

Town Board Minutes
Town of North Castle
15 Bedford Road
Armonk, New York
on
September 28, 2022

The Town Board Meeting was held in person at 15 Bedford Road, Armonk, New York and via videoconference. The Meeting was called to order at 5:30 p.m. and 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 in person for the Executive Session, with the exception of Councilman Berra who participated via videoconference.

The Executive Session adjourned to a Work Session at 7:02 p.m. The Work Session closed at 7:46 p.m.

- All Town Board members, the Town Attorney, the Town Administrator and the Town Clerk were present in person for the Work Session, with the exception of Councilman Berra who participated via videoconference.

The regular meeting reconvened at 7:48 p.m.

The following persons were present in the Meeting Room:

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

The following person participated via videoconference:

Councilman: José Berra

Councilman: Barbara DiGiacinto moved, seconded by Councilman Matt Milim, approval of Town Board Minutes: September 14, 2022 with the exception of the Public Hearing Minutes regarding the Special Use Permit Application of Brothers Green Nursery 11 Bedford Banksville Road, which were tabled to the October 12, 2022 meeting.

Vote- Unanimous

There was a presentation by Joe Cermele, Kellard Sessions Consulting regarding Parking Improvement Plan for Kent Place Parking Lot (former Verizon Property). Councilman Barbara DiGiacinto recused herself from the discussion due to the fact that contiguous properties are owned by members of the DiGiacinto family.

Councilman: José Berra moved, seconded by Councilman: Barbara DiGiacinto, adoption of Resolution of 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

Regarding the proposed Local Law to Amend Chapter 241 Section 3.E entitled "Property Maintenance" to clarify maintenance requirements of pollinator gardens, Councilman: Barbara DiGiacinto moved, seconded by Councilman: Saleem Hussain, receipt of Local Law; scheduling of a Public Hearing on October 26, 2022; and requested that the proposed Local Law be circulated to the Conservation Board, Mianus River Gorge, and the Beautification Committee.

Vote- Unanimous

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Consider receipt of Special Use Permit Application for additional horses at 263 Bedford Banksville Road from Chloe and Mikhail Gasiorowski; and referral to the Planning Board and County Planning Board.

Councilman: José Berra moved, seconded by Councilman: Saleem Hussain, receipt of Special Use Permit Application for additional horses at 263 Bedford Banksville Road from Chloe and Mikhail Gasiorowski; and referral to the Planning Board and County Planning Board.

Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman Matt Milim, authorization for the Director of Water and Sewer Operations Sal Misiti, to pursue an engineering study for the affected portion of Quarry Heights.

Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Saleem Hussain, approval of Corsetti Contracting change order No. 1 regarding the Playground Project for the replacement of rail tie borders for a fee of \$46,275.00; and authorization for the Supervisor to sign the change order.

Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Saleem Hussain, approval to reject bid for the Long Pond Gazebo Project. Councilman Berra recused himself from the vote.

The roll call vote was as follows:

Ayes: Supervisor: Michael Schiliro, Councilman: Barbara DiGiacinto, Councilman: Saleem Hussain, Councilman Matt Milim

Abstained: Councilman: José Berra

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Saleem Hussain, approval of request for Holiday Display of Nativity Crèche at Miller Park, North White Plains, from December 1, 2022 to January 6, 2023.

Vote- Unanimous

Regarding the Board of Ethics recommendations to amend Chapter 27, Code of Ethics, Councilman: José Berra moved, seconded by Councilman Matt Milim, receipt of the following: Town of North Castle Revised Ethics Disclosure Statement for Calendar Year 2022, Script for Ethics Board Educational Video, and proposed amendments to the Code of Ethics.

Vote- Unanimous

Councilman: José Berra moved, seconded by Councilman: Barbara DiGiacinto, approval of request from The Friends of the North Castle Public Library for waiver of tent permit fee for use at the 60th Annual Armonk Outdoor Art Show October 1 and 2, 2022.

Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Saleem Hussain, approval of proposal from Cartographic Associates, Inc., dba as CAI Technologies (CAI) for Tax Map Maintenance and Internet Service for 2023 for a fee of \$8,000; and authorization for the Supervisor to sign agreement.

Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Saleem Hussain, approval of Wetland Mitigation Plantings Maintenance Agreement with HTR Old Quarry Lake LLC regarding project located at 1503 Old Orchard Street, North White Plains; and authorization for Supervisor to sign agreement.

Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Saleem Hussain, approval of License Agreement with 121 Lafayette Ave. Associates, LLC for vehicular parking on a portion of the roadway in front of 120 Lafayette Avenue, North White Plains for a fee of \$10; and authorization for the Supervisor to sign the agreement.

Vote- Unanimous

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Councilman: Barbara DiGiacinto moved, seconded by Councilman: Saleem Hussain, approval of License Agreement with 121 Lafayette Ave. Associates, LLC for vehicular parking on a portion of the roadway in front of 121 and 123 Lafayette Avenue, North White Plains for a fee of \$10; and authorization for the Supervisor to sign the agreement.

Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Saleem Hussain, approval of proposal from Verizon Connect for GPS equipment and subscription for use by the Highway Department for a monthly fee of \$2,694 and authorization for the Supervisor to sign the agreement.

Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Saleem Hussain, receipt of resignation Jeffrey Dato, Parks Groundskeeper, Parks Department, effective September 16, 2022.

Vote- Unanimous

Councilman: José Berra moved, seconded by Councilman: Saleem Hussain, approval of appointment of Vincent Giordano to the Conservation Board for a two-year term to expire September 30, 2024.

Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Saleem Hussain, approval of Consensus Agenda as follows:

- Audit and approval of payments in the amount of \$1,189,594.46 as indicated on Warrant No.17 dated September 28, 2022.
- Release of Highway Bonds.
 - Robert Andriano - Permit 1206 for a driveway alteration at 47 Whippoorwill Road East in the amount of \$2,400.
 - 82-84 Round Hill LLC - Permit 1119 for a curb cut at 84 Round Hill Road in the amount of \$1,200.
- Receipt of Notice of Entry and Demand for Payment in the matter of KRL Properties, LLC v. Town of North Castle, Index No. 60949/20, et al.
- Receipt of Notice of Claim from Tracy Xu, dated September 2, 2022.

Vote- Unanimous

After all persons were heard who desired to be heard, the Supervisor closed the regular meeting at 11:32 p.m. in memory of resident Carmine R. Amado.

Alison Simon, Town Clerk

Dated: October 6, 2022

RESOLUTION

Action: Temporary Outdoor Dining Permit Regulations
Date of Approval: September 28, 2022

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 3, 2023 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 until the Town Board rescinds these temporary measures. 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 3, 2023 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 28, 2022, 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

NOW THEREFORE BE IT RESOLVED, that based upon its review of the full environmental record the Town Board finds that the proposed action will not result in any significant adverse environmental impacts and hereby adopts a Negative Declaration pursuant to the requirements of Article 8 of the New York State Environmental Quality Review Law and 6 NYCRR Part 617; and

BE IT FURTHER RESOLVED, that above temporary outdoor dining permit regulations shall be in force until January 3, 2023 or sooner if the Town Board rescinds these temporary measures.