

Town Board Minutes
Town of North Castle
15 Bedford Road
Armonk, New York 10504
on
March 24, 2010

Supervisor Weaver called the meeting to order at 5:30 p.m. and the following persons were present:

Supervisor	William R. Weaver
Councilmen	Rebecca A. Kittredge
	Michael J. Schiliro
	Diane Roth
	John J. Cronin
Town Clerk	Anne Curran
Town Counsel	Roland A. Baroni

The meeting was immediately adjourned into executive session, which was then closed at 7:30 p.m.

The regular meeting was reconvened at 7:40 p.m.

Supervisor Weaver led the Pledge of Allegiance.

The minutes of the Public Hearing which commenced at 7:50 p.m. follow at the end of these minutes.

Councilman Kittredge moved, seconded by Councilman Schiliro, approval of the minutes of the regular meeting of March 10, 2010 and the special meeting of March 17, 2010.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver

Noes: None.

Town Clerk Curran made the following announcements:

- The Town of North Castle is accepting applications through March 26th for a part-time clerical position in the Tax Receiver's office.
- North Castle Recreation's Spring/Summer brochure has been mailed to residents and is also available on Town's web site www.northcastleny.com.
- NYCDEP Kensico walk is scheduled for March 27th.
- Byram Hills School District budget information is available through a link on the home page of the Town's web site.
- The 2010 U.S. Census Questionnaire forms must be completed and returned to the U.S. Census Bureau between March 15th and April 15th. An accurate count of local population helps ensure that the Town receives its fair share of federal funding.
- The Kensico Little League parade is scheduled for April 17th.
- The Westchester County Clerk's mobile office van will be at Town Hall on Saturday, April 24th to process applications for U.S. passports.

Councilman Kittredge moved, seconded by Councilman Roth, receipt of a letter from the Highway Department acknowledging the leadership of General Foreman Craig Ussted and Superintendent of Public Works Rich Fon, and the support of Supervisor Weaver and Town Board members during the severe February snow storm.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver

Noes: None.

Councilman Kittredge moved, seconded by Councilman Schiliro, receipt of a letter from Dr. Jacqueline Taylor, Superintendent Byram Hills School District, commending the Town's

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Emergency's Services, with special appreciation to Emergency Services Officer David Lander, the Police, Fire, Highway, Recreation, and Sewer and Water Departments, and the Town Board for their response during the severe March storm.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver

Noes: None.

Councilman Kittredge moved, seconded by Councilman Schiliro, receipt of a letter from Chris Borsari, Principal of Byram Hills High School, commending Sergeant Robert Ferrara and Sergeant Timothy See for their assistance to students, parents and staff traveling home during the March storm.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver

Noes: None.

Councilman Kittredge moved, seconded by Councilman Schiliro, receipt of a memo from Planning Director Adam Kaufman regarding a petition to revise the off-street parking requirement for a supermarket in a Central Business (CB) District; and further moved the scheduling of a public hearing for April 14, 2010.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver

Noes: None.

Councilman Roth moved, seconded by Councilman Schiliro, receipt of a letter from F.P. Clarke Associates regarding its analysis of the Traffic Impact Study and Site Plan prepared by John Meyer Consulting dated January 2010 for the proposed redevelopment of the existing Armonk Shopping Center.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver

Noes: None.

Councilman Roth moved, seconded by Councilman Schiliro, receipt of a letter from Westchester County Department of Parks, Recreation and Conservation stating that the annual license fee for the Fisher Lane commuter parking lot will be \$24,806 for the period of April 1, 2010 to March 31, 2011. The County advised the Town that, at the expiration term of the agreement on March 31, 2011, the agreement may not be renewed. Supervisor Weaver asked Town Clerk Curran to send a letter to Director John Condon to express the Town's concerns regarding the potential loss of the lot and to inquire of the County's plans for the lot if it does not renew the agreement with the Town.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver

Noes: None.

Councilman Kittredge moved, seconded by Councilman Roth, receipt of a letter from Susan Shimer, Chair of the Landmarks Preservation Committee in support of the move of the Miller House, also known as Washington's Headquarters to another location in North White Plains. Ms. Kittredge asked that the letter be forwarded to County Legislator John Nonna, and both she and Councilman Cronin expressed their commitment to discussing the relocation of Miller House with Mr. Nonna.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver

Noes: None.

Councilman Kittredge moved, seconded by Councilman Schiliro, approval of the request of General Foreman Useted to rent a Vac-All for cleaning catch basins from Empire Municipal Equipment, LLC for two months in the amount of \$13,800.

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The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver

Noes: None.

Councilman Kittredge moved, seconded by Councilman Roth, receipt of a letter from Police Chief Robert D'Angelo regarding a letter he has received from a resident commending Detective Patsy DeBenedictis for his response to a possible burglary in progress.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver

Noes: None.

Councilman Roth moved, seconded by Councilman Schiliro, receipt of a letter from resident Abbe Heller commending Detective DeBenedictis for his response to a possible burglary at her home.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver

Noes: None.

Councilman Kittredge moved, seconded by Councilman Schiliro, that the Supervisor be, and hereby is, authorized to sign the Budget Transfers that follow at the end of these minutes.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver

Noes: None.

Councilman Kittredge moved, seconded by Councilman Schiliro, receipt of a New York State Department of Environmental Conservation (NYSDEC) Comprehensive Inspection Report of the North Castle Waste Water Treatment Plant, SPDES Permit No. NY0109684.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver

Noes: None.

Councilman Schiliro moved, seconded by Councilman Kittredge, receipt of a mortgage tax update for February 2010 from Comptroller Dawn Donovan. The projection for February 2010 is \$50,000.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver

Noes: None.

Councilman Kittredge moved, seconded by Councilman Schiliro, authorization for the Supervisor to sign a network support agreement for the Police Department with Sullivan Data Management for the period of April 1, 2010 through December 31, 2010 in the amount of \$7,200.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver

Noes: None.

Councilman Kittredge moved, seconded by Councilman Schiliro, authorization for the Supervisor to sign an agreement with Green Meadows Farm Entertainment Corp. for use of the North Castle Community Park, May 25-26, 2010, to provide programs for elementary school children. The payment to the Town is \$4,600 for use of the park

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver

Noes: None.

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Councilman Schiliro moved, seconded by Councilman Roth, authorization for the Supervisor to sign declaration of covenants, easements and restrictions in connection with the subdivision at 69 Round Hill Road.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver

Noes: None.

Councilman Kittredge moved, seconded by Councilman Schiliro, ratification of the Indemnification Agreement as an addendum to the contract between the Town and Westwood Organic Recycling, LLC. Councilman Roth announced that she will recuse herself from discussions concerning Westwood Organic Recycling upon the recommendation of Town counsel.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Cronin, Supervisor Weaver

Noes: None.

Councilman Roth abstained.

Councilman Kittredge moved, seconded by Councilman Schiliro, that permission be granted for General Foreman Ussted to attend the NYS Association of Towns Highway School in Ithaca, June 6 – 8, 2010.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver

Noes: None.

Councilman Kittredge moved, seconded by Councilman Schiliro, receipt of a letter from Town Historian Doris Finch Watson stating her concern and support regarding saving the 1738 Miller House. Ms. Watson also urged the Town Board to appoint additional Town residents to the Miller House Committee.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver

Noes: None.

Councilman Kittredge moved, seconded by Councilman Schiliro, the reappointment of Jeanne Hinrichs to the Housing Board for a term to expire on December 31, 2014.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver

Noes: None.

Councilman Kittredge moved, seconded by Councilman Roth, the appointment of George Nagel as Chairman of the Zoning Board of Appeals, at the pleasure of the Board, or a term to expire December 31, 2011; and the appointment of Lee Ann Davis as a member of the Zoning Board of Appeals, for a term to expire December 31, 2014.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver

Noes: None.

Councilman Kittredge moved, seconded by Councilman Roth, the reappointment of George Alvarez as a member of the Recreation and Parks Advisory Board, for a term to expire December 31, 2012.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver

Noes: None.

Councilman Kittredge moved, seconded by Councilman Schiliro, the reappointment of Jennifer Paulson Lee as a member of the Library Board, for a term to expire December 31, 2014.

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The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver

Noes: None.

Councilman Roth moved, seconded by Councilman Kittredge, the appointment of Lisa Holmes as a member of the Beautification Committee, to serve at the pleasure of the Board.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver

Noes: None.

Councilman Kittredge moved, seconded by Councilman Schiliro, the following:

Receipt of Workers Compensation Reports for Douglas Ross, Scott Benedict, Castle Janicki, Highway Department.

Permission for the Byram Hills Education Foundation to erect a sign at the site of the eagle and at Wampus Brook Park to publicize its annual Spring Gala, April 30, 2010.

Receipt of an email from Stephanie and Dominick DiMartino commending the Board and Lt. Peter Simonsen for hearing the concerns of residents and reaching compromise on the revised law regarding parking on Washington Avenue. The e-mail was read aloud by Town Clerk Curran per Mr. and Mrs. Martino's request.

Receipt of a letter from Martye Futia, President of American Legion Auxiliary, regarding American Legion Auxiliary's sponsorship of a child from North Castle to the North East Westchester Special Recreation's summer camp.

Councilman Schiliro moved, seconded by Councilman Roth, authorization for the Supervisor to sign the agreement with Amstar of Western New York for the interior and exterior coating for water storage tanks in Water District No. 1.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver

Noes: None.

Councilman Schiliro moved, seconded by Councilman Roth, authorization for the Supervisor to transfer grave sites at Kensico Cemetery to Rita Vettoretti for the sum of \$7,086 as determined by Kensico Cemetery.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver

Noes: None.

Resident Mark DiCento inquired about the date of the next meeting of the Organic Recycling Study Group and when the Board expected to receive the report from the study group. Stating that the Study Group requested an extension on the completion of their findings report, Supervisor Weaver said he expected to have information for the April 14th meeting.

The Town Board audited and approved payments totaling \$417,573.05 as indicated on Warrant #6.

After all persons were heard who desired to be heard, the Supervisor closed the meeting at 9:05 p.m.

Anne Curran, Town Clerk

Dated: April 13, 2010

PUBLIC HEARING

March 24, 2010

At 7:50 p.m. Supervisor Weaver 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 March 24, 2010 at 7:30 p.m., or as soon thereafter, at North Castle Town Hall, 15 Bedford Road, Armonk, New York for the purpose of considering the adoption of a Local Law to eliminate Outdoor Dining as a Special Use Permit and create a new Chapter 142 to regulate Outdoor Dining within the Town of North Castle.

By Order of the Town Board
Anne Curran, Town Clerk

Dated: March 11, 2010
Armonk, New York

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.

A Notification of Intent dated March 2, 2010, a letter from P. Daniel Hollis representing Mariani Gardens dated March 8, 2010, a letter from Director of Planning Adam Kaufman dated March 10, 2010 on behalf of the Planning Board with a positive recommendation, and a letter from the Westchester County Planning Board dated March 11, 2010 stating that the matter is for local determination were marked as Exhibit "D" for the record.

A letter from Ilana Adler dated March 22, 2010 was marked Exhibit "E" for the record and was read aloud by Town Clerk Curran per Ms. Adler's request.

P. Daniel Hollis, Shamberg Marwell Davis & Hollis, thanked the Town Board and Planning Board for their consideration of the proposed changes regarding outdoor dining. Mr. Hollis recommended that proposed law be revised to include the wording restaurant, carry out restaurant, accessory café or retail food store in Section 142-3 B.(2)(c), (12) and (15) of the proposed law.

Residents Sue Miller and Mark Levine spoke in support of outdoor dining at Mariani Gardens.

Councilman Schiliro said the wording in Section 142-3 B.(2)(d) should be revised to clarify that the number of outdoor dining seats should not exceed the total number of maximum seats permitted, not the total number of seats within the premises.

Councilman Roth recommended that the amount of outdoor dining be regulated by square footage, not to exceed 1,000 square feet, rather than the number of seats permitted within the premises. Ms. Roth said that some businesses may want to have outdoor dining in the back of their property where more space exists. Mr. Kaufman said regulating outdoor dining by square footage would divorce off-street parking from seating and could negatively impact parking.

The Board discussed the impact that regulation by square footage might have on various properties. Councilman Kittredge said it would take time and money to clean up the back areas of some properties. Supervisor Weaver said that properties could now use the front or back of their properties.

Councilman Schiliro commended Councilman Roth for her work regarding the proposed changes to outdoor dining and recommended that at this time outdoor dining be regulated by the maximum permitted number of seats. Supervisor Weaver agreed and said that the Board was considering a major step regarding the licensing of outdoor dining. Regarding a possible fee of

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\$5.00 for each square foot of outdoor dining area, Mr. Weaver said that he was not in favor of the additional fee.

Mr. Kaufman said he would revise the proposed law to include all the recommended revisions.

Town Attorney Baroni said that since the thirty day notification period required by SEQRA was not closed, the Board could not vote to adopt the legislation until the April 14, 2010 meeting, and the public hearing should be adjourned.

No other correspondence or comments were entered for the record.

After all persons were heard who desired to be heard, Councilman Kittredge moved, seconded by Councilman Schiliro, that the Public Hearing be adjourned at 8:15 p.m.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver

Noes: None.

Anne Curran, Town Clerk

Dated: April 13, 2010