

Town Board Minutes  
Town of North Castle  
15 Bedford Road  
Armonk, New York  
on  
September 9, 2021

The Town Board meeting was called to order at 6:00 p.m. at Town Hall and immediately adjourned to an Executive Session on the duly adopted motion of Councilman DiGiacinto. All Town Board members and the Town Administrator were present for the Executive Session. The Executive Session adjourned to a Work Session at 7:15 p.m., Town Board members, the Town Administrator, and the Town Clerk were present for the Work Session. The Work Session closed at 7:45 p.m. The regular meeting reconvened at 7:48 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 Administrator: Kevin Hay

Absent: Town Attorney: Roland A. Baroni

Public Hearings were reconvened regarding the proposed Airport Campus development, 113 King Street, Armonk.

A Public Hearing was held to consider the establishment of Water District No. 8 (New King Street).

The Minutes of the Public Hearings which opened at 8:28 p.m. follow at the end of these Minutes.

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Barry Reiter, approval of Town Board Minutes: August 11, 2021.

The roll call vote was as follows:

Ayes: Supervisor: Michael Schiliro, Councilman: Barbara DiGiacinto,  
Councilman: Barry Reiter

Noes: None

Abstained: Councilman: José Berra, Councilman: Saleem Hussain

Regarding the proposed Zoning Text Amendment for Pleasant Grooming of Armonk, 1 Labriola Court, Armonk to allow outdoor areas at a commercial dog care facility, Councilman: Barbara DiGiacinto moved, seconded by Councilman: Barry Reiter, receipt of Environmental Assessment Form (EAF), receipt of County Planning Board recommendation, dated July 27, 2021 and receipt of Planning Board recommendation, dated August 10, 2021.

Vote- Unanimous

Councilman: José Berra moved, seconded by Councilman: Saleem Hussain, the scheduling of a Public Hearing on October 27, 2021.

Vote- Unanimous

Consider receipt of Special Use Permit Application for additional horses at 263 Bedford Banksville Road from Kent Farrington LLC, and referral to the Planning Board and County Planning Board.

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Saleem Hussain, receipt of Special Use Permit Application for additional horses at 263 Bedford Banksville Road from Kent Farrington LLC, and moved referral to the Planning Board and County Planning Board.

Vote- Unanimous

Town Board Minutes  
September 9, 2021

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Barry Reiter, approval of request from Jewish Board of Family and Children Services for use of roads and parks for cycling event Sunday, September 12, 2021.

Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Barry Reiter, approval of Payment Application No. 4 to Abbott & Price, Inc. in the amount of \$13,941.25 for Elevator Project, North Castle Public Library, Armonk.

Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Barry Reiter, approval of proposal from A.R. Kropp Co. & Sons in the amount of \$8,066.14 for furniture in the North Castle Public Library Children's Room Expansion Project, Armonk.

Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Barry Reiter, approval of Aqua Works, Inc. charge order No. 1 regarding Community Park Comfort Station installation of additional concrete sidewalk and the relocation of an electric transformer at a cost of \$6,000.

Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Barry Reiter, approval of Payment Requisition No. 1 to Aqua Works, Inc. in the amount \$151,228.12 for Community Park Comfort Station.

Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Saleem Hussain, receipt of Consent Judgment and authorization to pay refund to Omar Robles and Brenda Rodriguez in the amount of \$1,304.66 regarding 11 Hemlock Rise Tax ID No. 101.02-4-3 for the assessment year 2019.

Vote- Unanimous

Regarding the Extension of Temporary Outdoor Dining Permit Regulations providing additional outdoor seating opportunities in North Castle's three Hamlets, Councilman: José Berra moved, seconded by Councilman: Barbara DiGiacinto, receipt of Short Environmental Assessment Form (EAF), adoption of Negative Declaration, and adoption of Resolution. The Resolution follows at the end of these Minutes.

Vote- Unanimous

Councilman: Saleem Hussain moved, seconded by Councilman: Barry Reiter, authorization for the Supervisor to sign the Land-Banked Parking Agreement with A&R Real Estate Holdings, LLC. for parking at 100 Business Park Drive, Armonk for a fee of \$10.

Vote- Unanimous

Councilman: Barry Reiter moved, seconded by Councilman: Saleem Hussain, authorization for the Supervisor to sign the Retainer Agreement with Keane & Beane, P.C. for environmental legal services at costs outlined in the agreement.

Vote- Unanimous

Councilman: Barry Reiter moved, seconded by Councilman: Saleem Hussain, approval of appointment of Jayne Preiser to hourly Library Page, effective September 13, 2021.

Vote- Unanimous

Councilman: Barry Reiter moved, seconded by Councilman: Saleem Hussain, approval of appointment of Joseph Brigante to hourly Library Page, effective September 13, 2021.

Vote- Unanimous

Town Board Minutes  
September 9, 2021

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

- Audit and approval of payments in the amount of \$2,131,612.84 as indicated on Warrant No.16 dated September 9, 2021.
- Town Clerk's Report: August 2021.
- Receipt of Cable Franchise Fees for 2nd Quarter 2021 from Cablevision/Altice and Verizon FIOS.
- Receipt of Summons and Complaint in the matter of Michael W. Navisch vs. Town of North Castle, et al.
- Receipt of Verified Complaint in the matter of New York State Division of Human Rights on the Complaint of Patrice Brinson vs. Town of North Castle Housing Board, et al.
- Release of Highway Bonds.
  - Ridge Paving – Permit 1143 for driveway alteration at 12 Palmer Place in the amount of \$1,200.
  - Armonk Creations – Permit 1151 for driveway alteration at 97 High Street in the amount of \$2,400.
  - Pietro DiSisto – Permit 1153 for driveway resurfacing at 6 Hallock Place in the amount of \$1,200.
- Receipt of report from Safe Flight Instrument, LLC, dated August 30, 2021, regarding heliport activities.

Vote- Unanimous

After all persons were heard who desired to be heard, the Supervisor closed the regular meeting at 10:12 p.m. in memory of former resident Fred See, husband of Kathy See, longtime employee of North Castle Police Department and father of Timmy See, longtime North Castle Police Officer; Kathy Shelhart, Byram Hills Music Teacher; and resident Agnes McDonald, widow of Ralph McDonald.

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Alison Simon, Town Clerk

Dated: September 15, 2021

## RESOLUTION

**Action:** Temporary Outdoor Dining Permit Regulations  
**Date of Approval:** September 9, 2021

WHEREAS, Gov. Andrew Cuomo signed the NY HERO Act, or the New York Health and Essential Rights Act, that aims to bolster protections against airborne illnesses; and

WHEREAS, the Town Board wishes to enact temporary measures that would afford restaurants the ability to provide additional outdoor seating opportunities in an effort to limit the spread of airborne illness; 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 January 5, 2022 or sooner if the Town Board rescinds these temporary measures:

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

The license shall be valid only until January 5, 2022. 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 January 5, 2022 or sooner if the Town Board rescinds these temporary measures:

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.

Tents

All tents shall comply with the NYS Building and Fire Code. Tents shall be permitted to be located in the front yard.

WHEREAS, on September 9, 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 September 9, 2021; and

NOW THEREFORE BE IT RESOLVED, that above temporary outdoor dining permit regulations shall be in force until January 5, 2022 or sooner if the Town Board rescinds these temporary measures.