

Town Board Minutes
Town of North Castle
15 Bedford Road
Armonk, New York
on
May 21, 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 7:15 p.m. The Town Clerk joined the regular meeting which reconvened at 7:30 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

Town Assessor, Vicky Sirota, announced that as of June 1st, the Assessor's Office will be using a new Section, Block and Lot (S/B/L) Assignment System to reference property in Town. This numbering system lends itself to digitization and is used by most Westchester municipalities. Ms. Sirota said that all the documents (maps, property cards, etc.) in her office will continue to be cross-referenced, and the next phase of this project will be to scan property cards and link them to the assessment system. In addition, she hopes to set up a computer kiosk in the next year so that the public can research and print assessment information.

Library Director Ansnes presented Teen Volunteer Award Commendations to:
Lars Furubotn, Gillian Goldhagen, Ashley Wells

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, approval of the minutes of the May 8, 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 7:44 p.m. follow at the end of these minutes.

Regarding the Madonna Senior Housing project on Old Mt. Kisco Road, Councilman Schiliro moved seconded by Councilman DiDonato Roth, receipt of the following items:

- (1) Memo from the Planning Board including positive recommendation with respect to the senior floating zone and proposed density of the project, and
- (2) Memo from Conservation Board Chairman Fava regarding Conservation Board comments relating to the Application Distribution List dated April 9, 2013 and the Full Environmental Assessment Form.

The roll call vote was as follows:

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

Noes: None

With regard to the application for a Zone Text Amendment for Mark Real Estate, LLC (Mariani), several statements were heard, including:

Neal Baumann, resident and parishioner of St. Stephen's Church, objected to the format of a recent work session where public comments were not allowed and he reiterated his concerns

regarding the Mariani application. Mr. Baumann asked that the Town Board vote down the referral to the Planning Board, citing the following objections to the application:

- Town Board is responsible for zoning decisions and a referral to Planning is waste of time and money
- The application is opposed by Landmarks Preservation Committee, Historical Society and St. Stephen's
- Dramatic negative effects of the expanded intensive uses for functions up to 200 people – the application changes the property from NB to a catering hall
- There is no way to measure sound and monitor/enforce noise limits
- Parking is unrealistic
- Applicant is currently in violation of the zoning code
- Changes constitute spot zoning and are not aligned with the Town's comprehensive plan

Susan Shimer emphasized that the property should be brought into compliance before any consideration to the application; otherwise why have a master plan?

Christine Eggleton read a letter of opposition on behalf of Landmarks Preservation Committee citing concerns based on preserving the historic center of the Town. The objections pointed to increased traffic and noise from the proposed expanded uses, including social functions.

Resident and St. Stephen's Financial Administrator, Marianne Baumann, spoke of the financial strains placed on the Church resulting from the application. Ms. Baumann asked the Town Board to reject the proposal outright as it is a zoning decision that should not be referred to the Planning Board.

Councilman D'Angelo said that the application represents an unenforceable proposal and he doesn't believe that Mariani should be turned into a 200 seat facility for social functions. Further, he doesn't believe that it should go to the Planning Board because it cannot be regulated.

Councilman Schiliro stated that the Town Board should only be referring applications that the Board is comfortable with regarding the intensity of use. Stating that he is not comfortable with the dramatic change to zoning and resulting impacts to the rest of the Town and businesses, he said that he cannot support the referral to Planning.

Councilman DiDonato Roth stated that applicants have the right to be heard by professional teams and stated that she will vote to refer it to the Planning Board.

Councilman Cronin said that while he said he was not comfortable with the intensity of social functions included in this application, he is willing to send it to Planning Board for further review.

Supervisor Arden said that the Planning Board often makes major changes and recommendations to applications and added that the zoning change to allow the café already occurred under a previous Town Board and specific review of this application can and should be addressed by the Planning experts.

Councilman DiDonato Roth moved, seconded by Councilman Cronin, to refer to the Planning Board for further study and review.

The roll call vote was as follows:

Ayes: Councilmen DiDonato Roth, Cronin, Supervisor Arden

Noes: Councilmen Schiliro, D'Angelo

Concerning the GHD Consulting proposal for study of Sewer District No. 2 capacity, Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, authorization for the Supervisor to sign the agreement at a cost of \$18,000.

The roll call vote was as follows:

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

Noes: None

With regard to receipt of the Synthetic Turf Field Report at Community Park, as prepared by Milone and MacBroom, Robert Black member of Library Board, expressed concern on behalf of

Town Board Minutes
May 21, 2013

the Friends of the Library, as their major fundraising event takes place on the field that is being considered for synthetic turf. He emphasized that The Armonk Outdoor Art Show raises approximately \$100k for the Library and added that the Friends don't understand why a study would take place for a change that would disrupt the Art Show location, even for a temporary period of time.

Supervisor Arden said that this is a preliminary study for field space that would possibly be considered, and that no one wants to stop the art show. Councilman Cronin said that the Friends will be part of any ongoing discussions with the Recreation Board and stated that he understands the value of the Art Show

Based on Councilman Schiliro's query, Councilman Cronin confirmed that the Project Committee referred to in the study is the Parks and Recreation Board.

Councilman DiDonato Roth moved, seconded by Councilman Schiliro, receipt of the Synthetic Turf Field Report at Community Park, as prepared by Milone and MacBroom, and further moved referral to the Parks and Recreation Advisory Board for study and report.

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 licenses to collect and dispose of refuse in the Town through March 31, 2014 to Sani-Pro Disposal Services and R&S Waste Services, LLC.

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 Tax Receiver Colombo regarding the following Small Claims Assessment Review settlements totaling \$22,702.67:

<u>PARCEL I.D.</u>	<u>NAME</u>	<u>REDUCTION</u>	<u>REFUND</u>
1-04-10.-340	TRUDELL	2,140	338.79
1-04-10.-367	SALTSTEIN	3,200	506.61
1-05-8.-7	COHN	500	88.54
1-05-11.-34	JOHNSON	1,500	265.61
1-09-4.-1.B2	YAO	4,280	677.58
1-11-5.B-14	TANNOR	2,700	427.44
2-01K-11.A	BROIS	12,400	1,963.08
2-01N-4	KUHN/CARAVETTA	6,800	1,076.53
2-02-3.-25	GIZZI	3,600	569.93
2-02-3-D-14	SIMENS	3,248	514.20
2-02-9.-6	LOBELLO	4,500	720.28
2-02-9.-16	SWISS	1,500	240.09
2-02-22.-1	32 ORCHARD DR LLC	5,000	800.31
.2-03-56	SINGER	10,880	1,888.70

Town Board Minutes
May 21, 2013

2-05-1.-13	FIORE	4,125	653.04
2-05-2.-2	MAYUS	8,800	1,393.15
2-05-2.-3	EZRATTY	7,900	1,250.67
2-05-2-D-8	GARFINKLE	6,000	949.88
2-05-9.-8	CONTACESSA	2,500	395.79
2-05-20.-2	FERRO	2,400	401.97
2-08-2.-5	DICRISTOFARO	1,250	197.89
2-10-1.-26	MCKENNA	6,200	981.55
2-11-5.-10	OSTER	5,500	870.73
2-11-8.-86	ZHANG	1,300	219.36
2-11-8.-101	INGWER	1,000	168.75
2-11C-1.-3	APPLEBAUM	5,600	886.55
2-13-40.D-33	BERISHA	2,050	328.13
2-16-17-A7	COSTANTINO	3,400	544.21
2-16-17.-49	SIRCHIA	540	86.43
2-17-1-L01	CARROCCIOI	1,940	310.51
2-17-1.-13	POSTIAN	3,820	611.44
3-07-10-D01	LOVECCHIO	1,400	273.07
3-07-10-H	PENNELLA	3,050	594.90
.5-22-3	PAPPALARDO	2,400	468.10
.6-03-71	SINKO	3,600	702.17
.6-05-8	TOBIN	1,700	336.69
			22,702.67

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, adoption of revised employee policy on Workplace Violence Prevention.

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, receipt of letter from Sam Morell regarding the following items relative to Small Town Theater summer concerts, and further moved referral to the Parks and Recreation Board for study and report:

Town Board Minutes
May 21, 2013

- Needed painting of the gazebo and repair of the gazebo floor
- Assistance needed with set up and breakdown of audio system
- Request for financial funding to help defray cost of events
- Request to consider a music festival at Town Park with proceeds to Parks and Recreation

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 MS4 Annual Report presented by Director of Planning Adam Kaufman.

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, receipt of swimming pool bid documents from North Castle Pool & Tennis Club, LLC.

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 Binder family donation of a sculpture to be situated on the ground of the North Castle library, and authorization for the Supervisor to sign the associated Memorandum of Understanding.

The roll call vote was as follows:

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

Noes: None

Requests for alcohol permits were approved for the following events at Town parks, subject to Police Department review and acceptance of certificates of insurance:

- Westchester Cycle Club, Inc. Picnic: Community Park - June 8, 2013
- Byram Hills Class of 1981 Picnic, Lombardi Park - June 8, 2013
- Birthday party, Community Park - July 20, 2013

The roll call vote was as follows:

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

Noes: None

Councilman Schiliro moved, seconded by Councilman DiDonato Roth, authorization to the Supervisor to execute documentation in connection with the termination of the Westchester County IDA Placement for IJAN-B Realty, LLC and its associated PILOT agreement.

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 agreement with Environmental Capital for \$12,500 for financial advisory services in connection with 2013 Water District No. 2 improvements (Windmill).

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 agreement with Sullivan Data Management for 2013 Police Department IT Systems upgrade at a total cost of \$22,275.

The roll call vote was as follows:

Town Board Minutes
May 21, 2013

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

Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, receipt of letter from Gerald Shallo and a proposal he received from The Pond and Lake Connection regarding an aquatic vegetation treatment program of Epstein's Pond, and further moved referral of the matter to the Conservation Board for study and report.

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 for Finance Department personnel to attend KVS User Conference from 7/21/13 – 7/24/13, in Buffalo, NY.

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 appointment of the following seasonal Highway employees:

- William Zastenchik, Seasonal Highway Laborer, 40 hrs/week, effective May 13, 2013
- Christopher Viento, Seasonal Highway Laborer, 40 hrs/week starting on or about May 20, 2013

The roll call vote was as follows:

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

Pursuant to a proposal from Town Clerk Curran, Councilman DiDonato Roth moved, seconded by Councilman D'Angelo, to expand responsibilities for Alison Simon in connection with electronic communications and to pay Ms. Simon a quarterly retainer, not to exceed the total of \$13,000 as budgeted for 2013.

The roll call vote was as follows:

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

Councilman Schiliro moved, seconded by Councilman DiDonato Roth, approval of request from Assessor Victoria Sirota and Assessment Clerk Georgann Richardson to attend a seminar at Cornell University in Ithaca from July 14 – July 19, 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 notice from Comptroller Berland regarding cancellation of CTI phone service maintenance contract, effective January, 2013.
- B. Approval of request from General Foreman Norris for release of bond for Matthew and Tony Landscaping – Permit 0787 in the amount of \$500 for driveway alteration at 18 Emmalon Avenue, Section 5, Block 15, Lot 17.
- C. Receipt of Cablevision franchise fee payments for 1st quarter 2013 in the amount of \$27,109 for the Cablevision system, and \$7,288 for the Southern Westchester system.

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 \$745,177.65 as indicated on

Warrant #10.

After all persons were heard who desired to be heard, the Supervisor closed the meeting in memory of Matilda Guidali, resident, at 9:30 pm.

Anne Curran, Town Clerk

Dated: June 10, 2013

PUBLIC HEARING

May 21, 2013

At 7:44 p.m. Supervisor Arden stated that a Public Hearing would be held in accordance with the Order calling the Public Hearing which is attached to the end of these minutes to consider the petition, map, plan and report in the matter of the extension of Sewer District No. 2 to include Cox Avenue Extension (95, 97, 99 and 101 Cox Avenue).

The Order calling the Public Hearing 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.

The amended petition dated April 18, 2013.

Proposed Resolution to extend Sewer District No. 2, including the Negative Declaration.

Kory Salomone, Veneziano & Associates, appeared before the Board on behalf Frank Madonna, contract vendee of two adjacent parcels of land at 95 and 97 Cox Avenue. Mr. Salomone said that the original petition dated April 4, 2013 addressed the extension of municipal sewer service for 95 and 97 Cox Avenue. An amended petition dated April 18, 2013 was submitted to include two additional parcels at 99 Cox Avenue owned by Alfio Della Vecchia and 101 Cox Avenue owned by Gilda Salhuana.

In connection with the requested extension, Mr. Salomone said that Mr. Madonna has offered to pay the Town \$30,000 in lieu of the recapture fee which has not yet been established. Mr. Salomone said that with the addition of these properties, all of Cox Avenue would be connected. The subject properties are located in the R-10 zoning district. Properties at 95, 99 and 101 Cox Avenue have single family homes and 97 Cox Avenue is vacant. Mr. Madonna intends to subdivide 95 Cox Avenue into two lots resulting in a total of five lots. With regard to sewer capacity, Mr. Salomone said each of the five lots would require 300 gallons per day (gpd) wastewater flow rate. He said they have identified five parcels already in the district, with single family homes with no future possibility for subdivision, which they believe have been over allocated at 600 gpd. Therefore, reducing the allocated flow for these five lots from 600 gpd to 300 gpd would allow for 1,500 gallons to be allocated to the five subject lots and satisfy the 300 gpd requirement.

Gilda Salhuana, 101 Cox Avenue, said she has resided at this property for 25 years and the sewer extension has been discussed for many years. Ms. Salhuana said at the septic fields on her property cannot be further expanded and she is concerned about potential unsanitary conditions for her family and her neighbors' families. Curtain drains have been installed on the property; the septic system is serviced every year; and water is conserved through many measures.

In response to a query from Susan Shimer, Pond Lane, regarding whether an item on tonight's agenda for authorization of a Sewer District No. 2 capacity study by GHD Consulting would be addressed during the public hearing, Supervisor Arden said it would be discussed.

Supervisor Arden said the Board received the GHD study proposal today and wanted to receive input from the engineers before considering the sewer district extension. Mr. Arden said he would like to adjourn the public hearing for two weeks pending input from GHD as an independent source to confirm the over allocation numbers presented by the applicant.

Director of Water and Sewer Operations Sal Misiti said the scope of services of the GHD proposal is to verify the original table of properties that are in the district which have not yet connected and to quantify flows. Mr. Misiti said GHD could also verify the applicant's findings regarding excess flows not being used.

The Board requested that Mr. Misiti contact GHD to determine if the portion of the report regarding over allocation of Cox Avenue properties could be completed within the next two weeks so the public hearing could be reconvened at the next meeting. Mr. Misiti said he would contact GHD and advise.

No other correspondence or comments were entered for the record.

After all persons were heard who desired to be heard, Councilman Schiliro moved, seconded by Councilman DiDonato Roth, that the Public Hearing be adjourned at 7:55 p.m.

The roll call vote was as follows:

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

Noes: None.

Anne Curran, Town Clerk

Dated: June 7, 2013

At a meeting of the Town Board of the Town of North Castle at the Town Hall, 15 Bedford Road, Armonk, New York in the Town of North Castle, Westchester County, New York, on the 8th day of May, 2013, at 7:30 p.m.

P R E S E N T :

Hon. Howard Arden
Michael J. Schiliro
Stephen D'Angelo
Diane DiDonato Roth
John Cronin

ORDER

In the Matter of the Extension of
Sewer District No. 2 in the Town of North Castle,
Westchester County, New York, pursuant to Article 12
of the Town Law.

WHEREAS, a petition, a map and plan have been prepared by petitioners in such manner and in such detail as has heretofore been determined by the Town Board relating to the extension of Sewer District No. 2 in the Armonk area of the said Town, and

WHEREAS, said petition, map and plan have been duly filed in the office of the Town Clerk of said Town, and

WHEREAS, said petition, map and plan have been prepared by an engineer, duly licensed by the State of New York, showing the boundaries of the proposed extension and a general plan of the sewer system connection, and

WHEREAS, said map shows the transmission mains and appurtenant facilities to be connected to the existing sewer mains, and

WHEREAS, the boundaries of the proposed extension to said district to be known as "the 95-101 Cox Avenue Extension" are as follows:

SEE EXHIBIT A

WHEREAS, the improvements proposed are as set forth in the petition, and

WHEREAS, the cost of the improvements, including professional fees, will be paid for by the applicant, and

WHEREAS, the maximum amount proposed to be expended for said improvements is Fifteen Thousand (\$15,000.00) Dollars in addition to petitioner's offer of Thirty Thousand (\$30,000.00) Dollars to be used to fund sewer district improvements, and

WHEREAS, said map and plan describing said improvements are on file in the Town Clerk's office for public inspection during normal business hours.

NOW, on motion of Councilman DiDonato Roth, seconded by Councilman Cronin, it is hereby

ORDERED, that the Town Board of the Town of North Castle shall meet and hold a public hearing at the Town Hall, 15 Bedford Road in said Town on the 21st day of May, 2013, at 7:30 p.m. in that day to consider said petition, map and report and to hear all persons interested in the subject thereof concerning the same and to take such action thereon as is required or authorized by law.

The adoption of the foregoing order was duly put to vote, and on a roll call the vote was as follows:

Hon. Howard Arden	voting Aye
Michael J. Schiliro	voting Aye
Stephen D'Angelo	voting Aye
Diane DiDonato Roth	voting Aye
John Cronin	voting Aye

and the order was thereupon declared duly adopted.

Dated: Armonk, New York
May 8, 2013

EXHIBIT A

95-97-99 and 101 Cox Avenue
Armonk, New York
Section 2
Block 12
Lots 4-K, 4-0, 4-E and 4-EO2