

Town Board Minutes  
Regular Meeting  
Town of North Castle  
North Castle Community Center  
10 Clove Road, North White Plains, NY  
on  
July 13, 2016

The Town Board meeting was called to order at 4:45 p.m. at the North Castle Community Center, 10 Clove Road, North White Plains, NY and immediately adjourned to an Executive Session. Councilmen D'Angelo, DiGiacinto, and Berra, Supervisor Schiliro, the Town Attorney and Town Administrator were present for the Executive Session. The Executive Session adjourned to a Work Session at 5:05 p.m. on the duly adopted motion of Councilman D'Angelo. Councilmen D'Angelo, DiGiacinto, and Berra, Supervisor Schiliro, the Town Attorney, Town Administrator and Town Clerk were present for the Work Session. The Executive Session reconvened at 7:18 p.m. The regular meeting reconvened at 7:35 p.m. and the following persons were present:

Supervisor	Michael J. Schiliro
Councilmen:	Stephen A. D'Angelo
	Barbara W. DiGiacinto
	José L. Berra

Town Clerk	Alison Simon
Town Attorney	Roland A. Baroni
Town Administrator	Joan Goldberg

Councilman Barry S. Reiter was absent from the meeting.

The minutes of the Public Hearing that commenced at 8:04 p.m. follow at the end of these minutes.

Councilman DiGiacinto moved, seconded by Councilman D'Angelo, approval of the minutes from the June 22, 2016 meeting.

Vote: Unanimous

Supervisor Schiliro provided the Town with an update regarding the Elijah Miller House - Washington's Headquarters and stated that Westchester County is now committed to restoring the Miller House at its present location; and he discussed the possibility of the transfer of ownership of the property after completion of the restoration.

With regard to the Zoning Petition for The Vue, Supervisor Schiliro stated that the applicant has been in dialogue with the Town for several months and this project had been the subject of a Town Board Work Session. He said the only way the Board can make any decisions on whether the project should progress is by getting information and data, and receipt of this Petition is a very preliminary part of the process. The Supervisor added that this Town Board takes zoning changes very seriously and that this project will only progress if there is a benefit to the Town and a benefit to the Valhalla School District. The Supervisor said if the Board receives the Petition and declares its intent to act as Lead Agency, then the Town can subsequently start an environmental impact statement process and schedule a public scoping session and the discussion will be opened to residents. He added that at any time if the Town Board thinks that the application is no longer worthy of proceeding, it can give the application back to the applicant who can modify it if they choose to do so.

Attorney for The Vue, Anthony Veneziano Jr. of Veneziano and Associates, introduced the project being brought to the Town by JMF Properties as two multi-family luxury buildings, containing a total of 200 residential units, with a mix of one and two-bedroom units and a 400 space covered parking platform, proposed on a portion of a 36 acre property located on Old Orchard Street in North White Plains known as the Jenny Clarkson property. The property is currently located within two separate zoning districts both zoned for single-family residential development.

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, receipt of the Zoning Petition for *The Vue*, 1700 Old Orchard Street, North White Plains.

Vote: Unanimous

Regarding the Zoning Petition for *The Vue*, 1700 Old Orchard Street, North White Plains, Councilman D'Angelo moved, seconded by Councilman Berra, Declaration of Intent of the Town

Board to Act as Lead Agency and authorization for the Town Clerk to circulate the documents to all interested and involved agencies.

Councilman D'Angelo moved, seconded by Councilman Berra, approval and authorization for the Supervisor to sign the following amendment to the Declaration of Covenant and Restrictions regarding Madonna Knowlton Place Subdivision (formerly 95-97 Cox Avenue) conditioned on review of additional language by the Town Attorney Baroni and Director of Sewer and Water, Sal Misiti:

The applicant shall submit, in recordable form satisfactory to the Town Attorney, a homeowners agreement (and easement agreement) establishing construction and maintenance requirements for the private road. Such agreement shall specify that a homeowner's association (or the individual property owners) shall be responsible in perpetuity for maintenance of the road to the satisfaction of the Town Engineer. Such responsibility shall be shared equally by the homeowners in the subdivision."

Vote: Unanimous

Following discussion of proposed local law re: temporary buildings, structures or tents, the Town Board directed Director of Planning Adam Kaufman to provide a second draft.

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, receipt of letter from the U.S. Department of Justice Re: United States ex rel. ADC v. Westchester County, 06 Civ. 2860 (DLC) (GWG) regarding an analysis conducted by the Court-appointed Monitor of exclusionary zoning, pursuant to the Fair Housing Act and federal and state law, and requesting information and analysis to determine whether enforcement action is appropriate.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman Berra, receipt of letter from James E. Johnson, Monitor, regarding United States ex rel. ADC v. Westchester County, 06 Civ. 2860 (DLC)(GWG). As a result of various meetings with Supervisor Schiliro, as well as reforms the Town has made to its zoning code to create more opportunities for the development of fair and affordable housing, including the adoption of model zoning ordinance provisions and expanding areas that permit as-of-right multifamily and mixed-use housing development, the Monitor has withdrawn the recommendation that the U.S. Department of Justice should consider bringing legal action against North Castle for its zoning.

Vote: Unanimous

Supervisor Schiliro provided the Town with an update regarding the 170 Bedford Road development (Old Lumberyard/Green property) since it is pertinent to the discussion of the subject of affordable housing (AFFH) in North Castle. The Supervisor said the applicant, Michael Fareri, is currently working to further his 48 unit affordable unit plan and brought this plan before the Planning Board on 7/11/16. The Supervisor said the County discussed moving forward with a 36 unit AFFH plan at the 170 Bedford Road site. The Supervisor said that the applicant will still have to agree to sell to the County.

The Supervisor said there are several viable options as to what may be built on the Lumberyard property; it may be built as affordable or market rate units or a mix of the two and that it is the applicant's decision. Supervisor Schiliro said that the Town Board supported the applicant's effort to move the 6 AFFH units to the property he owns at 37 & 41 Maple Avenue and develop 30 market rate units at his 170 Bedford Road property. He pointed out that 2 Public Hearings were scheduled for the Special Use Permit application required to build the AFFH units on the Maple Avenue property, both of which were canceled by the applicant.

Councilman Berra moved, seconded by Councilman DiGiacinto, approval of request to hold a Triathlon in the Windmill community on Saturday, September 3, 2016.

Vote: Unanimous

Councilman DiGiacinto moved, seconded by Councilman D'Angelo, approval of request from the Autism Science Foundation to use Town roads for the charity cycling event, Wall Street Rides FAR for Autism Research, on Saturday, October 8, 2016, pending approval of insurance and Police Department confirmation of permission from the Byram Hills School District for participants in the 62 mile event (about 100 people) to cut through Crittenden School property after walking over the Rainbow Walk bridge over I-684.

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Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, receipt of recommendation from Parks and Recreation Advisory Board regarding its support for moving forward with the approval of the bid currently being considered for the Wampus Brook Park South project.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, the award of bid for the Wampus Brook Park South project to A Team Contracting Corp, the low bidder, for \$585,508.75, and further authorized the Supervisor to sign the contract, with direction to the Town Administrator to reduce the amount of the contract by change orders to a maximum amount of \$325,000 in conjunction with the Town Engineer, the Parks and Recreation Advisory Board and the Town Board PRAB liaison, Councilman D'Angelo.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman Berra, receipt of recommendation from the Parks & Recreation Advisory Board to name Wampus Brook Park South in honor of John F. Fava.

Vote: Unanimous

Pursuant to a memo from Superintendent of Recreation and Parks, Matt Trainor, Councilman DiGiacinto moved, seconded by Councilman Berra, receipt of a donation from the Armonk Lions Club in the amount of \$1,200, to be used for camp scholarships.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman Berra, receipt of Betsy Sluder Town Park petition regarding unsafe muddy conditions at the southern entrance to the park. Councilman DiGiacinto said that she walked the park with the Petitioner and is currently working with him and Superintendent of Recreation and Parks, Matt Trainor, to bring about repairs. She also said that the Montessori School has given the Town \$3,000 to repair the park's paths and she is also working with Mr. Trainor to obtain a grant to pay for repairs. Supervisor Schiliro added that repairs to the wooden part of the path would be a good Eagle Scout project.

Vote: Unanimous

Councilman DiGiacinto moved, seconded by Councilman D'Angelo, approval of a Resolution for the North Castle Town Clerk's office to sell E-Z Pass Tags and further authorized the Supervisor to sign an agreement with the New York State Thruway Authority.

Vote: Unanimous

Councilman DiGiacinto moved, seconded by Councilman D'Angelo, approval to issue a license to AAA Carting & Rubbish Removal to collect and dispose of refuse in Town through March 31, 2017.

Vote: Unanimous

Councilman DiGiacinto moved, seconded by Councilman D'Angelo, receipt of Order to Show Cause and referral to Town Attorneys regarding Craig M. Fern, M.D. vs. Town of North Castle Planning Board and McKenna Custom Homes.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, receipt of report and approval of payment of invoice from GEA Engineering in the amount of \$21,025 for services on Long Pond Dam.

The roll call vote was as follows:

Ayes: Councilmen D'Angelo, DiGiacinto, Supervisor Schiliro

Noes: None

Abstained: Councilman Berra

Councilman DiGiacinto moved, seconded by Councilman D'Angelo, authorization of payment in the amount of \$20,222.64 which represents the release of retainage to Hydro Environmental Solutions for work done at 533-535 Main Street, Armonk.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, permission to bid the North Castle Community Center deck and further moved approval for the Town to pay half the total

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estimated cost, in an amount not to exceed \$75,000, to be paid from the General Fund. The other half of the cost will be paid for from a Library grant.

Vote: Unanimous

Councilman Berra moved, seconded by Councilman DiGiacinto, permission to go to bid for the repair of three Water District No. 2 windmills.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, authorization for the Supervisor to sign a Real Estate Broker Services Agreement with ERA Insite Realty Services for the sale of 45 McDougal Drive, North White Plains.

Vote: Unanimous

Councilman DiGiacinto moved, seconded by Councilman Berra, authorization for the Supervisor to sign the Equipment Sale and Maintenance Agreement with Ricoh for a large format scanner/printer for 17 Bedford Road, at a cost of \$10,142, plus \$32.00 per month for maintenance.

Vote: Unanimous

Councilman DiGiacinto moved, seconded by Councilman D'Angelo, adoption of the 2016 Standard Work Day and Reporting Resolution for elected and appointed officials, as required by the NYS Local Retirement System.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, ratification of the appointment of Carmelo Ciccone as Seasonal Laborer, Highway Department, Part-time, at an hourly rate of \$12.00 per hour, effective July 11, 2016.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, receipt of notification of retirement from Martin Richardson, Highway Department, effective August 31, 2016.

Vote: Unanimous

Councilman Berra moved, seconded by Councilman DiGiacinto, receipt of letter of resignation from Larry Nokes from the Conservation Board, effective July 31, 2016.

Vote: Unanimous

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

- Receipt of Notice of Claim and referral to Town Attorneys regarding Lori Rizzo vs. Town of North Castle.
- Approval of request from General Foreman Norris for release of the following highway bonds:
  - o Cross County Asphalt – Permit 0898 for driveway alteration at 8 Jeanne Place in the amount of \$500.
  - o Bonnie Stanley – Permit 0897 for driveway alteration at 45 Jackson Road in the amount of \$500.
- Receipt of Town Clerk's monthly report-June 2016.

Vote: Unanimous

The Town Board audited and approved payments of \$586,182.89 as indicated on Warrant #13.

After all persons were heard who desired to be heard, the Supervisor closed the regular meeting at 11:45 pm in memory of Joanne Ballengee, resident and former employee of Town Court; Joseph Sniffen, brother of Rob Sniffen, resident; Gloria Buda, mother of Carol Bidjarano, resident and Chairman of the Beautification Committee; Michael Schulman, brother of Ira Schulman, School Board Member; Joseph Diano, North White Plains resident; and Kathleen M. Baroni, the first woman in the history of the Town to be elected to the North Castle Town Board, to serve as Deputy Supervisor, and to be elected as Town Clerk, and mother of Roland Baroni, Jr., Town Counsel and Tom Baroni, Town Code Enforcement Officer.

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Alison Simon, Town Clerk

Dated: July 25, 2016