

Town Board Minutes
Regular Meeting
Town of North Castle
15 Bedford Road
Armonk, New York
on
June 22, 2016

The Town Board meeting was called to order at 5:05 p.m. at Town Hall and immediately adjourned to a Work Session on the duly adopted motion of Councilman D'Angelo. All the Town Board members and the Town Attorney were present for the Work Session. The Town Clerk joined the regular meeting which reconvened at 7:45 p.m. and the following persons were present:

Supervisor	Michael J. Schiliro
Councilmen:	Stephen A. D'Angelo
	Barbara W. DiGiacinto
	Barry S. Reiter
	José L. Berra
Town Clerk	Alison Simon
Town Attorney	Roland A. Baroni

Town Administrator, Joan Goldberg, was absent from the meeting.

Supervisor Schiliro presented commendations to the Girls and Boys Staters in recognition of their distinguished achievement and participation in the program which is sponsored by the American Legion Post 1097 and provides Byram Hills High School students the opportunity to study the practice of democratic principles and governmental affairs. Mr. Vincent Greco introduced each of the Staters: Jesse Deutsch, Ryan Infante and Emma Schiliro.

Recycling Committee Co-Chair Linda Trummer-Napolitano gave a presentation on the Town's 2016 Zero Waste Day, held on April 30th and reported on the items collected. Ms. Trummer-Napolitano thanked the vendors who collected various items, the many volunteers including Town Board members, Highway Department staff, and Suburban Carting for contributing to the success of the event.

Town Wide Clean Up Day coordinator, Malorie Lipstein, gave a presentation on the event held May 1st and reported that 52 bags were collected by 40 volunteers. Ms. Lipstein thanked the Town Board, Councilman Berra, Nancy Battistelli and the North White Plains Beautification Committee, Police and Highway Departments, and the many volunteers.

Councilman D'Angelo moved, seconded by Councilman Reiter, to schedule a Public Hearing on July 27, 2016 to consider landmark designation for the Gazebo in Wampus Brook Park.
Vote: Unanimous

The minutes of the Public Hearings that commenced at 8:40 p.m. follow at the end of these minutes.

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Councilman D'Angelo moved, seconded by Councilman Reiter, approval of the minutes from the June 8, 2016 meeting.

Vote: Unanimous

Supervisor Schiliro provided the Town with an update regarding the 170 Bedford Road development (Old Lumberyard/Green property) which he said has received a good deal of attention over the past several months. The Supervisor said the applicant, Michael Fareri, has had several iterations of developments at this property and had sent a Town wide email suggesting some of the variations. Mr. Schiliro said that currently, the applicant has been approved to develop a 36 unit residential development on the property, with 30 market rate units and 6 affordable (AFFH) units. Subsequent to receiving this approval, the applicant informed the Town Board that he would seek approval to move the 6 AFFH units to the property he owns at 37 & 41 Maple Avenue and develop 30 market rate units targeted to empty nesters at his 170 Bedford Road property. Mr. Schiliro said the applicant said that the Bedford Road project would be more successful if it were a 30 market rate development and the 6 AFFH units were moved to Maple Avenue. Several months ago the Town Board reviewed the applicant's request to move the AFFH units to Maple Avenue and the Board indicated to the applicant that it would consider approval of his request. The applicant was informed that he would have to submit a Special Use Permit Application to the Town Board for a Public Hearing regarding the building proposed at the Maple Avenue property.

Supervisor Schiliro said, despite the foregoing, he was recently informed by Westchester County that the applicant wants to move forward with a purchase of the Bedford Road property by the County for 48 Fair and Affordable Housing units at the site instead of the 30 Market Rate Units he most recently requested. The applicant requested that the Planning Department place him on the July 11, 2016 Planning Board agenda for a first presentation regarding a 48 unit affordable project. Supervisor Schiliro said that the AFFH component is not an issue and stressed that if Mr. Fareri wants to increase the density of this development that is his choice. Mr. Schiliro noted that the Town Board adopted legislation regarding affordable housing which is consistent with the model ordinance provided by the County. The Town is furthering affordable housing and 25 units will be built in the Town.

Supervisor Schiliro said that the applicant has been provided with all the tools and support he needed to build both the Bedford Road and Maple Avenue developments which he publicly committed to do. The Supervisor emphasized that it is the applicant's decision to move forward with the affordable project and increase the density of the development. Supervisor Schiliro encouraged residents to contact him or Town Board members to verify information which they are not sure is correct. He asked if there were any comments from the Town Board or the public.

Councilman DiGiacinto said that the applicant had not received the required special use permit approval with regard to his request to move the AFFH units to Maple Avenue, and she noted that the public hearing regarding his special use permit application was never held. Supervisor Schiliro said that the proposed changes to the Lumberyard property are not related to the Special Use Permit Application which Mr. Fareri had submitted for his property located at 37 and 41 Maple Avenue. Town Attorney, Roland Baroni, said that a Public Hearing for said Special Use Permit Application was scheduled by the Town Board for two separate dates, and were cancelled by the applicant for both dates. Mr. Schiliro added that a public hearing would not be held if the applicant does not want to pursue it.

Supervisor Schiliro stated that the Applicant does not need Town Board approval to change the development on this property from 30 Market Rate to 48 AFFH Units and added that, at this point any changes to the site plan would go before the Planning Board for approval. Mr. Baroni said the Planning Board will consider the project's traffic, sewer, water, impact on the schools, as well as the combination of bedrooms, and any other planning issues. He said that the applicant will still need to justify traffic, sewer and water to the Planning Board with regard to the 48 unit affordable housing project.

Supervisor Schiliro said that if the application were to continue, it will go through the standard process to determine what the impacts are. Since the Town Board cannot control Mr. Fareri's decision on what he wants to build because it is not a Town Board issue, the amended proposal will not come before the Town Board. If people have concerns or issues, the Supervisor suggested that they raise them at the Planning Board meeting or directly with the applicant.

In response to a query from resident Neal Baumann regarding the history of the project, Supervisor Schiliro said that several years ago, prior to the proposal for a 36 unit development with 6 affordable units, there was a previous proposal for 34 units, with a mix of market rate and affordable units at the site.

Supervisor Schiliro said it is unknown at this time who will own and manage the property going forward. Town Attorney Baroni said that sometimes Westchester County takes ownership and then re-transacts it to an affordable housing developer, and other times the County will fund an affordable housing developer who buys the property directly from the property owner. Mr. Baroni said it will be an affordable developer that builds out that property and the affordable developer could manage it.

Supervisor Schiliro said he did not know if the AFFH units will be for rent or for sale. That is up to Mr. Fareri or the new property owner.

In response to concerns expressed by resident Norma Hill regarding the impact of 48 rental units on the schools, fire department, other services and the tax base, Mr. Baroni said the impact on the schools and combination of bedrooms would need to be studied by the Planning Board.

Councilman DiGiacinto said that the affordable housing development is out of the Town Board's hands and the Planning Board will review it. Ms. DiGiacinto said that Mr. Fareri had brought a plan with a mixture of market rate and affordable units to the Town Board and there was a need for both types of housing. She said it was that mixed plan which influenced her to vote in favor to amend the zoning on the Green property to enable the applicant to go forward with the development.

Councilman D'Angelo said that the Town Board voted in favor of the project for affordable and market rate housing in two buildings as previously proposed by the applicant. Mr. D'Angelo noted that within a short timeframe the Board amended the zoning for the Green property and looked forward to the project progressing the way it was presented by the applicant. Mr. D'Angelo urged residents who are interested in the Bedford Road project to attend the Planning Board meeting.

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Councilman Berra moved, seconded by Councilman Reiter, approval of request from the Armonk Chamber of Commerce to hold the Armonk Fall Festival featuring Jamie's 5K Run for Love on Sunday, September 18, 2016.

Vote: Unanimous

Councilman Reiter moved, seconded by Councilman DiGiacinto, approval of a Photography Permit application from Pix Producers, Inc. for a photo shoot at 161 Hickory Kingdom Road, Bedford, NY, on June 27 and 28, 2016.

Vote: Unanimous

Pursuant to a letter from Tax Receiver Colombo regarding a Consent Judgment for New King Street Associates, 4 New King Street, Purchase, NY, Councilman DiGiacinto moved, seconded by Councilman Reiter, approval to issue a refund in the amount of \$10,175.98 for tax years 2013 through 2015.

Vote: Unanimous

Pursuant to a recommendation from Kellard Sessions Consulting, Councilman DiGiacinto moved, seconded by Councilman Reiter, the award of bid for the Windmill neighborhood drainage improvements to the low bidder, National Lawn Sprinklers, in the amount of \$665,753.80, conditioned upon the Town Attorney's review and the posting of bonds and insurance requirements; authorization was also given for the Supervisor to sign the contract.

Vote: Unanimous

The award of bid for the Wampus Brook Park South project was tabled for further review at the request of Supervisor Schiliro.

Councilman Berra moved, seconded by Councilman Reiter, approval of request from Stayin' Alive organizers to schedule the 4th annual 5k Fun Run on Saturday, May 13, 2017 in the Windmill community.

Vote: Unanimous

Pursuant to a letter of recommendation from Sal Misiti, Director of Water and Sewer Operations, Councilman Reiter moved, seconded by Councilman DiGiacinto, approval of Payment Application #4 to Kings Capital Construction Group, Inc. in the amount of \$180,120 regarding Water District No. 1 Ultraviolet Disinfection Project, for work completed through May 27, 2016.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, authorization for the Supervisor to sign an agreement with Lynstaar Engineering for \$7,500 for electrical design services regarding Old Route 22 streetscape improvements.

Vote: Unanimous

Pursuant to a request from Town Administrator, Joan Goldberg, Councilman D'Angelo moved, seconded by Councilman DiGiacinto, authorization for the Supervisor to sign a renewal agreement with NYS Municipal Workers' Compensation Alliance for the period of July 1, 2016 to June 30, 2017, in the amount of \$775,630.

Vote: Unanimous

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Regarding the promotion of Kevin Foley to Assistant Parks Foreman, Department of Parks and Recreation, Councilman D'Angelo moved, seconded by Councilman DiGiacinto, approval of a salary correction, effective June 13, 2016.

Vote: Unanimous

Councilman Berra moved, seconded by Councilman D'Angelo, the consensus agenda as follows:

- Approval of request from General Foreman Norris for release of the following highway bond:
 - o Rosenblum – Permit 0890 for driveway resurfacing at 4 Thorne Lane in the amount of \$500.

Vote: Unanimous

The Town Board audited and approved payments of \$708,793.82 as indicated on Warrant #12.

After all persons were heard who desired to be heard, the Supervisor closed the regular meeting at 9:45 pm.

Alison Simon, Town Clerk

Dated: July 11, 2016