

Town Board Minutes
Town of North Castle
15 Bedford Road
Armonk, New York
on
January 26, 2022

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 DiGiacinto. 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 7:24 p.m. All Town Board members, the Town Attorney, 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 7:47 p.m. and the following persons were present:

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

A Public Hearing was held to consider the proposed Zoning Text Amendment to add recreation centers as a permitted principal use in the RELIP Research, Electronic and Light Industrial Park Zoning District in Armonk.

The Minutes of the Public Hearing, which opened at 8:05 p.m. follow at the end of these Minutes.

Councilman: José Berra moved, seconded by Councilman: Matt Milim, receipt of notification from New York State Department of Environmental Conservation (NYSDEC) Water Quality Improvement Project (WQIP) grant award for \$2,968,000 for Town of North Castle Sewer District No. 2 Waste Water Treatment Plant Enhancement Project, and authorization for the Supervisor to sign the agreement with NYSDEC.

Vote- Unanimous

Councilman: Saleem Hussain moved, seconded by Councilman: Matt Milim, adoption of Resolution directing the Town Assessor to grant exemptions on the 2022 Town Assessment Roll to all property owners who received such exemptions on the 2021 Assessment Roll, including senior citizens and individuals with disabilities with limited income, thereby dispensing with the need for any such individuals to file renewal applications for such exemptions.

The Resolution follows at the end of these Minutes.

Vote- Unanimous

Councilman: José Berra moved, seconded by Councilman: Saleem Hussain, receipt of memo from Assessor Georgann Richardson, dated January 20, 2022, regarding Veteran's Tax Exemption levels and the scheduling of a Public Hearing on February 16, 2022 to consider adoption of a Local Law to increase Veteran's Tax Exemption levels.

Vote- Unanimous

Councilman: Saleem Hussain moved, seconded by Councilman: Matt Milim, approval of recommendation from Kellard Sessions to transfer the Sidewalk Improvement Bond regarding 873 North Broadway, North White Plains from GDC Equities, LLC to new property owner 873 Holding Company, LLC, and extend the bond for a period of one year.

Vote- Unanimous

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Councilman: José Berra moved, seconded by Councilman: Saleem Hussain, approval of request from Stayin' Alive charity to schedule the 9th annual 5k Fun Run in the Windmill Community on October 8, 2022, contingent on NYS, County, and local COVID-safety protocols.

Vote- Unanimous

Councilman: Saleem Hussain moved, seconded by Councilman: Matt Milim, ratification of Library Board rejection of bids for the North Castle Public Library Restroom Construction Project, Armonk Branch, and permission to rebid.

Vote- Unanimous

Councilman: Saleem Hussain moved, seconded by Councilman: Matt Milim, approval of Filming Permit application from ABC Studios New York LLC to film "Fleishman is in Trouble" at 33 Bayberry Road Armonk on March 9 and 10, 2022 from 7 AM to 12 AM.

Vote- Unanimous

Councilman: Saleem Hussain moved, seconded by Councilman: Matt Milim, readoption of the May, 26 2021 Town Board Resolution authorizing the Supervisor to execute the contract of sale to purchase vacant land located at 23 Whippoorwill Road East, Armonk from Verizon New York Inc. (formerly known as New York Telephone Company) at a cost of \$50,000, adding that this resolution and contemplated purchase of property is subject to permissive referendum.

The Resolution follows.

Vote- Unanimous

RESOLVED, that the Town Board of the Town of North Castle hereby authorizes the purchase of a portion of 23 Whippoorwill Road East, Armonk, New York, comprising approximately 45,927 square feet for general municipal purposes at a purchase price of \$50,000, and hereby authorizes the Supervisor to execute all documents in connection therewith; and be it

RESOLVED, that this resolution is adopted subject to permissive referendum and that the Town Clerk be authorized to publish a Notice of Permissive Referendum within ten (10) days hereof.

Councilman: José Berra moved, seconded by Councilman: Barbara DiGiacinto, adoption of Resolution opposing New York State proposed legislation S4547A Accessory Dwelling Unit Law. The Resolution follows at the end of these Minutes.

Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Saleem Hussain, authorization for the Supervisor to sign agreement with North East Westchester Special Recreation, Inc. for 2022 for a total cost of \$7,294.52.

Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Saleem Hussain, authorization for the Supervisor to execute property tax agreement with Marilyn Hylenski.

Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Matt Milim, approval of Terminal Leave payment for Joseph Massaro, Highway Department.

Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Matt Milim, reappointment of John Stipo to the Zoning Board of Appeals for a five-year term to expire December 31, 2026.

Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Matt Milim, receipt of Letter of Resignation from Angelo Monaco from the Architectural Review Board, effective January 1, 2022.

Vote- Unanimous

Councilman: Saleem Hussain moved, seconded by Councilman: Barbara DiGiacinto, receipt of audit and approval of payments in the amount of \$939,902.74 as indicated on Warrant No.2 dated January 26, 2022 with the exception of payment to Cohen Law Group in the amount of \$3,900.

Vote- Unanimous

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Councilman: José Berra moved, seconded by Councilman: Saleem Hussain, approval of Consensus Agenda as follows:

- Release of Highway Bonds.
 - Griffen Landscaping - Permit 1141 for driveway alteration at 58 Windmill Rd in the amount of \$2,400.
 - Greer - Permit 1164 for driveway alteration at 5 N Lake Rd in the amount of \$1,200.
- Receipt of Determination and Order After Investigation in the matter of New York State Division of Human Rights on the complaint of Patrice Brinson vs. Town of North Castle Housing Board, Michael J. Schiliro.

Vote- Unanimous

After all persons were heard who desired to be heard, the Supervisor adjourned the meeting at meeting at 9:35 p.m. in memory of former resident Eileen Ann Klar. The Board reconvened to Executive Session. The Executive Session adjourned and the Town Board meeting was closed at 11:00 p.m.

Alison Simon, Town Clerk

Dated: February 3, 2022

RESOLUTION: TOWN OF NORTH CASTLE – JANUARY 26, 2022

WHEREAS, on December 26, 2021, Governor Kathy Hochul issued Executive Order No. 11, declaring a State disaster emergency for the entire State of New York due to the COVID-19 pandemic; and

WHEREAS, this State disaster emergency has resulted in limited hours in municipal offices in the Town of North Castle and rendered senior citizens and individuals with disabilities residing in North Castle homebound. These factors combined have made it difficult, if not impossible, for many in these populations to file their real property tax exemption applications in person and many, further, lack the ability to file such applications online; and

WHEREAS, in recognition of the above problems caused by the pandemic, Governor Hochul issued Executive Order No. 11.1 on December 26, 2021, thereby extending Executive Order No. 11. This extension of the Governor's Executive Order modifies subdivisions 7, 7-a and 8 of section 459-c of the Real Property Tax Law and subdivisions 5, 5-a, 5-b, 5-c and 6 of section 467 of the Real Property Tax Law, the effect of which permits the governing body of an assessing unit (i.e., the Town Board of the Town of North Castle) to adopt a Resolution directing the Assessor to grant exemptions on the 2022 assessment roll to all property owners who received such exemptions on the 2021 assessment roll (i.e., senior citizens and individuals with disabilities with limited income), thereby dispensing with the need for such persons to file renewal applications to request such exemptions, and further dispensing with the requirement that assessors mail renewal applications to such persons; and

WHEREAS, Executive Order 11.1 further allows the governing body of said assessing unit, in any such Resolution, at its option, to include procedures by which its Town Assessor may require a renewal application to be filed if she has reason to believe that an owner who qualified for the exemption on the 2021 assessment roll may have since changed his or her primary residence, added another owner to the deed, transferred the property to a new owner or died; and

WHEREAS, pursuant to said Executive Order, the Town Board of the Town of North Castle wishes to adopt such Resolution directing the Town Assessor of the Town of North Castle to grant exemptions on the 2022 assessment roll to all eligible senior citizens and individuals with disabilities with limited income, and granting the Town Assessor of the Town of North Castle the authority to require renewal applications for due cause, as discussed above, utilizing procedures outlined below;

NOW THEREFORE, BE IT RESOLVED, pursuant to the authority granted by Executive Order No. 11.1, issued by the Governor of the State of New York, that the Town Board of the Town of North Castle hereby directs the Town Assessor of the Town of North Castle to:

1. Grant exemptions on the 2022 assessment roll to all individuals who received the senior exemption on the 2021 assessment roll and all individuals who received the exemption on the 2021 assessment roll because they were recognized as a person with disabilities and limited income, thereby dispensing with the need for any such individuals to file renewal applications for such exemptions, except that;

2. The Town Assessor may, in her sole discretion, require a renewal application to be timely filed with her office if she has reason to believe that any such individual, who qualified for the aforementioned exemption on the 2021 assessment roll, may have since changed their primary residence, added another owner to the deed for the relevant property, transferred such property to a new owner or died. If the Town Assessor requires such renewal application be filed, she shall notify the owner of the subject property of such requirement by regular mail, with such notice shall containing instructions on how to file the renewal application. Said renewal application may be returned by mail or by making an appointment to drop same off at the Town Assessor's office, 17 Bedford Road, Armonk, NY 10504.

RESOLUTION: TOWN OF NORTH CASTLE – JANUARY 26, 2022

In Consideration of Proposed NYS Legislation S4547A-Accessory Dwelling Unit Law

WHEREAS, the New York State Senate is considering the adoption of the current revision to S4547A – Accessory Dwelling Unit (AUD) Law which amends the Real Property Law concerning Accessory Dwelling Units by superseding local zoning as it relates to residential zoning districts and land use; and

WHEREAS, Governor Hochul, in the 2022 State of the State address, supports the creation of legislation that would impose Statewide standards to local zoning, usurping Municipal Home Rule powers; and

WHEREAS, S4547A if adopted would override Local Zoning and Municipal Home Rule, permitting accessory apartments as of right, with minimal regulation in all residential districts, including multifamily districts, and on any lot regardless of its zoning with an existing residential use; and

WHEREAS, the proposed law would prohibit a municipalities ability to craft specific regulations while considering the impacts on the locality’s environment, infrastructure, parking, school enrollment, and police and fire departments within its borders; and

WHEREAS, in not considering the impacts specific to a local municipality, this legislation will have far reaching effects impacting the health, safety and quality of life of the residents of North Castle; and

WHEREAS, a one size fits all requirement encroaches on the ability of every New Yorker to participate in local planning in the community in which they live; and

WHEREAS, the proposed legislation causes additional concern regarding the conversions of Hotel and Office to residential as of right without any local oversight; and

WHEREAS, the Town of North Castle has a long history of meeting the special housing needs of the community including the ability to establish accessory apartments since 1984, creating the Town’s Middle-Income Unit program in 1994, the adoption of Fair and Affordable Housing legislation in 2014, as well as providing housing opportunities that respond to North Castle’s changing population through infill development as stated in the Comprehensive Plan; and

NOW THEREFORE BE IT RESOLVED, that the Town of North Castle adamantly opposes S4547A Accessory Dwelling Unit Law; and

BE IT FURTHER RESOLVED, that the Town of North Castle urges the Governor of the State of New York, and the New York Legislature to preserve and protect Municipal Home Rule and Local Zoning Powers.