

Town Board Minutes  
Town of North Castle  
15 Bedford Road  
Armonk, New York  
on  
April 14, 2021

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 6:42 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 7:40 p.m. The regular meeting reconvened at 7:45 p.m. and the following persons were present:

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

A Public Hearing was reconvened to consider a Local Law to amend Chapter 355, Zoning, of the Code of the Town of North Castle by amending Section 355-28. Additional R-MF-SS Residence District Regulations Subsection C. AFFH Units, regarding 162 Bedford Road, Armonk (formerly known as the Lumberyard).

The Minutes of the Public Hearing, which reconvened at 8:06 p.m., follow at the end of these Minutes.

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Barry Reiter, approval of Town Board Minutes: March 24, 2021 and March 31, 2021.

Vote- Unanimous

Regarding the repeal of Chapter 292 of the Town of North Castle Town Code entitled Telecommunication Facilities and proposed Local Law to create a new Chapter 292 entitled Wireless Communication Facilities:

- Councilman: Barry Reiter moved, seconded by Councilman: Barbara DiGiacinto, receipt of memo from Director of Planning Adam Kaufman, dated February 5, 2021.
- Councilman: José Berra moved, seconded by Councilman: Barbara DiGiacinto, receipt of Proposed Local Law
- Councilman: Barbara DiGiacinto moved, seconded by Councilman: Barry Reiter, receipt of Revised Master Fee Schedule
- Councilman: José Berra moved, seconded by Councilman: Barbara DiGiacinto, receipt of Short Environmental Assessment Form (EAF).
- Councilman: Barbara DiGiacinto moved, seconded by Councilman: Barry Reiter, receipt of Negative Declaration.
- Councilman: José Berra moved, seconded by Councilman: Barbara DiGiacinto, the scheduling of a Work Session with Cohen Law Firm on April, 22, 2021 and a Public Hearing on April 28, 2021.
- Councilman: Barbara DiGiacinto moved, seconded by Councilman: Barry Reiter, Declaration of Intent of the Town Board to act as Lead Agency; and referral to the Town Planning Board and County Planning Board.

Vote- Unanimous

A discussion was held regarding the New York State Marijuana Regulation and Taxation Act (MRTA).

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 Rob Melillo, dated April 8, 2021; and receipt of Short Environmental Assessment Form (EAF).
- Councilman: Barry Reiter moved, seconded by Councilman: José Berra, adoption of Negative Declaration and adoption of Resolution. The Resolution follows at the end of these Minutes.

Vote- Unanimous

Regarding the Shell Gas Station, 375 Main Street, Armonk; Councilman: Barbara DiGiacinto moved, seconded by Councilman: Saleem Hussain the following:

- Receipt of letter from Director of Planning Adam Kaufman, dated March 23, 2021.
- Approval of Wetlands Fee In-Lieu Mitigation contribution in the amount of \$27,835.
- Approval for the Town to be co-applicant on the NYS Department of Transportation (DOT) permit for street lights on Main Street located in the NYSDOT right of way.
- Approval to assume costs for operation and maintenance of lighting; and authorization for the Supervisor to sign the agreement.

Vote- Unanimous

Councilman: José Berra moved, seconded by Councilman: Saleem Hussain, receipt of Special Use Permit Application (SUP) for outdoor display and sales, and the scheduling of a Public Hearing on May 12, 2021.

Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Saleem Hussain, approval of request from Town Clerk Alison Simon for the following regarding the Town Hall Meeting Room Upgrades, to be paid for from the Cablevision and Verizon PEG Grants:

- Purchase of audiovisual equipment from New York State Contract at an estimated cost of \$40,000.
- Proposal for purchase of BroadcastPix core system to Tele-Measurements Incorporated for a fee of \$13,942 for equipment, \$833 for the first year warranty, and \$5,314 for the following three year warranty.
- Agreement with Granicus for Encoding Appliance Hardware at a one-time cost of \$4,500 and an annual streaming fee of \$1,200.01; and authorization for the Supervisor to sign the agreement.
- Purchase of assisted listening system from Sound Associates, Inc. at a cost of \$2,880.33.
- Proposal for design and installation from John Micewicz for a fee of \$4,000.
- Proposal for electrical work from Andy Ntarelli, Alcom Systems for an estimated fee of \$1,474.

Vote- Unanimous

Councilman: José Berra moved, seconded by Councilman: Saleem Hussain, approval of Payment Requisition No. 8 to Giacorp Contracting Inc., in the amount of \$11,162.50, for the North Castle Public Library Children's Room Expansion Project, Armonk.

Vote- Unanimous

Councilman: José Berra moved, seconded by Councilman: Saleem Hussain, approval of Payment Requisition No. 1 to AFL General Construction Inc., in the amount of \$40,826.25, for the North White Plains Community Center Renovation Project.

Vote- Unanimous

Approval to establish a new Capital Project fund for the North Castle Public Library Children's Educational Sensory Courtyard and Tech Office Update was tabled.

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A request from North Castle Public Library Director Edie Martimucci to purchase Tech Office equipment update for the NCPL Armonk Branch from State Contract to be paid from a NYS Library Grant and the Library budget was tabled.

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Saleem Hussain, approval of request from Superintendent of Recreation and Parks, Todd Orlowski to purchase the following equipment from Sourcewell: Ventrac Boom Mower MA900 at a cost of \$14,991.44; and Toro Sand Pro, at a cost of \$25,735.32; as budgeted for in 2021 Parks Operating Budget.

Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Saleem Hussain, approval of request for use of Town roads and Pool Parking Lot to hold Wall Street Rides FAR charity cycling event for Autism Research on Saturday, October 2, 2021, contingent on NYS, County, and local COVID-safety protocols.

Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Saleem Hussain, approval of alcohol permit for Blue Banner Inc. regarding company picnic at Lombardi Park on June 12, 2021, contingent on NYS, County, and local COVID-safety protocols.

Vote- Unanimous

Councilman: José Berra moved, seconded by Councilman: Saleem Hussain, approval of New York City Department of Environmental Protection (NYCDEP) Land Use Permit Conditions regarding Old Route 22 Parking Lot for a prorated fee of \$1,240.27; and authorization for the Supervisor to sign the certificate of acknowledgement.

Vote- Unanimous

Councilman: José Berra moved, seconded by Councilman: Barbara DiGiacinto, to extend the agreement with Roma's Pizza E Pasta, Inc. to operate the Town Pool Concession for the 2021 season at a cost of \$3,000.

Vote- Unanimous

Councilman: Barry Reiter moved, seconded by Councilman: José Berra, receipt of letter of resignation from Superintendent of Recreation and Parks Todd Orlowski, effective April 16, 2021.

Vote- Unanimous

Councilman: Barry Reiter moved, seconded by Councilman: José Berra, approval of appointment of Matthew Trainor as Superintendent of Recreation and Parks, effective April 19, 2021.

Vote- Unanimous

Councilman: Barry Reiter moved, seconded by Councilman: Saleem Hussain, appointment of Joseline Huerta as Intermediate Clerk Part-Time, Building Department, effective April 5, 2021.

Vote- Unanimous

Councilman: Barry Reiter moved, seconded by Councilman: José Berra, receipt of letter of resignation from Hugh Pender, Highway Department, effective April 2, 2021.

Vote- Unanimous

Councilman: Barry Reiter moved, seconded by Councilman: Saleem Hussain, receipt of letter of resignation from Daniel Zenkel from the Parks and Recreation Advisory Board (PRAB), effective April 30, 2021.

Vote- Unanimous

Councilman: José Berra moved, seconded by Councilman: Barry Reiter, receipt of letter of resignation from Nils Chittenden from the Board of Ethics, effective March 18, 2021.

Vote- Unanimous

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

- Audit and approval of payments in the amount of \$3,150,789.40 as indicated on Warrant No.7 dated April 14, 2021.
- Receipt of Town Clerk's Report: March 2021.
- Receipt of Notice of Claim in the Matter of Michael Nivasch vs. Town of North Castle and the County of Westchester.
- Notice of Claim in matter of Travelers Personal Insurance a/s/o Michael W & Pamela J. Nivasch vs. Town of North Castle.
- Receipt of report from Safe Flight Instrument Corporation, dated April 2, 2021, regarding heliport activities.
- Receipt of letter from NYS Department of Transportation (NYSDOT) dated March 31, 2021, regarding Designation of Restricted Highway Contract.

Vote- Unanimous

After all persons were heard who desired to be heard, the Supervisor closed the regular meeting at 9:58 p.m. in memory of Barbara Carmel, former Armonk resident and mother-in-law of former Councilman Gerry Geist.

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Alison Simon, Town Clerk

Dated: April 23, 2021

## RESOLUTION

**Action:** Temporary Outdoor Dining Permit Regulations  
**Date of Approval:** April 14, 2021

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, 2021 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, 2021 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, 2021 or until full indoor seating is permitted, whichever is sooner:

***Temporary Outdoor Dining Permit Regulations***

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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 April 14, 2021 , 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 April 14, 2021; and

NOW THEREFORE BE IT RESOLVED, that above temporary outdoor dining permit regulations shall be in force only until December 31, 2021 or until full indoor seating is permitted, whichever is sooner.