

Town Board Minutes
Town of North Castle
15 Bedford Road
Armonk, New York
on
March 13, 2019

The Town Board meeting was called to order at 5:30 p.m. at Town Hall and immediately adjourned to an Executive Session on the duly adopted motion of Councilman D’Angelo. All Town Board members, the Town Attorney and Interim Town Administrator were present for the Executive Session. The Executive Session adjourned at 7:40 p.m.; the Town Clerk joined the regular meeting which reconvened at 7:43 p.m. and the following persons were present:

Present: Supervisor: Michael Schiliro
Councilman: Stephen D'Angelo
Councilman: Barbara DiGiacinto
Councilman: Barry Reiter
Councilman: José Berra
Town Clerk: Alison Simon
Town Attorney: Roland A. Baroni

Absent: Interim Town Administrator: Patti Dwyer

The Public Hearing was reconvened to consider a Local Law to amend Chapter 355, Zoning, to eliminate the limitation on form of ownership of residences in the GCCFO (Golf Club Community Floating Overlay) District (with regard to the Zoning Petition of Brynwood Partners LLC, the owner of Brynwood Golf & Country Club) so that multifamily residences can be condominium units.

The minutes of the Public Hearing which began at 8:04 p.m. follow at the end of these minutes.

Councilman: Stephen D'Angelo moved, seconded by Councilman: Barbara DiGiacinto, approval of Town Board Minutes: February 27, 2019.
Vote- Unanimous

In regard to the Special Use Permit Application from (914) Cares, In. (previously known as Chappaqua Cares, Chappaqua Shares Inc.), 901 North Broadway, North White Plains, Councilman: Stephen D'Angelo moved, seconded by Councilman: Barbara DiGiacinto, receipt of Special Use Permit Application; receipt of a memo from Director of Planning Adam Kaufman, dated March 7, 2019; referral to the Planning Board; and scheduling of a Public Hearing on April 24, 2019.
Vote- Unanimous

Councilman: Stephen D'Angelo moved, seconded by Councilman: Barbara DiGiacinto, adoption of a resolution regarding a five-year extension of the Special Use Permit for Airport Campus, formerly MBIA, 113 King Street, Armonk. The Resolution follows.

RESOLUTION

Action:	Special Use Permit Approval – Second Extension of Time
Application Name:	Airport Campus (MBIA Headquarters Expansion)
Owner/Applicant:	Airport Campus I LLC, Airport Campus II LLC, Airport Campus III LLC, Airport Campus IV LLC and Airport Campus V LLC.
Designation:	Section 113.04, Block 1, lot 13 Section 113.04, Block 1, lot 14 Section 118.02, Block 1, lot 1
Zone:	DOB-20A Zoning District
Acreage:	35.97-acres
Location:	Route 120 (King Street)

Town Board Minutes
March 13, 2019

Original Date of Approval: March 24, 2004
Extension Date of Approval: February 26, 2014
2nd Extension Date of Approval: March 13, 2019
Expiration Date: March 24, 2024

WHEREAS, on March 24, 2004, the Town Board granted to MBIA a special permit pursuant to Section 213-33(Q), which special permit expires on March 24, 2014; and

WHEREAS, the previously approved application permitted MBIA to develop an additional 165,000 square feet of office space on its property, together with 53,000 square feet of additional amenity space and a 15,000 square foot meeting house, thereby increasing the size of its corporate headquarters from approximately 235,000 square feet of office space and 26,000 square feet of amenity space to approximately 400,000 square feet of office space and 94,000 square feet of amenity space, including the proposed meeting house; and

WHEREAS, previously the Town Board believed and found that it was in the mutual best interest of both the Town and MBIA to grant an extension of the special permit approval expiration to March 24, 2019; and

WHEREAS, the Town Board believes and finds that it is in the mutual best interest of both the Town and Airport Campus to grant a second extension of the special permit approval expiration to March 24, 2024; and

NOW, THEREFORE, BE IT RESOLVED, that based on Airport Campus' stated intention to redevelop the property, and pursuant to Article VII of the Zoning Chapter of the Town Code, the expiration date of the Airport Campus special permit shall be extended so that special permit approval for the Airport Campus corporate headquarters expansion shall expire on March 24, 2024; and

BE IT FURTHER RESOLVED, that all prior conditions of the March 24, 2004 resolution of special permit approval shall remain valid and in full force and effect; and

COUNCILMAN DiGIACINTO	VOTING	AYE
COUNCILMAN REITER	VOTING	AYE
COUNCILMAN BERRA	VOTING	AYE
COUNCILMAN D'ANGELO	VOTING	AYE
SUPERVISOR SCHILIRO	VOTING	AYE

In regard to Airport Campus, formerly MBIA, 113 King Street, Armonk, Councilman: Stephen D'Angelo moved, seconded by Councilman: José Berra, receipt of a Letter from Veneziano and Associates, dated March 4, 2019, revised local law, and revised Scoping Document incorporating comments received on the draft scoping document.

Vote- Unanimous

Councilman: Stephen D'Angelo moved, seconded by Councilman: Barbara DiGiacinto, adoption of the Scoping Document regarding Airport Campus, formerly MBIA, 113 King Street, Armonk.

Vote- Unanimous

Councilman: Stephen D'Angelo moved, seconded by Councilman: José Berra, receipt of proposed Amendments to the Town of North Castle Comprehensive Plan and receipt of Short Environmental Assessment Form (EAF) Part 1 regarding the residential use of property in the NB (Nursery Business) Zoning District (with regard to the Zoning Petition for 45 Bedford Road LLC, site of Mariani Gardens Nursery).

Vote- Unanimous

Councilman: Stephen D'Angelo moved, seconded by Councilman: Barbara DiGiacinto, the rescheduling of the Public Hearing on March 27, 2019 regarding Amendments to the Town of North Castle Comprehensive Plan regarding the residential use of property in the NB (Nursery Business) Zoning District (with regard to the Zoning Petition for 45 Bedford Road LLC, site of Mariani Gardens Nursery).

Vote- Unanimous

Councilman: Stephen D'Angelo moved, seconded by Councilman: José Berra, receipt of Revised Local Law to amend Chapter 355, Zoning, to add the R-MF-DA (Residential – Multifamily – Downtown Armonk) Zoning District and to map said district, to incorporate Special Use Permit requirements (with regard to the Zoning Petition for 45 Bedford Road LLC, site of Mariani Gardens Nursery); and reconvene the Public Hearing on March 27, 2019.

Vote- Unanimous

In regard to the Water and Sewer Department SCADA (Supervisory Control and Data Acquisition) Upgrade Project Bid Results, Councilman: Stephen D'Angelo moved, seconded by Councilman: Barbara DiGiacinto, approval to release Armani Engineering Corp. from their bid and grant their withdrawal.

Vote- Unanimous

In regard to the Water and Sewer Department SCADA (Supervisory Control and Data Acquisition) Upgrade Project Bid Results, Councilman: Stephen D'Angelo moved, seconded by Councilman: José Berra, award of bid to the second lowest bidder Pat Kearns Electric LTD in the amount of \$698,725, and authorization for the Supervisor to sign the Agreement.

Vote- Unanimous

Councilman: Barry Reiter moved, seconded by Councilman: Barbara DiGiacinto, approval of recommendations from Planning Department and Kellard Sessions to establish a Wetland Mitigation Bond in the amount of \$21,902.65 and a Wetland Maintenance and Monitoring Bond in the amount of \$2,986 for the 34 Creemer Road Project.

Vote- Unanimous

Councilman: Stephen D'Angelo moved, seconded by Councilman: José Berra, receipt of a Special Event Permit Application from Troy's Nurseries, 97 Bedford Banksville Rd, Bedford for an Easter event on April 13, 2019 between the hours of 11 am and 3 pm, receipt of memo from Director of Planning Adam Kaufman, dated March 7, 2019, and the scheduling of a Public Hearing on March 27, 2019.

Vote- Unanimous

In regard to Broadway Plaza parking lot expansion for property located on North Broadway and Emmalon Avenue, North White Plains, Councilman: Barry Reiter moved, seconded by Councilman: Stephen D'Angelo, Declaration of Intent of the Town Board to act as Lead Agency; referral to the Planning Board noting that in making this referral the Town Board has concern that the actual need under the Zoning Code for the requested parking be adequately demonstrated; and referral to the County Planning Board.

Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Stephen D'Angelo, receipt of recommendation from Parks and Recreation Advisory Board (PRAB) regarding restrooms at IBM Community Park.

Vote- Unanimous

Councilman: Stephen D'Angelo moved, seconded by Councilman: Barry Reiter, approval of payment application No. 3 to Peter J. Landi, Inc. in the amount of \$2,300 for work done and materials used regarding Whippoorwill Crossing Culvert.

Vote- Unanimous

Councilman: Stephen D'Angelo moved, seconded by Councilman: Barbara DiGiacinto, adoption of Resolution regarding Home Rule Requests to NYS Senate and Assembly to Extend the Hotel Occupancy Tax Legislation to September 1, 2022. The Resolution follows.

RESOLUTION

**AUTHORIZING THE SUBMISSION OF A NYS HOME RULE REQUEST TO EXTEND
A HOTEL OCCUPANCY TAX**

WHEREAS, the Town of North Castle desires to adopt an occupancy tax extender to September 1, 2022 on any room for hire within the Town; and

WHEREAS, the rate of such tax shall not exceed three (3) percent of the per diem rental rate for each room; and

WHEREAS, the Town of North Castle desires to repair and improve our Town roads and infrastructure and to stimulate our area economy and to create local construction jobs; and

WHEREAS, the Town of North Castle intends to utilize hotel tax revenue for the purpose of Town wide road and construction projects; and

WHEREAS, NYS Senator Shelley Mayer has introduced NYS legislation to the Senate with bill number S.3708, and NYS Assemblyman David Buchwald has introduced NYS legislation to the Assembly with bill number A.5269; and

WHEREAS, this legislation requires the passage of a Home Rule Request to the NYS Senate and NYS Assembly by the Town of North Castle.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of North Castle hereby approves the submission of a Home Rule Request to the NYS Senate and Assembly for bill numbers S.3708 and A.5269 that would not exceed a three (3) percent daily room tax for a hotel, motel, or similar place of public accommodation; and

BE IT FURTHER RESOLVED, that the Supervisor and Town Clerk are authorized to submit the Home Rule Request and execute and deliver all necessary documents to NYS.

COUNCILMAN DiGIACINTO	VOTING	AYE
COUNCILMAN REITER	VOTING	AYE
COUNCILMAN BERRA	VOTING	AYE
COUNCILMAN D'ANGELO	VOTING	AYE
SUPERVISOR SCHILIRO	VOTING	AYE

Councilman: Stephen D'Angelo moved, seconded by Councilman: José Berra, approval of extension of Performance Bond for 850 North Broadway (Ralph's Ices) to April 10, 2019.
Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: José Berra, authorizing the Supervisor to sign agreement with Westchester Food Services for operation of summer Pool Concession for the 2019 Season for a fee paid to the Town for rent and utility costs in the amount of \$3,400.
Vote- Unanimous

Councilman: Stephen D'Angelo moved, seconded by Councilman: José Berra, approval of Amendment to Woodard & Curran Agreement regarding a SCADA (Supervisory Control and Data Acquisition) System for the Town's Water and Sewer facilities to include construction management and implementation of the entire system at a cost of \$289,740, and authorization for the Supervisor to sign the agreement.
Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: José Berra, authorization for the Supervisor to sign proposal for consultation services from Wendel Companies regarding the North White Plains Community Center Renovation and Expansion Project at the hourly rates as set forth in the proposal.
Vote- Unanimous

Town Board Minutes
March 13, 2019

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Barry Reiter, receipt and acceptance of letter of resignation dated March 13, 2019 from Employee No. 3190, effective March 27, 2019.

Vote- Unanimous

Councilman: Barry Reiter moved, seconded by Councilman: Barbara DiGiacinto, adoption of a Resolution setting forth the terms of agreement with Employee No. 3190.

Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Barry Reiter, approval of the Consensus Agenda as follows:

- Receipt of Notice of NYS liquor license application for new restaurant Sunshine Budda, LLC at 736 North Broadway, North White Plains.
- Receipt of Letter regarding NYS liquor license renewal for La Cremaillere Restaurant, 46 Bedford Banksville Road, Bedford.
- Receipt of 2018 audit and financial statements: North Castle South Fire District No. 1.

Vote- Unanimous

The Town Board audited and approved payments of \$583,049.43 as indicated on Warrant # 5 dated March 13, 2019.

After all persons were heard who desired to be heard, the Supervisor closed the regular meeting at 10:50 p.m. in memory of Edward Ahneman, former North Castle Building Department Engineer; Pasquale (Pat) Martinucci, Father of Nancy Sauro, wife of Steve Sauro, Planning Board member; and Carol Schmidt, local realtor.

Alison Simon, Town Clerk

Dated: March 21, 2019