

Town Board Minutes
Town of North Castle
15 Bedford Road
Armonk, New York
on
September 23, 2020

The Town Board meeting was online via web conference due to the Coronavirus (COVID-19) pandemic. The meeting was called to order at 5:30 p.m. and immediately adjourned to an Executive Session. All Town Board members, the Town Attorney, and the Town Administrator were present for the Executive Session. The Executive Session adjourned to a Work Session at 6:00 p.m. All Town Board members, the Town Administrator, the Town Attorney, and the Town Clerk were present for the Work Session. The Work Session closed at 7:04 p.m. The Executive Session reconvened and adjourned at 7:40 p.m. The regular meeting reconvened at 7:44 p.m. and the following persons were present via web conference:

Present: Supervisor: Michael Schiliro
Councilman: Barbara DiGiacinto
Councilman: Barry Reiter
Councilman: José Berra
Councilman: Saleem Hussain
Town Clerk: Alison Simon
Town Attorney: Roland A. Baroni
Town Administrator: Kevin Hay

Councilman: Barbara DiGiacinto moved, seconded by Councilman: José Berra, approval of Town Board Minutes: September 9, 2020.

Vote- Unanimous

Regarding the extension of Temporary Outdoor Dining Permit Regulations providing additional outdoor seating opportunities in North Castle's three hamlets, Councilman: Barry Reiter moved, seconded by Councilman: Barbara DiGiacinto, receipt of memo from Building Inspector Robert Melillo, dated September 17, 2020, receipt of Short Environmental Assessment Form, and adoption of Negative Declaration.

Vote- Unanimous

Councilman: Barry Reiter moved, seconded by Councilman: Saleem Hussain, adoption of a Resolution regarding the extension of Temporary Outdoor Dining Permit Regulations providing additional outdoor seating opportunities in North Castle's three hamlets. The Resolution follows at the end of these minutes.

Vote- Unanimous

Consider recommendations of Planning Board and Kellard Sessions Re release of Wetland Mitigation Plantings Cash Bond from Brynwood Partners, LLC dated August 17, 2020, and establishment of new Wetland Mitigation Plan Bond and Monitoring and Maintenance Plan Bond for the Brynwood Project.

Councilman: José Berra moved, seconded by Councilman: Barbara DiGiacinto, approval of recommendations of the Planning Board and Town Engineers Kellard Sessions regarding the release of Wetland Mitigation Plantings Cash Bond from Brynwood Partners, LLC in the amount of \$49,500 and the Maintenance Bond in the amount of \$6,750; and the Establishment of new Wetland Mitigation Plan Bond in the amount of \$33,324 and Monitoring and five-year Maintenance Plan Bond in the amount of \$4,545 for the Brynwood Project.

Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Barry Reiter, receipt of proposed Local Law to amend Chapter 355 Zoning, Section 355-28 Additional R-MF-SS Residence District Regulations, Subsection C. AFFH Units regarding 162 Bedford Road, Armonk (formerly known as the Lumberyard).

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The roll call vote was as follows:

Ayes: Councilman: Barbara DiGiacinto, Councilman: Barry Reiter,
Councilman: Saleem Hussain, Supervisor: Michael Schiliro
Noes: Councilman: José Berra
Abstain: None

Councilman: Barry Reiter moved, seconded by Councilman: Barbara DiGiacinto, approval of Payment Requisition No. 7 to Giacorp Contracting Inc. in the amount of \$6,122.75 for North Castle Public Library Children's Room Expansion Project, Armonk.

Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Barry Reiter, renewal of Special Use Permit to North White Plains Fire Company No.1 to sell Christmas trees from Thanksgiving weekend through weekend before Christmas, and permission to install signs.

Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Barry Reiter, approval of proposal from OLA Consulting Engineers in the amount of \$45,500, for Mechanical and Electrical Engineering Services for the North White Plains Community Center Renovation Project, and authorization for the Supervisor to sign the agreement.

The roll call vote was as follows:

Ayes: Councilman: Barbara DiGiacinto, Councilman: Barry Reiter,
Supervisor: Michael Schiliro
Noes: None
Abstained: Councilman: Saleem Hussain, Councilman: José Berra

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Saleem Hussain, receipt and approval of recommendation from Long Pond Park District Advisory Committee, dated September 11, 2020, and approval of proposal from Aquatic Ecosystems Consulting for Long Pond Water Quality Monitoring and Management (Monitoring Plan) for an estimated annual cost of \$5,386.00, the cost for the Triploid Carp permit from the DEC of \$600, and \$20 per carp. The cost of the proposal will be split between the Town and the residents of Long Pond Park District as determined in the Long Pond District Agreement. Councilman: José Berra recused himself from the vote.

The roll call vote was as follows:

Ayes: Supervisor: Michael Schiliro, Councilman: Barbara DiGiacinto, Councilman:
Barry Reiter, Councilman: Saleem Hussain
Noes: None
Abstained: Councilman: José Berra

Councilman: José Berra moved, seconded by Councilman: Barbara DiGiacinto, approval of proposal from Aquarius Capital for actuarial consulting services for Town's OPEB (Other Postemployment Benefits) valuation under GASB No. 75, for a fee of \$5,000 for Full Valuation for Fiscal Year 2020 and optional fee of \$1,500 for Fiscal Year 2021, and authorization for Supervisor to sign the agreement.

Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Barry Reiter, reappointment of Lois Mallin to the Parks and Recreation Advisory Board for a three-year term to expire May 24, 2023.

Vote- Unanimous

Councilman: José Berra moved, seconded by Councilman: Barbara DiGiacinto, approval of Consensus Agenda as follows:

- Audit and approval of payments as indicated on Warrant #17, dated September 23, 2020.
- Release of Highway Bonds:
 - Con Edison – Permits 1337, 1357, 1360 and 1363 in the amount of \$3,250 for various locations throughout the Town.
 - Salerno – Permit 1084 for driveway resurfacing at 15 Overlook Rd. N. in the amount of \$1,000.

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- Pietro DiSisto – Permit 1087 for driveway alteration at 6 Wayne Valley Road in the amount of \$1,000.
- Villa & Sons – Permit 1079 for driveway alteration at 28 Evergreen Row in the amount of \$1,000.
- Filipe Silva – Permit 1088 for driveway alteration at 6 Byram Brook Place in the amount of \$1,000.
- Jim’s Driveway Sealing – Permit 1085 for driveway alteration at 25 Upland Lane in the amount of \$1,000.

Vote- Unanimous

After all persons were heard who desired to be heard, the Supervisor adjourned the meeting at 8:51 p.m. in memory of Leonora Segatti, resident; Edward Sherman, resident; and Diane Saunders, mother of Scott Saunders, teacher and baseball coach at Byram Hills High School. The Board reconvened to Executive Session. The Executive Session closed at 9:30 p.m.

Alison Simon, Town Clerk

Dated: October 5, 2020

RESOLUTION

Action: Temporary Outdoor Dining Permit Regulations
Date of Approval: September 23, 2020

WHEREAS, current Executive Orders permit outdoor dining as long as tables and seating are six feet apart from each other, restaurant staff wear face masks and customers wear face masks when they aren't seated; and

WHEREAS, that, except as otherwise expressly amended herein, all provisions of Chapter 218 of the Town Code shall remain in full force and effect; and

WHEREAS, the following provisions of Chapter 218 are amended as follows until December 31, 2020 or until full indoor seating is permitted, whichever is sooner:

Section 218-3.B(1) shall be revised as follows:

The license shall be valid only until December 31, 2020 or until full indoor seating is permitted, whichever is sooner. In the event the Building Inspector determines not to issue a license, he shall give notice to the licensee of said intention, by certified mail, return receipt requested, not later than 30 days after receipt of an application for issuance of said license, and the reason therefor. The licensee may seek review of the Building Inspector's determination by appealing to the Town Board. Such review shall be requested by the licensee in writing and not later than 15 days from the receipt of the denial of the application by the Building Inspector of said license. Upon appeal, the Town Board shall give notice to the licensee of the meeting at which the appeal will be considered, which notice shall be delivered personally or by certified mail and addressed to the licensee's address as shown on the application. Such licensee shall be entitled to attend the meeting before the Town Board and shall be afforded a full opportunity to be heard. The Town Board shall render a final determination within 30 days of the said meeting.

Section 218-3.B(2) shall be revised as follows:

On the sidewalk or on the side or rear of the principal place of business of such entity, so long as the outdoor dining area is located on the same property as the principal place of business. In addition, an outdoor dining facility shall be permitted to be extended to directly contiguous property, if included as part of a single outdoor dining facility and if permitted by the adjacent property owner.

Section 218-3.B(4) shall be revised as follows:

Furnishing of an outdoor dining area shall consist solely of readily removable tables, chairs, umbrellas, seasonal heating, planters, and decorative accessories and trash receptacles (together, "furnishings") of a design, type, size and color approved by the Building Inspector, and all of which shall be uniform in style, color and material. The advertising of products or brands on any furnishings shall be prohibited.

Section 218-10 shall be revised as follows:

A fee shall be not be charged in connection with the review of outdoor dining license applications.

WHEREAS, the following additional provisions shall apply until December 31, 2020 or until full indoor seating is permitted, whichever is sooner:

Additional Outdoor Seating

Outdoor dining areas shall be permitted to be established in existing required off-street parking facilities up to an area consisting of 50% of the area of the off-street parking facility.

Additional Safety Provisions

All tables and surrounding chairs must be placed a minimum distance of 6 feet from all other tables and chairs for that or any adjacent facility

All employees must wear masks at all times

All customers must wear masks when not seated

No tables or chairs shall be located closer than 6 feet from any door where pick-up service or curbside delivery is made available

No tables or chairs shall extend into pedestrian pathways and shall be located a minimum of 6 feet from such pathways.

All outdoor dining shall comply with NY Governor Executive Orders, Dept. of Health regulations, and CDC guidelines/orders and the NYS Liquor Authority.

WHEREAS, on September 23, 2020 , the Town Board reviewed and discussed the proposed temporary outdoor dining permit regulations and all those wishing to be heard were given the opportunity to be heard; and

WHEREAS, the Town Board adopted a Negative Declaration on September 23, 2020; and

NOW THEREFORE BE IT RESOLVED, that above temporary outdoor dining permit regulations shall be in force only until December 31, 2020 or until full indoor seating is permitted, whichever is sooner.