

Town Board Minutes
Town of North Castle
15 Bedford Road
Armonk, New York
on
March 20, 2013

The meeting was called to order at 6:00 p.m. at 15 Bedford Road on the duly adopted motion of Councilman D'Angelo and immediately adjourned into executive session. All Town Board members and the Town Administrator were present for the executive session which closed at 6:55 p.m. The Town Clerk joined the regular meeting which reconvened at 7:00 p.m. and the following persons were present:

Supervisor	Howard B. Arden
Councilmen:	Michael J. Schiliro
	Diane DiDonato Roth
	John J. Cronin
	Stephen D'Angelo

Town Clerk	Anne Curran
Town Administrator	Joan Goldberg

The Town Attorney was absent for the meeting.

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, approval of request from Chief of Police William Fisher to promote Detective Brant Sammann to Police Sergeant, effective March 23, 2013. Chief Fisher praised the outstanding work that Mr. Sammann has performed in the Detective Division.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None

Based on the recommendation of Chief Fisher to hire three transfer Police Officers from the City of Mount Vernon effective March 23, 2013, Supervisor Arden administered the oath of office to David A. Zapon, Louis Carricato and Douglas E. Puff.

Anthony Veneziano, Veneziano & Associates, appeared before the Board on behalf of the applicant, Frank Madonna Jr., regarding the revised conceptual subdivision plan for the 3.6 acre Madonna property located between Route 128 and Old Mount Kisco Road. A Petition was submitted to the Town Board on November 21, 2012 requesting to rezone the property, currently located within two separate zoning districts of R-10 and R-1A, to R-MF-A with a proposed development of multi-family buildings with a total of 28 units. At the November 28, 2013 Town Board meeting, the Board tabled the referral of the petition for to the Planning Board. Following discussion with Mr. Madonna at the February 13, 2013 meeting, the Board recommended a joint Work Session with the Planning Board which was held on March 11, 2013. At the Work Session, Mr. Veneziano reviewed three proposals: 1) as of right proposal for six single family homes which could developed provided sewer is brought to the site; 2) a 14 unit townhouse proposal to include two middle income units; and 3) the applicant's preferred proposal for 18 townhouses to include two middle income units.

Referencing his March 15, 2013 letter to the Board, Mr. Veneziano said the revised plan includes significant modifications based upon input from both Boards. Access to the site, originally proposed off of Route 128, has been redesigned off of Old Mount Kisco Road. The revised plan, which amends the prior petition, includes 14 townhouses, 12 market rate units, of approximately 1,900 square feet plus a two car garage, and two middle income units, approximately 1400 square feet plus a garage. The market rate units would have master bedrooms on the first floor. Mr. Veneziano said the plan still provides for underneath garages which he said would provide more parking at the site and open up the site plan.

The following stipulations are tied to the submission and the revised plan:

- public sewer would be brought into the site and the homes along Old Mount Kisco Road, currently on septic, and adjacent to the project, would be connected at the applicant's expense;
- public water would be brought into the site for the project, additional tie-ins would be optional at the neighbors' expense;
- units would be age-restricted to 55 years and older; and,
- units would be fee simple to address the tax concerns of the Town.

Mr. Veneziano said the sewage capacity allocated for the project is 1,800 gallons per day (gpd), 300 gpd for the six as of right homes which could be built on the site. Comparing the density of six homes each with four people to 14 homes each with two people, Mr. Veneziano said that the gpd is close. In response to a query from Supervisor Arden whether the proposed 14 units could be accommodated with a sewer capacity of 1,800 gpd, Mr. Veneziano said the capacity needed should be close to this amount. He referenced a memo from Kellard Sessions which addressed sewer capacity both inside and outside of the district. He said the issue of some neighbors not wanting sewers will be addressed.

In response to queries from residents Christine Eggleton and Susan Shimer regarding the request for a zoning change to multi-family residential, Director of Planning Adam Kaufman said the applicant had originally asked to rezone the property to multi-family. Mr. Kaufman explained that the applicant is now asking to map the senior citizens floating zone to this property and the Board is considering reducing the age restriction from 62 years of age and older to 55 years. Mr. Kaufman said the Town Board had previously created a senior citizens floating zone and determined that this type of use is permitted in certain locations. If the revised plan is referred to the Planning Board, it will provide its opinion to the Town Board on this matter. Mr. Kaufman said there is not specific rezoning being proposed. Mr. Veneziano added that by sending the plan to the Planning Board there is a level of conceptual approval subject to review of wetland, traffic, visual, sewage capacity and water supply issues. Following the review, a hearing before the Town Board is required regarding the zone text and zoning map changes and the sewer district issues.

Councilman Schiliro said the scaled down project would provide benefits to the Town including age restricted housing and connecting sewers to adjacent properties. Mr. Schiliro said the Planning Board will provide input regarding the water and sewer district issues and he would be comfortable referring the revised plan to the Planning Board.

Councilman DiDonato Roth said applying the senior citizen floating zone to this property will provide housing choices for seniors and bringing sewer service into the area will increase its value of the homes and the value for the Town. Ms. DiDonato Roth said that sewer and water capacity numbers need to be updated with the Planning Board's input. She agreed that the project should to be referred to the Planning Board for study.

Councilman Cronin said that progress has been made including access to the site from Old Mount Kisco Road and age restricted housing. Mr. Cronin expressed concern with the sewer issue and said a buy-in fee has to be instituted. He said was comfortable with deferring the referral if the Board wanted to further review the sewer issue.

Councilman D'Angelo said the applicant has made changes to reduce the size of the project, and the referral to the Planning Board requires the applicant to work with the Conservation Board to mitigate the drainage through the wetlands.

With regard to the request to refer the matter to the Planning Board, Supervisor Arden requested study concerning the following points:

- Sewage usage as compared to use by to 6 homes (as of right).
- Sewer buy-in fee as a requirement to the applicant.
- Necessary upgrades to pumping station.
- Drainage through wetlands.

Councilman Schiliro moved, seconded by Councilman DiDonato Roth, to refer the matter to the Planning Board for its study and report.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None

Councilman D'Angelo moved, seconded by Councilman DiDonato Roth, receipt of a memo from Conservation Board Chairman John Fava regarding the Madonna Project and Old Mount Kisco Road.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None

With regard to discussion of proposed Banksville Avenue rezoning, Director of Planning Kaufman provided background information regarding the issue of mixed permitted uses in the General Business district. At the Supervisor's request, Mr. Kaufman cited statements from the Town Comprehensive Plan including recommendations to take a close look at industrial like uses in GB District, to establish more restrictive development standards in Banksville commercial area as it is not suitable for further industrial development.

Mr. Kaufman reviewed the proposed legislation which would rezone approximately 4.7 acres located along the northerly side of Banksville Avenue, adjacent to the Town of Greenwich, Connecticut, from its present GB General Business District classification to the newly created GB-B General Business B District. In addition, an area of approximately 1.0 acres located at the northeasterly corner of the intersection of Bedford- Banksville Road and Banksville Avenue would be rezoned from its present GB General Business District classification to CB-B Central Business B District.

Chuck Banks, legal counsel to several Banksville Avenue property owners, stated that he has been working the Mr. Kaufman to come up with a way to stabilize zoning on Banksville Avenue. Mr. Banks said that business owners recognize the need to make commercial uses more compatible with residential uses but asked for an exception of allowing limited warehouse and storage use, with restrictive size limits and all indoor vehicle storage, to the proposed permitted uses.

Residential property owners Denise and Steve O'Connor and Eric Birnbaum objected to the warehouse and storage use and reiterated their concerns and the long battle to find a zoning solution to protect residential property owners from inappropriate commercial development. Mr. O'Connor cited numerous environmental concerns over groundwater contamination and urged the Town Board to rezone it residential as studies have recommended multiple times. He added that accessory uses and grandfathering would protect every small business that currently exists.

Other residents, including Jeff Brown and Larry Nokes urged the Town Board to consider compromise rather than a complete change to all residential zoning for Banksville Avenue.

The Supervisor suggested that the legislation reference a CB-C zoning district instead of GB-B as a way of getting away from any connotation of industrial use.

Based on the discussion about the creation of a new Zoning District along Banksville Avenue, Councilman Schiliro moved, seconded by Councilman D'Angelo that the matter be referred to the Planning Board for its study and report, and further moved the scheduling of a public hearing for May 8, 2013.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, approval of request from Naderman Land, P.C. for the Town to return the recreation fee payment in the amount of \$10,000 to Nicholas Firth for a subdivision approval obtained in December 2012 for a lot on Hickory Kingdom Road. The lot was donated to the Mianus River Gorge and will not be developed.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, approval for the Supervisor to make the 2012 budget transfers that follow at the end of these minutes, as requested by Town Administrator, Joan Goldberg.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, approval of Filming License Application for a one day feature film shoot at 9 Leisure Farm Drive, Armonk, NY, pending Police Department approval and receipt of required daily fee of \$2,500.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, approval of contract extension with Shining Shield Cleaning Services through December 31, 2013.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, approval of request from General Foreman Norris for rental of Vac-All from LaRosa Leasing for the months of April and September to clean catch basins, at a cost of \$9,238 per month.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, authorization for the Supervisor to sign the 2014-2015 NYS DOT Municipal Snow and Ice agreement. The Town will receive \$1,560 per lane mile, for 57.57 miles, for a total of \$89,809.20.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, authorization for the Supervisor to sign an agreement with HydroEnvironmental Solutions, Inc. regarding Phase II environmental site assessment at 533-535 Main Street, Armonk for a total cost of \$7,608.10.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

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Noes: None

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, authorization for the Supervisor to sign an agreement with Steamboat Data Systems, Inc. regarding Police Pro Information Management.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, receipt of NYS ORPTS (Office of Real Property Tax Services) Certificate for Assessor Victoria Sirota, effective through January 10, 2015.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, acceptance of letter of retirement from James Ross, Highway Department, effective May 30, 2013.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, approval of request from Sal Misiti, Assistant Superintendent Sewer and Water Dept., for probationary promotional appointment of Sharon Reiner to Senior Office Assistant, Automated Systems, Water and Sewer Dept., effective March 23, 2013.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None

Councilman DiDonato Roth moved seconded by Councilman Schiliro, the establishment of a new Town title for Sal Misiti, as Director of Water and Sewer Operations, effective immediately.

The roll call vote was as follows:

Councilman Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, approval of request from General Foreman Norris for release of bond as follows:

- Con Edison – Permits 1005, 1038 and 1043 for street opening work at various locations in the amount of \$3,000 to be reinstated to the \$65,000 bond.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D'Angelo, Supervisor Arden

Noes: None

The Town Board audited and approved payments totaling \$676,516.62 as indicated on Warrant #6.

After all persons were heard who desired to be heard, the Supervisor closed the meeting at 10:30 p.m.

Anne Curran, Town Clerk

Dated: April 8, 2013

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2012 Budget Transfers

Account Code	Description	Amount	Reason
General Fund To:			
A.1010.0110	Town Board Salaries	0.26	Rounding
A.1010.0840	Town Board Health Insurance	650.50	Budget Overage
A.1110.0211	Court Equipment	18,931.04	From Grant funds
A.1110.0840	Court Health Insurance	3,854.05	Budget Overage
A.1230.0810	Administrator NYS Retirement	2,384.01	Unbudgeted
A.1230.0820	Administrator Social Security	2,543.52	Unbudgeted
A.1355.0820	Assessor Social Security	2,879.16	Budget Overage
A.1680.0211	Data Processing Equipment	2,379.61	Computer for Administrator
A.3120.0141	Police Terminal Leave	80,161.92	Cover Chief D'Angelo terminal leave
A.3120.0130	Police Overtime	24,347.59	Coverage for vacant positions
A.3510.0120	Animal Control Part Time Salary	113.94	Budget Overage
A.3620.0840	Building Dept Health Insurance	3,888.08	Budget Overage
A.3989.0425	Emergency Operations Disaster Exp.	2,152.09	Sandy Coverage
A.5680.0432.0032	Underground Facility (Dig Safely)	1,624.59	Contract issue
A.6772.0433	Senior Recreation Programs	870.76	Budget Overage
A.6772.0491	Senior Recreation Vehicle Fuel & Oil	1,630.19	Budget Overage
A.7020.0110	Recreation Admin Salaries	4,428.86	Cover final payment for retiree
A.7111.0454	Utilities - Athletic lights	11,067.16	Change in rate calculation
A.7141.0433	Recreation Contractual Programs	20,880.21	Revenue neutral/more programs offered
A.8020.0110	Planning Salaries	292.07	Budget Overage
A.8140.0432.0029	Stormwater Management	2,000.00	Budget Overage
A.8160.0130	Refuse Salary Overtime	400.27	Coverage for Saturday garbage pickup
A.8160.0820	Refuse Social Security	30.61	Budget Overage
A.8710.0840	Health Insurance	57.92	Budget Overage
A.9000.0821	Employee Benefits Training	689.00	Unbudgeted
A.9710.0070	Bond Interest	0.26	Budget Overage
	Total	188,257.67	
General Fund From:			
A.1220.0110	Supervisor Salary	(54,505.40)	Available funds
A.1930.0401	Judgements & Claims	(133,752.27)	Available funds
	Total	(188,257.67)	
Highway Fund To:			
DA.1440.0434.0010	Hwy Pavement		Pmt to Kellard

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		14,280.00	
DA.1440.0434.0020	Pavement Management System	14,000.00	Pmt to VHB Engineering
DA.5110.0110	Hwy Salaries (incl disaster)	74,904.96	Budgeted in different dept in DA
DA.5110.0130.0001	Hwy Disaster Overtime	73,488.44	Reimbursable by FEMA
DA.5110.0211	Highway Road Equip	27,300.00	Purchase of asphalt trailer
DA.5110.0820	Social Security	5,913.99	Budgeted in different dept in DA
DA.5130.0213	Equip - Hwy	93.90	Budget Overage
DA.9040.0830	Workers Comp	42,873.65	Higher than estimated costs for ins.
DA.9710.0070	Hwy Fund Interest	46,995.24	Prior budget error
DA.9730.0060	Principal	<u>8,432.00</u>	Prior budget error
	Total	<u><u>308,282.18</u></u>	
Highway Fund From:			
DA.5110.0411	Supplies & Expenses	(132,000.00)	Available funds
DA.5142.0411.0101	Supplies Sand & Salt	(141,869.35)	Available funds
DA.5140.0110	Data Processing	<u>(34,412.83)</u>	Available funds
	Total	<u><u>(308,282.18)</u></u>	
Library Fund To:			
L.1980.0432	Library Contractual Prof Service	1,314.54	
L.7410.0203.0012.0002	Equip Other	2,422.86	
L.9010.0810	NYS Retirement	1,648.84	
L.9060.0840	Health Insurance	<u>18,235.17</u>	
	Total	<u><u>23,621.41</u></u>	
Library Fund From:			
L.1989.0434	Cont. Other	(23,500.00)	Available funds
L.7410.0410.0012.0002	Books	<u>(121.41)</u>	Available funds
	Total	<u><u>(23,621.41)</u></u>	
Quarry Heights Sewer To:			
S1B.1930.0400	Tax Refunds	13.92	
S1B.8120.0401	Judgements & Claims	1,181.63	
S1B.9060.0840	Health Insurance	<u>135.88</u>	
	Total	<u><u>1,331.43</u></u>	
Quarry Hgt Sewer From:			
S1B.8120.0214	Equip Other	<u><u>(1,331.43)</u></u>	
Fire District #1 To:			
SF1.1930.0400	Tax Refunds	<u><u></u></u>	

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		<u>5,695.30</u>	
Fire District #1 From:			
SF1.9040.0840	Health Insurance	<u>(5,695.30)</u>	
Street Lighting #1 To:			
SL1.1930.0400	Tax Refunds	<u>70.27</u>	Unbudgeted
Street Lighting #1 From:			
SL1.5181.0432	Cont Prof Svc	<u>(70.27)</u>	Available funds
Street Lighting #2 To:			
SL2.1930.0400	Tax Refunds	127.71	Unbudgeted
SL2.5181.0452	Utilities - Electric & Gas	<u>5,761.18</u>	
	Total	<u>5,888.89</u>	
Increase			
SL2.1000.1002	Appropriated Fund Balance	<u>5,888.89</u>	Take from fund balance
Ambulance District #2 To:			
SM2.1930.0400	Tax Refunds	1,315.97	Unbudgeted
SM2.4549.0432	Cont. Prof Svc	<u>2.00</u>	Rounding
	Total	<u>1,317.97</u>	
Increase			
SM2.1000.1002	Appropriated Fund Balance	<u>1,317.97</u>	Take from fund balance
Sewer 2 Armonk To:			
SS2.9710.0070	Interest	<u>21,304.29</u>	Budget line error
SS2.8130.0110	Salaries	<u>(21,304.29)</u>	Available funds
Sewer 4 To:			
SS4.9040.0830	Workers Comp	27.98	Budget overage
SS4.9060.0840	Health Insurance	<u>253.43</u>	Budget overage
	Total	<u>281.41</u>	
Sewer 4 From:			
SS4.8120.0214	Equip Other	<u>(281.41)</u>	Available funds
Water #1 To:			
SW1.9710.0060	Principal	4,419.00	Underbudgeted
SW1.9730.0070	Interest	<u>4.00</u>	Underbudgeted
		<u>4,423.00</u>	
Water #1 From:			
SW1.8310.0214	Equip Other	<u>(4,423.00)</u>	Available funds
Water #2 To:			
SW2.9730.0070	Interest	<u>4.00</u>	Underbudgeted

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Water #2 From:

SW2.8310.0214	Equip Other	<u>(4.00)</u>	Available funds
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Water #4 To:

SW4.8320.0444.0012	Prof. Exp County Labs	<u>750.23</u>	Budget overage
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Water #4 From:

SW4.8310.0214	Equip Other	<u>(750.23)</u>	Available funds
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Water #5 To:

SW5.9710.0070	Interest	<u>0.13</u>	Budget overage
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Water #5 From:

SW5.8310.0214	Equip Other	<u>(0.13)</u>	Available funds
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Water #7 To:

SW7.9040.0830	Workers Comp	164.55	Budget overage
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SW7.9060.0840	Health Insurance	552.85	Budget overage
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SW7.9710.0070	Interest	<u>0.47</u>	Budget overage
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	Total	<u>717.87</u>	
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Water #7 From:

SW7.8310.0411	Supplies and Expenses	<u>(717.87)</u>	Available funds
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