

Town Board Minutes
Town of North Castle
15 Bedford Road
Armonk, New York
on
May 8, 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, the Town Attorney and Town Administrator were present for the executive session which closed at 7:25 p.m. The Town Clerk joined the regular meeting which reconvened at 7:35 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 Attorney	Roland A. Baroni
Town Administrator	Joan Goldberg

Comptroller Berland presented an overview of 2012 financials and a brief overview of 2013 financials, year-to-date. Ms. Berland's remarks included the following:

- In 2012 the results were favorable to budget; the majority of the funds were in the black and not dipping into their fund balance.
- In 2012 our General Fund balance increased by \$988K. This will enable us to maintain an unreserved/undesignated fund balance of 20% of our operating expenses which is in line with our fund balance policy, will help in establishing the Town as financially healthy in the eyes of the rating agencies, and will assist us in funding several long overdue capital improvement projects in 2013.

While General Fund revenues in 2012 were \$651K unfavorable, cost savings that offset this shortfall included:

- Revenue from tax penalties - \$250K favorable to budget
- Actual sales tax for 4th Quarter - \$87K favorable to budget
- Permit fee for the Engel Berman assisted living development - \$195K
- Hurricane Irene aid was received for \$125K
- Park and recreation fees exceeded the budget
- General Fund expenses were \$1.6M favorable to budget, primarily due to hiring freezes
- The \$275k contingency for emergencies which was not spent
- Contractual expenses were favorable to budget due to fewer legal expenses, equipment repairs and rentals and the rebidding of professional service contracts
- A capital expenditures budget earmark of \$200K which was not utilized
- The 2013 budget is \$28.9M – lower by \$250K than 2012 budget
 - The two largest sources of revenue in 1st Quarter were mortgage and sales tax
 - o Mortgage tax revenue is steady vs. year ago
 - o Revenue from new sales represents \$74K or 42% of the total 1st Quarter revenue; revenue from new sales nearly doubled from \$39K in 1st Quarter 2012
 - The majority of the expense lines look to be as we would expect 3 months into the year with the exception of overtime and snow sand/salt expenses. Overtime expenses to date are 44% of the total fiscal year overtime budget, and we have consumed 35% of the total sand/salt budget to date.

We have identified opportunities for cost savings, efficiencies and productivity gains and we've made investments to allow us to achieve these goals, including:

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- A new phone system to provide improved communication infrastructure and monthly usage and maintenance cost savings
- LED lighting for our street lights to create efficiencies
- A new PD software package we purchased expedites the ticketing process making it easier for our officers to issue tickets and enables them to issue tickets in a more timely fashion
- Three new police officers were hired this year which will cut back on the overtime hours required to staff our police shifts

Comptroller Berland concluded by stating that 2012 ended with strong results; 2013 is off to a good start and those trends are expected to continue.

Councilman DiDonato Roth moved, seconded by Councilman Schiliro, approval of the minutes of the April 24, 2013 meeting.

The roll call vote was as follows:

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

Noes: None.

The minutes of the public hearing that commenced at 8:15 p.m. follow at the end of these minutes.

Regarding the Brynwood Petition, Councilman Schiliro moved, seconded by Councilman DiDonato Roth, receipt and acceptance of memoranda with DEIS Completeness Review comments submitted by VHB Engineering, Surveying and Landscape Architecture, P.C.; BFJ Planning; and Kellard Sessions; with comments from Planning Director Adam Kaufman. Mr. Kaufman stated the DEIS does not adequately address all of items outlined in the January 23, 2013 Final Scope and in order to meet SEQR completeness requirements, it is recommended that the applicant address all issues outlined in the attached memoranda. Once the final version is completed, the public will be able to comment.

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 memo from Director of Water & Sewer Operations Misiti regarding Sewer District #2 capacity, future connections, changes of use, etc. Mr. Misiti noted that a proposal from GHD has been requested and will be submitted to the Board for consideration.

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 Cronin, adoption of an Order regarding Madonna petition to extend Sewer District No. 2 to include properties at 95-101 Cox Avenue, and further moved to schedule a public hearing on May 21, 2013. Town Attorney Baroni stated that the Petition includes reference to the cost of the improvements to be paid by the applicant, at a maximum amount of \$15,000 in addition to the petitioner's offer of \$30,000 to be used to fund sewer district improvements.

The roll call vote was as follows:

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

Noes: None

Receipt of the Notice of Appeal by Concerned Citizens to Supreme Court, Westchester County, regarding CVS project in Armonk was received on the duly adopted motion of Councilman Schiliro.

Councilman D'Angelo moved, seconded by Councilman Schiliro, adoption of Resolution of Undertaking with NYS DOT regarding sidewalk construction on Main Street, Armonk. The resolution follows at the end of these minutes.

The roll call vote was as follows:

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Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D’Angelo, Supervisor Arden
Noes: None

Councilman DiDonato Roth moved, seconded by Councilman Schiliro, adoption of Sports League Sponsorship Signage Policy which is intended to (1) Monitor and control all sponsorship signage that is constructed on Town parkland, and (2) Support and encourage local clubs and leagues to be more affordable through sourcing external sponsorship income.

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 to issue a license to City Carting, Inc. for refuse collection in the Town, through March 31, 2014.

The roll call vote was as follows:
Ayes: Councilmen Schiliro, DiDonato Roth, Cronin, D’Angelo, Supervisor Arden.
Noes: None

Pursuant to a letter from Tax Receiver Colombo regarding a Consent Judgment for Lee Turet, 14 West Lane, Greenwich, CT 06831, Parcel I. D. 2-16-18.D, Councilman D’Angelo moved, seconded by Councilman Cronin, authorization to issue a refund in the amount of \$12,992.15.

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 Town Administrator to close out specific capital project budget lines and transfer remaining monies to the road repair project.

Capital Projects to be closed 5/8/13
General and Highway Funds

<u>Project</u>	<u>Balance</u>
Project 28c Chips Capital	6,399.33
Project 81 Multi Modal Sidewalks	0.00
Project 82 IBM Park	0.00
Project 111 2004 & 2005 Highway Equipment	1,119.00
Project 112 2006 Highway Equipment/Roads	5,087.00
Project 113 Recreation Center	(0.40)
Project 114 Highway Garage	(0.20)
Project 115 2007 Highway Equipment	(21,757.50)
Project 115 2007 Technology	35,049.80
Project 115 2007 Vehicles	45,909.06
Miscellaneous Project	7,334.60
Project 121 Police License Plate Reader	0.00
Project 123 Police ID Equipment	(313.32)
Project 128 Highway Equipment	(26,021.00)
Total	52,806.37
Transfer to Project 129 Road Repair	(52,806.37)

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, ratification of the following Bond Anticipation Note (BAN) renewal:

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To execute the one-year BAN renewal documents for \$711,900 with JP Morgan Chase on April 24, 2013.

Comptroller Berland advised that the note matures on April 24, 2014 and bears an interest rate of 0.89% per annum, computed on a 360-day year basis and payable at maturity.

The roll call vote was as follows:

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

Noes: None

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, approval of request from Armonk Lions Club for use of Wampus Brook Park, for its annual Fol de Rol, June 6-9, 2013, with access for set up as of June 1, and approval to place pre-approved signs under the "Eagle" in Armonk and on the grass median between North Broadway and Route 22 in North White Plains.

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, approval of request from Opus 465 for use of Wampus Brook Park and sale of alcohol at the Armonk Lions Club Fol de Rol.

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 to award bid for purchase of computer and IT networking equipment to Sullivan Data Management, the sole bidder, for \$25,279.94.

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, a resolution declaring a state of emergency regarding mechanical failure of secondary clarifier in Sewer District No. 2.

The roll call vote was as follows:

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

Noes: None

Director of Water & Sewer Operations, Sal Misiti, advised the Town Board of the mechanical failure of Sewer District No. 2 - Secondary Clarifier, at a proposed cost of \$37,300 to get the clarifier back on line.

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, to declare this repair an emergency and to appropriate the funds necessary for repair from the Sewer District No. 2 fund balance.

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, authorization for the Supervisor to sign the agreement with SCA (Software Consulting Associates) regarding Web Tax Status for use in Tax Receiver's office, which provides residents their tax collection status in summary and detail via our Town website, at an initial cost of \$2,000, and then \$800 annually.

The roll call vote was as follows:

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

Noes: None

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Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, authorization for the Supervisor to sign the agreement with Eventus Construction Co., Inc. for groundwater rule project, Water District No. 4, at a cost of \$191,800.

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, ratification of an additional \$1,300 for Marianne Bischoff, hourly support in Finance Department, through April 26, 2013.

The roll call vote was as follows:

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

Noes: None

The request for Finance Department personnel to attend KVS User Conference in Buffalo from July 21-24, 2013, was tabled at the request of the Supervisor.

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, approval of request from Comptroller Berland to attend OSC Accounting School in Fishkill from May 21-23, 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 D'Angelo, approval of the following seasonal Parks employees:

1. Robert Britz, Seasonal Park Groundskeeper, 40 hrs/week, effective May 20-August, 2013.
2. James Molinari, Seasonal Park Laborer, 40 hrs/week, effective May 13-August, 2013.
3. Patrick Vetere, Seasonal Park Groundskeeper, 40 hrs/week, effective June 24-August, 2013.
4. Mike Flanagan, Seasonal Park Groundskeeper, 40 hrs/week, effective June 24-August, 2013.
5. Evan Cicale, Seasonal part-time Park Laborer, 3 days/week, 24 hours/week, effective May 6-November, 2013.
6. Diamantino Valente, Seasonal part-time Park Laborer, 3 days/week, 24 hours/week, effective May 6-November, 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, the consensus agenda as follows:

- A. Receipt of Town Clerk's monthly report – April, 2013
- B. Approval of request from General Foreman Norris for release of bonds for:
 - Con Edison – Permits 0531, 0639 and 1015 for street opening work at various locations in the amount of \$6,917.50 to be reinstated to the \$65,000 bond.
 - Tom Sacharewitz – Permit 0791 in the amount of \$500 for driveway alteration at 7 Woodland Ct., Section 1, Block 02, Lot 8.-2.
- C. Receipt of Notice of Claim, Jamie LeBlanc vs. Town of North Castle, and referral to Town attorneys
- D. Receipt of Westchester County memo regarding NYS Department of Conservation Right to Know Law relative to sewage systems discharging untreated or partially treated sewage.

The roll call vote was as follows:

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

Noes: None

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The Town Board audited and approved payments totaling \$1,190,578.41 as indicated on Warrant #9.

After all persons were heard who desired to be heard, the Supervisor closed the meeting at 9:55 pm.

Anne Curran, Town Clerk

Dated: May 20, 2013

RESOLUTION

Action: Undertaking with the New York State Department of Transportation
Application Name: Main Street (NYS Route 128) Sidewalks
Date of Approval: May 8, 2013

WHEREAS, the Town of North Castle (Town) is required to enter into an undertaking with the New York State Department of Transportation (NYSDOT) for installation, obstruction, construction, maintenance and/or operation of facilities.

NOW THEREFORE, BE IT RESOLVED, that the North Castle Town Board hereby approves the motion to authorize the Undertaking with the NYSDOT for a period of twenty years.

BE IT FURTHER RESOLVED, that the North Castle Town Board agrees to the conditions in the NYSDOT PERM 1 dated 3/8/2013.

I, Anne Curran, Town Clerk of the Town of North Castle, do hereby certify that the above resolution was duly adopted at a regular meeting of the Town Board of the Town of North Castle held on May 8, 2013 and that the above resolution is a true and correct transcript thereof.

Anne Curran, Town Clerk

Dated: May 8, 2013
Armonk, New York

PUBLIC HEARING May 8, 2013

At 8:15 p.m. Supervisor Arden stated that a Public Hearing would be held in accordance with the Public Notice that follows:

NOTICE IS HEREBY GIVEN, that the North Castle Town Board will hold a Public Hearing in Town Hall, 15 Bedford Road, Armonk, NY, 10504, on May 8, 2013 at 7:30 p.m. or as soon thereafter, for the purpose of considering proposed zoning amendments to amend Section 213-30 of the North Castle Town Code to include additional permitted principal uses within the CB-B Central Business Banksville Zoning District. The property is located at 23 Bedford Banksville Road, Bedford, NY (Section 1, Block 11, Lot 9C-24-A) in the Town of North Castle, and known on the North Castle Tax Maps as 102.04-1-9 and located within the CB-B Zoning District.

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The proposed local law is available in the Town Clerk's office during regular business hours and on the Town website. ALL PERSONS HAVING AN INTEREST IN THE MATTER ARE INVITED TO ATTEND AND BE HEARD.

By Order of the Town Board
Anne Curran, Town Clerk

Dated: April 26, 2013
Armonk, NY

The Public Notice was marked Exhibit "A" for the record.

The Affidavit of Posting calling the Public Hearing was marked Exhibit "B" for the record.

The Affidavit of Publication from The Journal News calling the Public Hearing was marked Exhibit "C" for the record.

Petition for Zone Text Amendment dated February 21, 2013 was marked Exhibit "D" for the record.

Letter from Director of Planning Adam Kaufman to Planning Board dated February 28, 2013 was marked Exhibit "E" for the record

Letter from Planning Director Kaufman to Town Board and Planning Board dated March 8, 2013 was marked Exhibit "F" for the record.

Letter from Planning Director Kaufman to Town Board dated March 12, 2013 was marked Exhibit "G" for the record.

Letter from Westchester County Planning Board dated April 1, 2013 stating that the action was a matter for local determination was marked Exhibit "H" for the record.

Letter from Conservation Board to Town Board dated May 3, 2013 suggesting zoning revisions that are consistent with the environmental limitations of the area was marked Exhibit "I" for the record

The green cards denoting receipt of certified mail by adjoining property owners.

Negative Declaration.

The proposed local law.

Mark Miller, Veneziano & Associates, appeared before the Board on behalf of the applicant, Banmonk Realty, LLC, owner of the property at 23 Bedford Banksville Road. Mr. Miller said for approximately three years the property owner has been leasing space in the parking lot at the location to a business which stores and sells specimen trees, as a temporary measure to offset property expenses, while seeking a more permanent tenant and use for the property. He said the Town Board has granted extensions of the market license several times, and there have been no complaints with respect to its operations. At the November 8, 2012 Town Board meeting, when another extension of the license was requested, the Board indicated it wanted a more permanent solution, rather than multiple license extensions. Following discussions and meetings with Director of Planning Adam Kaufman, Town Attorney Roland Baroni and Mr. Miller, it was determined that the best solution was to seek an amendment to the Zoning Code to allow additional uses in the CB-B zoning district.

Mr. Miller said the zoning petition, submitted to the Town Board on February 21, 2013, requested several additional uses in the CB-B, including nurseries, recreation centers, arts and crafts occupations, and storage. On March 8, 2013, the Planning Board unanimously adopted recommendations for the additions of a Nursery and an Artisan's Workshop (of less than 5,000 square feet) as permitted principal uses, and the addition of Recreation Centers as a permitted special permit principal use. Nurseries are permitted in all commercial zoning districts in Town, except the SC (Shopping Center Zone – Stop & Shop) and the CB-B zoning district. The Planning Board recommended permitting additional uses in the CB-B by including language that any nonresidential uses permitted in an R-5 District would be permitted in the CB-B. In addition to nurseries, this would allow other uses including governmental uses, farm uses, schools, and religious or charitable institutions. The Planning Board did not recommend the addition of Wholesale and Storage Uses as a permitted principal use. Mr. Miller said the request for storage use has subsequently been withdrawn. He requested that the Board adopt the law which would to permit nurseries, recreation centers and artisan's workshops.

Denise O'Connor, Round House Court, said she was not concerned as much about the nursery use, which is similar to the market license, but expressed concerns with an Artisan's Workshop use. Ms. O'Connor said an Artisan's Workshop is an industrial use and was not appropriate, unless the language was amended to be more restrictive. Referencing the update to the Town Comprehensive Plan, Ms. O'Connor said this use would be an expansive use, not a restrictive one, and would not serve the actual and immediate needs of Banksville residents. She referenced the Conservation Board letter which suggested that zoning changes be consistent with the environmental limitations of the area.

Steve O'Connor, Round House Court, expressed concern that this property is in a Critical Environmental Area and objected to an Artisan's Workshop use due to various solvents which he said would be used in the manufacturing and fabrication of items. Mr. O'Connor said Banksville residents depend on this area for their drinking water and expressed concerns regarding pollutants to ground water. He urged the Board not to adopt the law as proposed.

Nancy Birnbaum, Round House Court, agreed an Artisan's Workshop was not appropriate and also expressed concerns about drinking water. Ms. Birnbaum said a food market and more green space are needed in Banksville.

Sharon Tomback, Troy Lane, questioned why the Board had requested zoning changes when there seemed to be no complaints about the market license.

With regard to an Artisan's Workshop, Ed Woodyard asked if the requirement for special use permit approval would address the concerns of Banksville residents.

Mr. Miller said that an Artisan's Workshop was envisioned as a craft center where local artisans would sell their work and conduct classes and workshops. He said he would remove this use from consideration as was done with the storage use.

Jeff Brown, Bedford Banksville Road, said he had an issue with using Grand Slam Tennis Center which is a non-conforming use in the CB-B as a benchmark to allow other recreation centers in the district. Mr. Brown expressed concern with the types of recreation centers which would be allowed if the definition of recreation use is not significantly limited. In response to his query if a car club would be permitted, Mr. Kaufman said it would not be a recreational use.

Denise O'Connor, Steve O'Connor and Susan Shimer requested that the Board provide a definition of Recreation Center.

Mr. Kaufman said there are various recommendations within the Town Code with respect to Banksville and commercial areas. He further stated that an Artisan's Workshop is not a light industrial use. It would be a small workshop of artists who would sell their wares and teach classes. The Planning Board's recommendation is that a workshop of less than 5,000 square feet be permitted as a principal permitted use, and a workshop over 5,000 be permitted as a special permit use. There would be sufficient regulation not to permit large scale manufacturing.

In response to a query from Councilman DiDonato Roth regarding uses in the CB-B, Mr. Kaufman said there is potential for additional compatible uses to help develop commercial business capacity in Banksville. Mr. Miller said it is hoped that additional uses would expand opportunities to make the hamlet more viable. Councilman DiDonato Roth said she would prefer small retail shops which service the community, rather than large buildings. Mr. Miller said the property has been marketed for three years and retail tenants are not available.

Town Attorney Baroni suggested the a definition of Recreation Center as a fully enclosed building used for a gym, indoor field sports, batting cages, playing courts, ice rinks, golf practice and putting areas and associated instructional areas for same.

Supervisor Arden said he thought the intention was not to rewrite the zoning in Banksville, but to correct what the Board thought was the inappropriate use of a market license. Mr. Kaufman said the uses were expanded on his recommendation to the Planning Board. Mr. Arden suggested the Board approve the nursery use.

Councilman D'Angelo confirmed that any recreation center would be an indoor facility, and asked if there were objections to the recreation uses in the proposed definition from the applicant or residents present at the meeting. Ms. O'Connor said ideally she would like to see small retail businesses, but she did not object to the proposed definition. Mr. O'Connor expressed concerns that the Comprehensive Plan is disregarded. He said the same type of retail businesses which operated across the state line in Connecticut could operate successfully in Banksville as well.

In response to a query from Mr. Brown regarding permitted hours of operation if an ice rink were permitted as a recreation center across the road from residences in the CB-B, Mr. Kaufman said the hours would be regulated under the Town's site plan provisions.

Councilman Schiliro said he becomes concerned when the government starts to impose its decisions or opinions on how people should run their businesses or operate their property, and this is not the role of government. Mr. Schiliro said he does not have any issue with the nursery business use, nor did he with renewing the market license. He said recreation and fine arts uses have been added in Armonk and have been successful; and he did not have any issues with any of the recreation uses in the proposed definition. He said the proposed uses which were controversial have been removed and he was comfortable with moving forward with the nursery and recreation uses.

Councilman Cronin said the applicant has done what the Board requested and the nursery use has been formalized. Mr. Cronin said he did not have objection to the proposed recreation center uses.

Councilman DiDonato Roth said she would prefer the CB-B be an area for retail services and she was not ready to vote to add another use in the zoning district.

Supervisor Arden said the market will drive the uses in the CB-B. Mr. Arden said he did not have an issue with the recreations center use.

No other correspondence or comments were entered for the record.

After all persons were heard who desired to be heard, Councilman D'Angelo moved, seconded by Supervisor Arden, that the Public Hearing be closed at 9:15 p.m.

The roll call was as follows:

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

Noes: None.

Councilman D'Angelo moved, seconded by Councilman Cronin, that based upon review of the Environmental Assessment Form and all other materials, it has been determined that there will be no significant adverse environmental impact and the Town Board hereby adopts a Negative Declaration.

The roll call was as follows:

Ayes: Councilmen Schiliro, Cronin, D'Angelo, Supervisor Arden.

Noes: Councilman DiDonato Roth

Councilman D'Angelo moved, seconded by Councilman Cronin, adoption of Local Law 3 of the year 2013, as amended to exclude an Artisan's Workshop use and to include a definition of Recreation Center, and to include various additional permitted uses within the CB-B Zoning District, including nurseries and recreation centers.

The roll call was as follows:

Ayes: Councilmen Schiliro, Cronin, D'Angelo, Supervisor Arden.

Noes: Councilman DiDonato Roth

The Local Law follows at the end of these minutes.

Anne Curran, Town Clerk

Dated: May 15, 2013

TOWN OF NORTH CASTLE

**Local Law No. 3 for the Year 2013
Adopted May 8, 2013**

A local law to amend the Town of North Castle Town Code to include various additional permitted uses within the CB-B Zoning District, including nurseries and recreation centers.

Section 1. Amend Section 213-20 of the Town Code to include the following permitted principal uses within the CB-B Zoning District:

4. Any nonresidential uses permitted in an R-5 District, as permitted and regulated therein.

*5. Recreation Centers

Section 2. Amend Section 213-3 of the Town Code to include the following amended definition of RECREATION CENTER in proper alphabetical order:

RECREATION CENTER – A fully enclosed building used for a gym, indoor field sports, batting cages, playing courts, ice rinks, golf practice and putting areas and associated instructional areas for same.

Section 3. Conflicting Standards.

Where the requirements of this Local Law impose a different restriction or requirement than imposed by other sections of the Code of the Town of North Castle, the Town Law of the State of New York or other applicable rules or regulations, the requirements of this Local Law shall prevail.

Section 4. Severability.

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this local law shall not affect the validity of any other part of this local law that can be given effect without such invalid part or parts.

Section 5. Effective Date.

This Local Law shall take effect immediately upon its adoption and filing with the Secretary of State.