintendent, whereupon the meter will be removed and tested by the Water Department. If it is found to register against the consumer by more than 2%, there will be no charge for removing, repairing and resetting the meter. If, however, the meter is not found to register against the consumer by more than 2%,

a minimum charge in such amount as set forth in the Master Fee Schedule ~~of \$25~~ will be made for the test.

Section 3. Amend Section 204-159 of the Town Code as follows:

It shall be the duty of the property owner to protect the property of the district from harm. Should a meter become frozen or otherwise damaged, it shall be repaired by the water district at the expense of the owner in such amount as set forth in the Master Fee Schedule. ~~The minimum charge for such repair shall be \$10.~~

Section 3. Amend Section 204-160 of the Town Code as follows:

No more than one meter will be furnished for each service. Where more than one meter to a tap is desired, the owner may obtain it by paying the charge for the use of the extra meter as set forth in the Master Fee Schedule ~~herein~~.

Section 3. Amend Section 204-162 of the Town Code as follows:

Meter reading transmitters placed on or within the building for the purpose of meter reading by the district will remain the property of the water district. It shall be the duty of the property owner to protect the property of the district from harm. Should a transmitter be removed, lost or otherwise damaged, it shall be replaced by the water district at the expense of the owner in such amount as set forth in the Master Fee Schedule. ~~The minimum charge for such repair shall be \$95.~~

Section 3. Amend Section 204-164 of the Town Code as follows:

No seal placed by the district for the protection of any meter, valve, fitting or other water connection shall be tampered with or defaced. It shall not be broken except on written authorization from the district. Where the seal is broken, the district reserves the right to order the meter removed for test, in such amount as set forth in the Master Fee Schedule. ~~at the expense of the consumer and upon a penalty of \$25.~~

Section 3. Amend Section 204-171 of the Town Code as follows:

The owner must keep the service pipes and fixtures in good repair, at his own risk and expense, and prevent all unnecessary waste of water, and all water consumers shall be liable for all such repairs as shall be deemed necessary to prevent water waste. Upon failure to comply with this rule, the district may repair the same and bill the owner. In the event that any such charge for work done or materials furnished shall remain unpaid for one month after the presentation of the bill, the Board may turn off the water and not turn it on again until all charges are paid, including charges in such amount as set forth in the Master Fee Schedule ~~of \$20~~ each for turning off and on the water.

Section 3. Amend Section 204-185 of the Town Code as follows:

Persons desiring the use of the district water for building construction shall make application for such service. Water for building construction will be charged for at a flat rate depending on the type and size of building, the minimum charge for any building shall be in such amount as set forth in the Master Fee Schedule ~~being \$50~~. The district reserves the right to regulate the purpose for which the water may be used during construction and may at its option require the water to be metered and the fee for such water paid for at the rate then in force.

Section 3. Amend Section 204-186 of the Town Code as follows:

- A. No water shall be obtained from the mains of the district for any purpose, except properly authorized construction, except through a metered service. When meters are furnished for temporary service, a fee paid in such amount as set forth in the Master Fee Schedule ~~of \$50~~ will be required by the Board for each meter.
- B. To cover the cost of water meter replacement, the district shall require ~~charge~~ a ~~make the following~~ meter charge on a quarterly basis in such amount as set forth in the Master Fee Schedule.

	Size of Meter (inches)	Amount to be Charged (per quarter)
	5/8 x 3/4	\$2.00
	1	\$3.50
	1 1/2	\$4.25
	2	\$5.00

- C. This meter charge will be reflected on the quarterly water bill, March 1, June 1, September 1, and December 1, annually.

Section 3. Amend Section 204-189 of the Town Code as follows:

In case of the violation of any of the rules, the Superintendent of the district may shut off the supply upon 24 hours' notice, and water shall not be turned on again until the rules are complied with and all unpaid charges and rents are paid, together with additional charges in such amount as set forth in the Master Fee Schedule of \$20 for turning off the water and \$20 for turning on the water.

Section 3. Amend Section 204-191 of the Town Code as follows:

Written notice must be given by the owner to the Superintendent at 115 Business Park Drive, Armonk, New York, that the use of water is to be discontinued, and it shall be turned off at the curb when the property is temporarily vacated, if requested by the owner. The meter may be removed. A charge in such amount as set forth in the Master Fee Schedule of \$20 will be made for turning off the water. The owner will be responsible for the use of water up to the time such notice is filed to have the water turned on again, for which service a charge in such amount as set forth in the Master Fee Schedule of \$20 ~~will~~ shall be made.

Section 3. Amend Section 204-192 of the Town Code as follows:

All applications for tapping and making connections with the mains or water pipes of the district or any pipes privately owned or supplied by the district must be made to the district by the owner of the property or by an authorized agent. Said owner or his agent, filing a written authority from the owner, must pay in advance the charges made for tapping in such amount as set forth in the Master Fee Schedule . All applications must be accompanied by a site plan drawing showing the exact location and specifications of the proposed service line and meter. Said site plan must be approved by the Superintendent prior to the commencement of any work.

Section 3. Amend Section 204-198 of the Town Code as follows:

A fee shall be charged in connection with tap and connection applications and other actions of the Town described in or contemplated by this chapter in such amounts as set forth in the Master Fee Schedule. Charges for taps and connections shall be fixed by the Town Board, and charges may be changed by the Town Board, without notice, to meet changes in costs of labor or material. The charge shall include furnishing, delivering and inserting the tap.

Section 3. Amend Section 204-200 of the Town Code as follows:

No service pipe leading from the curb box to the meter shall be less than one inch in diameter or less than four feet under the ground, unless special permission is granted by the district for a shallower depth. All service pipes between the curb box and meter shall be maintained in good condition by the property owner. Should a leak develop, it shall be repaired immediately. In the event of the failure of the owner to repair such leak, the water district may, at its option, either shut off the service at the curb box and keep it off until repairs are made, or enter upon the property and make the necessary repairs, charging the cost of same to the owner. Whenever any service is so cut off, a charge in such amount as set forth in the Master Fee Schedule of \$15 ~~will~~ shall be made for reopening the same.

Section 3. Amend Section 204-210 of the Town Code as follows:

A. The service charges are as follows:

	Diameter of Tap(inches)	Charge
	1	\$250.00
	1 1/2	\$350.00
	2	\$500.00

B. Larger size taps shall be by application to the Superintendent.

RESERVED

Section 3. Amend Section 204-211 of the Town Code as follows:
Meters will be furnished by and will remain the property of the water district. A fee shall be charged in connection with the water meter in such amounts as set forth in the Master Fee Schedule.

The following charges shall be made by the district to the consumer:

Meter Size (inches)	Charge
5/8 to 3/4	\$100.00
1	\$175.00
1 1/2	\$325.00
2	\$450.00

Section 3. Amend Section 204-213 of the Town Code as follows:

Should the consumer feel that the meter is not registering properly, he shall file a complaint with the Superintendent, whereupon the meter will be removed and tested by the Water Department. If it is found to register against the consumer by more than 2%, there will be no charge for removing, repairing and resetting the meter. If, however, the meter is not found to register against the consumer by more than 2%, a minimum charge in such amount as set forth in the Master Fee Schedule ~~of \$25~~ will be made for the test.

Section 3. Amend Section 204-215 of the Town Code as follows:

It shall be the duty of the property owner to protect the property of the district from harm. Should a meter become frozen or otherwise damaged, it shall be repaired by the water district at the expense of the owner in such amount as set forth in the Master Fee Schedule. ~~The minimum charge for such repair shall be \$25.~~

Section 3. Amend Section 204-216 of the Town Code as follows:

No more than one meter will be furnished for each service. Where more than one meter to a tap is desired, the owner may obtain it by paying the charge for the use of the extra meter as set forth in the Master Fee Schedule herein.

Section 3. Amend Section 204-218 of the Town Code as follows:

Meter reading transmitters placed on or within the building for the purpose of meter reading by the district will remain the property of the water district. It shall be the duty of the property owner to protect the property of the district from harm. Should a transmitter be removed, lost or otherwise damaged, it shall be replaced by the water district at the expense of the owner in such amount as set forth in the Master Fee Schedule. ~~The minimum charge for such repair shall be \$95.~~

Section 3. Amend Section 204-220 of the Town Code as follows:

No seal placed by the district for the protection of any meter, valve, fitting or other water connection shall be tampered with or defaced. It shall not be broken except on written authorization from the district. Where the seal is broken, the district reserves the right to order the meter removed for test, in such amount as set forth in the Master Fee Schedule, ~~at the expense of the consumer and upon a penalty of \$25.~~

Section 3. Amend Section 204-227 of the Town Code as follows:

The owner must keep the service pipes and fixtures in good repair, at his own risk and expense, and prevent all unnecessary waste of water, and all water consumers shall be liable for all such repairs as shall be deemed necessary to prevent water waste. Upon failure to comply with this rule, the district may repair the same and bill the owner. In the event that any such charge for work done or materials furnished shall remain unpaid for one month after the presentation of the bill, the Board may turn off the water and not turn it on again until all charges are paid, including charges in such amount as set forth in the Master Fee Schedule ~~of \$15~~ each for turning off and on the water.

Section 3. Amend Section 204-242 of the Town Code as follows:

Persons desiring the use of the district water for building construction shall make application for such service. Water for building construction will be charged for at a flat rate depending on the type and size of building, the minimum charge for any building shall be in such amount as set forth in the Master Fee Schedule ~~being \$50~~. The district reserves the right to regulate the purpose for which the water may be used during construction and may at its option require the water to be metered and the fee for such water paid for at the rate then in force.

Section 3. Amend Section 204-243 of the Town Code as follows:

- A. No water shall be obtained from the mains of the district for any purpose, except properly authorized construction, except through a metered service. When meters are furnished for temporary service, a fee paid in such amount as set forth in the Master Fee Schedule ~~of \$50~~ will be required by the Board for each meter.
- B. To cover the cost of water meter replacement, the district shall require ~~charge~~ a ~~make the following~~ meter charge on a quarterly basis in such amount as set forth in the Master Fee Schedule.

	Size of Meter (inches)	Amount to be Charged (per quarter)
	5/8 x 3/4	\$2.00
	1	\$3.50
	1 1/2	\$4.25
	2	\$5.00

- C. This meter charge will be reflected on the quarterly water bill, March 1, June 1, September 1, and December 1, annually.

Section 3. Amend Section 204-246 of the Town Code as follows:

In case of the violation of any of the rules, the Superintendent of the district may shut off the supply upon 24 hours' notice, and water shall not be turned on again until the rules are complied with and all unpaid charges and rents are paid, together with additional charges in such amount as set forth in the Master Fee Schedule ~~of \$20~~ for turning off the water and ~~\$20~~ for turning on the water.

Section 3. Amend Section 204-248 of the Town Code as follows:

Written notice must be given by the owner to the Superintendent at 115 Business Park Drive, Armonk, New York, that the use of water is to be discontinued, and it shall be turned off at the curb when the property is temporarily vacated, if requested by the owner. The meter may be removed. A charge in such amount as set forth in the Master Fee Schedule of \$20 will be made for turning off the water. The owner will be responsible for the use of water up to the time such notice is filed to have the water turned on again, for which service a charge in such amount as set forth in the Master Fee Schedule of \$20 will ~~shall~~ be made.

Section 3. Amend Section 204-249 of the Town Code as follows:

All applications for tapping and making connections with the mains or water pipes of the district or any pipes privately owned or supplied by the district must be made to the district by the owner of the property or by an authorized agent. Said owner or his agent, filing a written authority from the owner, must pay in advance the charges made for tapping in such amount as set forth in the Master Fee Schedule . All applications must be accompanied by a site plan drawing showing the exact location and specifications of the proposed service line and meter. Said site plan must be approved by the Superintendent prior to the commencement of any work.

Section 3. Amend Section 204-255 of the Town Code as follows:

A fee shall be charged in connection with tap and connection applications and other actions of the Town described in or contemplated by this chapter in such amounts as set forth in the Master Fee Schedule. ~~Charges for taps and connections shall be fixed by the Town Board, and charges may be changed by the Town Board, without notice, to meet changes in costs of labor or material.~~ The charge shall include furnishing, delivering and inserting the tap.

Section 3. Amend Section 204-257 of the Town Code as follows:

No service pipe leading from the curb box to the meter shall be less than one inch in diameter or less than four feet under the ground, unless special permission is granted by the district for a shallower depth. All service pipes between the curb box and meter shall be maintained in good condition by the property owner. Should a leak develop, it shall be repaired immediately. In the event of the failure of the owner to repair such leak, the water district may, at its option, either shut off the service at the curb box and keep it off until repairs are made, or enter upon the property and make the necessary repairs, charging the cost of same to the owner. Whenever any service is so cut off, a charge in such amount as set forth in the Master Fee Schedule of \$15 will ~~shall~~ be made for reopening the same.

Section 3. Amend Section 204-267 of the Town Code as follows:

~~A. The service charges are as follows:~~

	<u>Diameter of Tap(inches)</u>	<u>Charge</u>
	1	\$250.00
	1 1/2	\$350.00
	2	\$500.00

~~B. Larger size taps shall be by application to the Superintendent.~~

RESERVED

Section 3. Amend Section 204-268 of the Town Code as follows:

Meters will be furnished by and will remain the property of the water district. A fee shall be charged in connection with the water meter in such amounts as set forth in the Master Fee Schedule.

~~The following charges shall be made by the district to the consumer:~~

Meter Size (inches)	Charge
5/8 to 3/4	\$100.00
1	\$175.00
1 1/2	\$325.00
2	\$450.00

Section 3. Amend Section 204-270 of the Town Code as follows:

Should the consumer feel that the meter is not registering properly, he shall file a complaint with the Superintendent, whereupon the meter will be removed and tested by the Water Department. If it is found to register against the consumer by more than 2%, there will be no charge for removing, repairing and resetting the meter. If, however, the meter is not found to register against the consumer by more than 2%, a minimum charge in such amount as set forth in the Master Fee Schedule ~~of \$25~~ will be made for the test.

Section 3. Amend Section 204-272 of the Town Code as follows:

It shall be the duty of the property owner to protect the property of the district from harm. Should a meter become frozen or otherwise damaged, it shall be repaired by the water district at the expense of the owner in such amount as set forth in the Master Fee Schedule. ~~The minimum charge for such repair shall be \$25.~~

Section 3. Amend Section 204-273 of the Town Code as follows:

No more than one meter will be furnished for each service. Where more than one meter to a tap is desired, the owner may obtain it by paying the charge for the use of the extra meter as set forth in the Master Fee Schedule herein.

Section 3. Amend Section 204-275 of the Town Code as follows:

Meter reading transmitters placed on or within the building for the purpose of meter reading by the district will remain the property of the water district. It shall be the duty of the property owner to protect the property of the district from harm. Should a transmitter be removed, lost or otherwise damaged, it shall be replaced by the water district at the expense of the owner in such amount as set forth in the Master Fee Schedule. ~~The minimum charge for such repair shall be \$95.~~

Section 3. Amend Section 204-277 of the Town Code as follows:

No seal placed by the district for the protection of any meter, valve, fitting or other water connection shall be tampered with or defaced. It shall not be broken except on written authorization from the district. Where the seal is broken, the district reserves the right to order the meter removed for test, in such amount as set forth in the Master Fee Schedule. ~~at the expense of the consumer and upon a penalty of \$25.~~

Section 3. Amend Section 204-284 of the Town Code as follows:

The owner must keep the service pipes and fixtures in good repair, at his own risk and expense, and prevent all unnecessary waste of water, and all water consumers shall be liable for all such repairs as shall be deemed necessary to prevent water waste. Upon failure to comply with this rule, the district may repair the same and bill the owner. In the event that any such charge for work done or materials furnished shall remain unpaid for one month after the presentation of the bill, the Board may turn off the water and not turn it on again until all charges are paid, including charges in such amount as set forth in the Master Fee Schedule ~~of \$15~~ each for turning off and on the water.

Section 3. Amend Section 209-6.D(1) of the Town Code as follows:

- (1) An application fee in such amount as set forth in the Master Fee Schedule ~~of \$50~~ shall be paid by the applicant.

Section 3. Amend Section 213-15.D(1) of the Town Code as follows:

- (1) Permit fee. Every applicant for a permit, before being granted such permit, shall pay to the Building Inspector a fee in such amount as set forth in the Master Fee Schedule ~~the amount of \$5 plus \$0.50 for each square foot, or fraction thereof, in excess of 10 square feet of sign area.~~ No temporary sign permit fee shall be required of any nonprofit organization.

Section 3. Amend Section 213-62.B of the Town Code as follows:

- B. Before any permit shall be issued, written application therefor shall be made in duplicate on official Town forms. All applications shall be accompanied by a fee, in such amount as set forth in the Master Fee Schedule ~~accordance with the fee schedule set by the Town Board~~, and two copies of a layout or plot plan drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the exact size and location on the lot of all buildings proposed to be built on the lot, and of any existing buildings or structures that shall remain, the existing and intended use of each building or part of the building, the estimated cost, the official base flood elevation data provided by the Federal Insurance Administration or, in the event such data is not yet available, any base flood elevation data which is approved by the Town Engineer and is available from federal, state, county or Town agencies, or other sources, and such other information with regard to the lot and neighboring lots that may be necessary to determine and provide for the enforcement of this chapter. Except for a permit exclusively for a sign, a plot plan shall also show all public service lines, septic tanks and other sanitary facilities, the number of families that the building is designed to accommodate, the nature of the improvement and the intended use or purpose to be made of the improvement and premises. One copy of such plan, properly endorsed, shall be returned to the owner, either in person or by mail, when such plans shall have been approved by the Building Inspector. In riverine situations, the Building Inspector shall notify adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notifications to the Federal Insurance Administration.

Section 3. Amend Section 213-67.A of the Town Code as follows:

- A. A fee shall be charged in connection with the review of any zoning application or petition requesting any amendment, supplement, change, modification or repeal of the zoning regulations or district boundaries; any special permit; and any site plan application described in or contemplated by this chapter in such amounts as set forth in the Master Fee Schedule.

~~For the purpose of defraying administrative costs involved in the review of applications and appeals and the legal notices required by law, the following actions shall be accompanied by a fee, in the amount prescribed and payable to the Town of North Castle:~~

- ~~(1) — Each application or petition requesting any amendment, supplement, change, modification or repeal of the zoning regulations or district boundaries, submitted in accordance with Article XII of this chapter: \$200.~~
- ~~(2) — Each application for a special permit, in accordance with §§ 213-26 through 213-32 of this chapter: \$200, plus \$5 for each required off street parking space. Where an expansion is proposed for an existing building, the fee required would be \$200, plus \$5 for each new required parking space.~~
- ~~(3) — Each application for site plan approval in accordance with §§ 213-34 through 213-41 of this chapter:~~
 - ~~(a) — For new buildings: \$200, plus \$10 for each required off street parking space.~~
 - ~~(b) — For existing buildings: \$200, plus \$10 for each new required parking space.~~
 - ~~(c) — For multifamily dwellings in multifamily residence districts: \$100 for each proposed dwelling unit.~~
- ~~(4) — Each appeal or application taken to the Board of Appeals, in accordance with §§ 213-65 and 213-66 of this chapter: \$250.~~

Section 3. Amend Section A216-13.F of the Town Code as follows:

- F. The applicant(s) has paid a fee in such amount as set forth in the Master Fee Schedule.
~~as required in Appendix B of these regulations.~~

Section 3. Amend Section A216-15.A(1)(h) of the Town Code as follows:

- (h) Be accompanied by the payment of an application fee in such amount as set forth in the Master Fee Schedule. ~~as required in Appendix B~~

Section 3. Amend Section A216-15.A(1)(h) of the Town Code as follows:

- (11) Be accompanied by a fee in such amount as set forth in the Master Fee Schedule. ~~as required by § A216-34 of these regulations.~~

Section 3. Amend Section A216-18.C of the Town Code as follows:

- C. Inspection fee. To offset the costs incurred by the Town in conducting inspections, all applicants for approval of subdivisions involving the construction of streets and/or other improvements shall be required to submit an inspection fee, in such amount as set forth in the Master Fee Schedule. ~~as required in § A216-36.~~

Section 3. Amend Section A216-34 A & B of the Town Code as follows:

- A. Discussion fees. Where, prior to submission of a sketch or preliminary subdivision plat, an applicant or an applicant's representative wishes to discuss a subdivision proposal with the Planning Board, a discussion fee in such amount as set forth in the Master Fee Schedule ~~of \$200~~ shall be submitted for each such informal appearance before the Board.

- B. Subdivision application.

A fee shall be charged in connection with the review of all subdivision applications, including sketch plat, preliminary subdivision and final subdivision applications described in or contemplated by this chapter in such amounts as set forth in the Master Fee Schedule.

~~Where an application for subdivision approval is submitted, the application shall be accompanied by fees as follows:~~

~~(1) — Sketch plat: \$50 per lot.~~

~~(2) — Preliminary subdivision plat: \$300 for the first lot and \$200 for each additional lot.~~

~~(3) — Final subdivision plat: \$250 for the first lot and \$100 for each additional lot.~~

Section 3. Amend Section A216-35.A & B of the Town Code as follows:

- A. Where the Planning Board finds that, with respect to a subdivision, a reservation of land would be inappropriate, the Planning Board shall require the applicant to deposit with the Town Board a parks reservation fee in such amount as set forth in the Master Fee Schedule ~~of \$10,000 per~~ for each new building lot. These moneys shall be placed in a special fund to be used for the purchase and development of sites for parks and recreational areas in the Town.

- B. In all cases where a middle-income unit is developed and where the Planning Board finds that, with respect to a subdivision, a reservation of land would be inappropriate, the Planning Board shall require the applicant to deposit with the Town Board a parks reservation fee in such amount as set forth in the Master Fee Schedule ~~of \$10,000 per~~ for each new building lot. These moneys shall be placed in a special fund to be used for the purchase and development of sites for parks and recreational areas in the Town.

~~the recreation fee shall be \$1,000 per new building lot.~~

Section 3. Amend Section A216-36 of the Town Code as follows:

To offset the costs incurred by the Town in conducting inspections, all applicants for approval of subdivisions involving the construction of streets and/or other improvements shall be required to submit an inspection fee, payable to the Town of North Castle, in such amount as set forth in the Master Fee Schedule ~~equal in the amount of 5% of the total costs for the improvements. As determined by the Town Board, additional inspection fees shall be paid by the owner of the project where delays in completing the work extend the construction period beyond one year and result in the cost of inspection services exceeding the original fee amount.~~

Section 3. Amend Section A216-37 of the Town Code as follows:

Where a subdivision requires for its preliminary and final approval other permits and approvals of the Town, applicants should be apprised of other fees required by the Town to offset the costs of permit review and issuance.

A. Town environmental quality review fee.

- (1) ~~RESERVED Accompanying an environmental clearance form: \$25.~~
- (2) Accompanying an environmental assessment form: In such amount as set forth in the Master Fee Schedule \$100.
- (3) ~~Accompanying any environmental impact statement for residential projects, 2% of the total project cost, which shall include the cost of the land plus the cost of all required site improvements, not including the cost of buildings and structures, minus \$50.~~
- (4) ~~Accompanying any environmental impact statement for nonresidential projects, 1/2 of 1% of the total project cost. The total project cost shall be the cost of supplying utility service to the project, the cost of site preparation and the cost of labor and material, as determined with reference to a current cost data publication in common usage, such as Building Construction Cost Data by Means.~~

B. Town Wetlands and Watercourse Protection Law fee. A permit fee in such amount as set forth in the Master Fee Schedule ~~of \$50~~ shall be paid to the Town as a condition precedent to the issuance of a permit for an approved application.

C. Town Flood Damage Prevention Law fee. A permit fee in such amount as set forth in the Master Fee Schedule ~~of \$50~~ shall be paid to the Town as a condition precedent to the issuance of a permit for an approved application.

Section 4. 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 5. 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 6. Effective Date.

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

Dated: August 14, 2013