

Town Board Minutes
Town of North Castle
15 Bedford Road
Armonk, New York
on
October 16, 2019

The Town Board meeting was called to order at 5:00 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 the Town Administrator were present for the Executive Session. The Executive Session adjourned at 7:41 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
Town Administrator: Kevin Hay

A Public Hearing was reconvened to consider adoption of Resolution regarding Special Use Permit Application of 45 Bedford Road LLC (site of Mariani Gardens Nursery) regarding special permit requirements in the R-MF-DA (Residential – Multifamily – Downtown Armonk) Zoning District.

The Minutes of the Public Hearing which began at 8:00 p.m. follow at the end of these Minutes.

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Stephen D'Angelo, approval of Town Board Minutes: September 25, 2019.
Vote- Unanimous

Councilman: Stephen D'Angelo moved, seconded by Councilman: Barbara DiGiacinto, approval of recommendations from Planning Board and Kellard Sessions Consulting to establish a Removal and Restoration Bond for the Swiss Re Corporation Solar Panel Project in the amount of \$394,320.
Vote- Unanimous

Councilman: Stephen D'Angelo moved, seconded by Councilman: Barbara DiGiacinto, approval of recommendations from Planning Board and Kellard Sessions Consulting to establish the following bonds regarding the Turet Subdivision, located on East Lane, Armonk:

- Wetland Mitigation Bond in the amount of \$32,445; Wetland Maintenance and Monitoring Bond in the amount of \$4,424;
- Construction Performance Bond in the amount of \$363,445; Maintenance Bond in the amount of \$54,516; and Inspection Fee of \$18,172.75 regarding Town Road and Associated Drainage;
- Construction Performance Bond in the amount of \$124,186; and Inspection Fee of \$6,209.30 regarding Common Driveway and Associated Drainage.

Vote- Unanimous

Councilman: Stephen D'Angelo moved, seconded by Councilman: Barbara DiGiacinto, approval of request from Director of Water & Sewer Operations Sal Misiti to bid for 2020 Sewer District No. 2 Methanol Supply.
Vote- Unanimous

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Councilman: Stephen D'Angelo moved, seconded by Councilman: Barbara DiGiacinto, approval of request from Director of Water & Sewer Operations Sal Misiti to bid for 2020 Sewer District No. 2 Sludge Hauling & Disposal.

Vote- Unanimous

Councilman: Stephen D'Angelo moved, seconded by Councilman: Barbara DiGiacinto, approval of payment application No. 4 to Peter J. Landi, Inc. in the amount of \$53,283.60 for work done and materials used regarding Whippoorwill Crossing Culvert.

Vote- Unanimous

Councilman: Barry Reiter moved, seconded by Councilman: Barbara DiGiacinto, adoption of proposed modifications to the Town's Minimum Insurance Requirements for Events.

Vote- Unanimous

Councilman: José Berra moved, seconded by Councilman: Stephen D'Angelo, approval of requests from Friends of Frosty for use of Town roads and Wampus Brook Park for annual Frosty Day Parade and Holiday Tree Lighting, Sunday, December 1, 2019.

Vote- Unanimous

Councilman: Barry Reiter moved, seconded by Councilman: Stephen D'Angelo, adoption of revised Resolution regarding Haunted Dead End Halloween Special Event at Rocky Ledge Swim Club, 1402 Old Orchard Street, to modify hours of operation as follows: 7:00 p.m. to 12:00 a.m. Fridays and Saturdays and 7:00 p.m. to 11:00 p.m. on Sundays. The Resolution follows at the end of these Minutes.

Vote- Unanimous

Councilman: José Berra moved, seconded by Councilman: Stephen D'Angelo, receipt of donation of a Memorial Bench in Wampus Brook Park in memory of Daniel McManus.

Vote- Unanimous

Councilman: Stephen D'Angelo moved, seconded by Councilman: José Berra, receipt of a donation from the Byram Hills Pre School Association (BHPSA) in the amount of \$500 to the Parks and Recreation Department for services to students of the Byram Hills School District.

Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Stephen D'Angelo, authorization to accept a donation from Joyce Hergenhan in the amount of \$3,200 for a sculpture for the front of the Hergenhan Recreation Center; and authorization for installation on Town property by the Parks Department.

Vote- Unanimous

Councilman: Stephen D'Angelo moved, seconded by Councilman: José Berra, adoption of Resolution that the Town Board hereby waives the permit fee applicable to striping of parking lots for the Armonk Square parking lot in view of the fact that the subject lot is located within Parking District No.1.

Vote- Unanimous

Councilman: José Berra moved, seconded by Councilman: Barbara DiGiacinto, authorization for the Supervisor to sign renewal agreement with ESI Group for the Employee Assistance Program for the for month period of September 1, 2019 through December 31, 2019 for a fee of \$1,268.82.

Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Barry Reiter, authorization for the Supervisor to sign agreement with MacKenzie Automatic Doors to furnish and install automatic operators in Town Hall rear entry at a cost of \$7,728.

Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Barry Reiter, authorization for the Supervisor to sign proposal from Collado Engineering for review and recommendation of an Electrical Master Plan for the Town of North Castle Campus which includes Town Hall and the Police Department, the Annex Building, and the Highway Garage: 15, 17 and 21 Bedford Road for a fee of \$4,000.

Vote- Unanimous

Councilman: José Berra moved, seconded by Councilman: Barbara DiGiacinto, approval of request for Highway General Foreman Jamie Norris and Lead Mechanic Matt Harisch to attend League of Municipalities Conference in Atlantic City, November 19 to 21, 2019, and permission to use a Town vehicle.

Vote- Unanimous

Councilman: José Berra moved, seconded by Councilman: Stephen D'Angelo, approval of request for Detective Sergeant Pasquale DeBenedictis to attend FBI Basic Police Sniper School in Fort Dix, NJ, November 4 to 8, 2019.

Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Stephen D'Angelo, approval of the reappointment of Stephen Berman, Joel Dworetzky and Joseph Paresi to the Long Pond Park Advisory Committee, each for three-year terms to expire August 10, 2022. Councilman Berra recused himself from the vote.

The roll call vote was as follows:

Ayes: Supervisor: Michael Schiliro, Councilman: Stephen D'Angelo,
Councilman: Barbara DiGiacinto, Councilman: Barry Reiter

Noes: None

Abstained: Councilman: José Berra

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Stephen D'Angelo, receipt of letter of resignation from Karen Christopher, Librarian I, effective September 26, 2019.

Vote- Unanimous

Councilman: Barry Reiter moved, seconded by Councilman: José Berra, approval of Consensus Agenda as follows:

- Audit and approval of payments of \$559,164.03 as indicated on Warrant #18, dated October 16, 2019.
- Town Clerk's Report: September 2019.
- Release of Highway Bonds.
 - Jamie LeBlanc – Permit 0935 for curb cut at 8 Barnard Road in the amount of \$750.
 - American Bldg. Technologies – Permit 1035 for curb cut at 10 Fox Ridge Road in the amount of \$750.
 - Kristen Serafin – Permit 1055 for driveway alteration at 7 Evan Place in the amount of \$500.
 - Joseph Giamartino – Permit 1054 for driveway alteration at 85 Cedar Hill Road in the amount of \$500.
- Receipt of Notice of Claim in the Matter of David and Marjorie Grossman vs. Town of North Castle.

Vote- Unanimous

After all persons were heard who desired to be heard, the Supervisor closed the regular meeting at 9:53 p.m. in memory of Josephine Cermele, mother of Joseph Cermele, Kellard Sessions Consulting; Lt. Colonel Daryl Hubbard, father-in-law of Matt Manfredi; and Stuart Kantor, resident.

Alison Simon, Town Clerk

Dated: October 18, 2019

RESOLUTION

Action:	Special Event Permit
Application Name:	Haunted Dead End
Owner:	Rocky Ledge Swim Club
Applicant:	Haunted Dead End – Marc Mancini
Designation:	Section 3, Block 14, Lot 1.H
Zone:	R-1A
Acreage:	Approx. 14-acres
Location:	1402 Old Orchard Street
Date of Approval:	September 11, 2019, Revised October 16, 2019
Term of Special Event Permit:	October 4, 2019 – November 2, 2019

WHEREAS, an application dated June 21, 2019 was submitted by Haunted Dead End to operate a special event at the Rocky Ledge Swim Club pursuant to Chapter 263 of the Town Code; and

WHEREAS, Haunted Dead End is requesting permission to conduct a Halloween special event that is open to the public and will hold not more than 300 people, at any one time, on Fridays, Saturdays and Sundays during the months of October and November; and

WHEREAS, activities will include an evening adult/teen event that includes a graveyard, vortex tunnel, corn maze and haunted house maze; and

WHEREAS, the event will provide adequate parking lot, restrooms, concessions and a large enough area to allow a safe flow of spectators; and

WHEREAS, in 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017 and 2018 the Town Board issued a Halloween special event permit; and

WHEREAS, the 2010, 2011, 2012, 2013, 2014, 2015, 2016 and 2018 Halloween Special Events were held without any known incidents and

Whereas, at the 2017 Halloween Special Event, the Police Department reported a minor motor vehicle accident in the parking lot and a dispute with parking staff which will require an increased Police presence at the applicant's expense; and

WHEREAS, the operation of the special event would not require any permanent construction; and

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

WHEREAS, the application was referred to the Westchester County Planning Board pursuant to § 239-m of New York State General Municipal Law (GML) on August 15, 2019; and

WHEREAS, the 14-acre property is located in the R-1A Zoning District and is designated on the Tax Maps of the Town of North Castle as Section 3, Block 14, Lot 1.H; and

WHEREAS, a duly advertised public hearing was held on said application before the Town Board on September 11, 2019 and closed on that date at which time all those wishing to be heard were given the opportunity to be heard; and

WHEREAS, the notice of public hearing was sent to the City of White Plains City Clerk and the Town Clerk of the Town/Village of Harrison pursuant to § 239-nn of New York State General Municipal Law (GML) since the subject site is located within 500 feet of the City of White Plains and the Town/Village of Harrison; and

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

WHEREAS, the Town Board has requested, received and considered comments from the Town Attorney, the Town Engineer and Town Planner regarding the proposed special event; and

WHEREAS, the proposed action is an Unlisted Action pursuant to the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Town Board determined to conduct an uncoordinated SEQRA Review; and

NOW, THEREFORE, BE IT RESOLVED, that in accordance with Article 8 of the New York State Environmental Quality Review Law and 6 NYCRR Part 617, the Town Board hereby makes a determination that the proposed action will not have a significant adverse impact on the environment and that a draft environmental impact statement will not be prepared; and

BE IT FURTHER RESOLVED, that the special event permit is approved for Friday, Saturday and Sunday evenings for a term beginning October 4, 2019 and ending November 2, 2019, for a total of fourteen days, subject to the conditions identified below; and

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

Prior to the Issuance of the Special Event Permit:

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

_____. 1. Pursuant to Section 263-4.D of the Town Code, the Applicant is required to submit plans showing the layout of the event area, including the location of all existing structures and improvements, the location and description of all event-related temporary structures, tents, stands, ingress and egress, parking, signs, lighting, electrical equipment, sound equipment, mechanical equipment, portable toilets to the satisfaction of the Building Department.

_____. 2. Pursuant to Section 263-4.F of the Town Code, prior to commencement of any event and until completion of the event, the sponsor shall, at its sole expense, maintain insurance on its own behalf and furnish to the Town of North Castle certificates of insurance from an insurance company licensed to do business in New York State, in accordance with the Town's minimum insurance requirements, together with an indemnification and hold harmless agreement. Should it be determined that the extent of the operations in any particular case require insurance coverage in greater amounts than the Town's minimum insurance requirements, the sponsor shall provide certificates of insurance in the requested amounts.

_____. 3. Pursuant to Section 263-4.G of the Town Code, the Applicant shall submit all documentation demonstrating approval from the Westchester County Department of Health to the satisfaction of the Building Department.

_____. 4. Pursuant to Section 263-4.I of the Town Code, the Applicant shall post a cash bond of \$500 to guarantee cleanup by the exhibitor after the special event, except where the special event is conducted on premises owned by the person making the application.

_____. 5. A pre-permit site meeting shall be held with the Applicant and with the Building Inspector, Fire Marshal, Fire Department, and Police Department to discuss the operation of the special event. Once all issues have been adequately addressed to the satisfaction of the Building Inspector, Fire Marshal, Fire Department and Police Department, the Building Department shall transmit a letter stating such to the Town Clerk.

Other Conditions:

1. Pursuant to Section 263-3.A of the Town Code, all special events shall require the provision of a "fire watch" by the local Fire Department and/or North Castle Fire Marshal, the cost of which shall be paid for by the applicant. The Fire Marshal may also approve other fire-protection measures to the satisfaction of the North Castle Fire Marshal, the cost of which shall be paid for by the applicant.
2. Pursuant to Section 263-3.B of the Town Code, all special events shall require the provision of security and/or traffic control by the Town of North Castle Police Department, the cost of which shall be paid for by the applicant. The Chief of Police may also approve other security and/or traffic control measures to the satisfaction of the Chief of Police, the cost of which shall be paid for by the applicant.

Pursuant to the recommendation of the Police Department:

- There shall be no deviation from the indicated closing time.
 - Advertisement(s) of the event shall state that people will be turned away at the specified closing time.
 - At no time shall vehicles block the driveway going into the event. The driveway shall be maintained open and clear to the satisfaction of the Police Department.
3. This special event permit is not assignable.
 4. This special event permit is revocable for a violation of the Town Code or any other ordinance or law, pursuant to Chapter 263-6 of the Town Code.
 5. The Applicant shall observe all state, county and Town laws, rules and regulations as to health, safety and general welfare and shall be subject to reasonable regulations of the Building Department, Fire Inspector, Police Department and Highway Department of the Town of North Castle.
 6. **The special event shall not be conducted prior to 7:00 p.m. or after 12:00 a.m. on Fridays and Saturdays, and it shall not be conducted prior to 7:00 p.m. or after 11:00 p.m. on Sundays.**
 7. All rubbish from the premises and from any parking area must be gathered and deposited in closed containers by no later than 6:00 p.m. of the day following and removed from the premises by 6:00 p.m. of the next day following.
 8. The Applicant shall not permit any unnecessary or unreasonable noise by means of loudspeakers, power amplifier devices or any other means which would create or tend to create a public nuisance.