

PUBLIC HEARING  
September 9, 2021

At 9:41 p.m. Supervisor Schiliro stated that a Public Hearing would be held in accordance with the Order calling the Public Hearing which is attached to these minutes to consider the map, plan and report in the matter of the establishment of Water District No. 8 in the New King Street area.

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.

Letter from Director of Planning Adam Kaufman, dated August 2, 2021, regarding the State Environmental Quality Review Act (SEQRA) Review for proposed new water line on New King Street in connection with the establishment of Water District No.8 was marked Exhibit "D" for the record.

Environmental Assessment Form (EAF) Parts 1, 2 and 3 prepared by Director of Planning Adam Kaufman was marked Exhibit "E" for the record.

Westchester County Department of Health Engineer's Report for Public Water Supply Improvement, dated July 2021, prepared by D&B Engineers and Architects was marked Exhibit "F" for the record.

Statement for New King Holding LLC and New King Street Associates, received from Mitchell, Andrew and James Benerofe, received August 19, 2021, was marked Exhibit "G" for the record.

The Town Clerk noted there was a Negative Declaration for consideration.

The Town Clerk noted there were proposed Resolutions of approval for consideration.

Town Administrator Kevin Hay provided an overview of the process regarding the establishment of the water district.

After all persons were heard who desired to be heard, Councilman DiGiacinto moved, seconded by Councilman Hussain, that the Public Hearing be closed at 9:45 p.m.

The roll call vote was as follows:

Ayes: Councilmen DiGiacinto, Reiter, Berra, Hussain, Supervisor Schiliro

Noes: None

Councilman DiGiacinto moved, seconded by Councilman Hussain, 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 impacts and the Town Board hereby adopts a Negative Declaration.

The roll call vote was as follows:

Ayes: Councilmen DiGiacinto, Reiter, Berra, Hussain, Supervisor Schiliro

Noes: None

Councilman DiGiacinto moved, seconded by Councilman Reiter, the adoption of the Resolution Making Certain Determinations In Relation to the Proposed Establishment of Water District No. 8 in the Town of North Castle Westchester County, New York. The Resolution follows at the end of these minutes.

The roll call vote was as follows:

Ayes: Councilmen DiGiacinto, Reiter, Berra, Hussain, Supervisor Schiliro

Noes: None

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Councilman DiGiacinto moved, seconded by Councilman Hussain, the adoption of the Resolution to Establish Water District No. 8 to include all the properties listed as Schedule “A” of the Resolution. The Resolution follows at the end of these minutes.

The roll call vote was as follows:

Ayes: Councilmen DiGiacinto, Reiter, Berra, Hussain, Supervisor Schiliro

Noes: None

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Alison Simon, Town Clerk

Dated: September 16, 2021

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 11<sup>th</sup> day of August, 2021, at 7:30 p.m.

**P R E S E N T :**

Hon. Michael J. Schiliro  
Barbara DiGiacinto  
Barry Reiter  
José Berra

**A B S E N T :**

Saleem Hussain

-----X

In the Matter of the Establishment of  
Water District No. 8 in the Town of North Castle,  
Westchester County, New York, pursuant to Article 12A  
of the Town Law.

**ORDER CALLING  
PUBLIC HEARING**

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WHEREAS, a map, plan and report have been prepared by D&B Engineers and Architects in such manner and in such detail as has heretofore been determined by the Town Board relating to the establishment of Water District No. 8 in the New King Street area of the said Town, and

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

WHEREAS, said map, plan and report 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 water system connection, and

WHEREAS, said map shows the water mains and appurtenant facilities to be constructed and connected to new water mains servicing Westchester County Airport, and

WHEREAS, the boundaries of the proposed district to be known as "Water District No. 8" are as follows:

**SEE SCHEDULE A**

WHEREAS, the improvements proposed are as set forth in the Map, Plan and Report,

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

WHEREAS, the cost to the property owner will be the cost to connect a service line to the newly installed water main and the on-going fees charged for water consumption, and

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

NOW, on motion of Councilman DiGiacinto, seconded by Councilman Reiter, 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 9th day of September, 2021, at 7:30 p.m. in that day to consider said map, plan 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. Michael J. Schiliro	voting Aye
Barbara DiGiacinto	voting Aye
Barry Reiter	voting Aye
José Berra	voting Aye
Saleem Hussain	voting Absent

and the order was thereupon declared duly adopted.

Dated: Armonk, New York  
August 11, 2021

**SCHEDULE A**

<u>Owner</u>	<u>Street Address</u>	<u>Parcel ID</u>
New King Holding LLC	3 New King Street Armonk, NY 10504	118.02-2-4
New King Street Assoc.	4 New King Street Armonk, NY 10504	118.02-2-1
New King Street LLC	7 New King Street Armonk, NY 10504	118.02-2-3
New King Holding LLC	10 New King Street Armonk, NY 10504	118.02-2-2
11 New King Street LLC	11 New King Street N. White Plains, NY 10604	119.03-1-1
Safe Flight Instrument Corp.	20 New King Street Armonk, NY 10504	119.03-1-2

RESOLUTION DATED SEPTEMBER 9, 2021

A Resolution Making Certain Determinations  
In Relation to the Proposed Establishment of  
Water District No. 8 in the Town of North Castle  
Westchester County, New York

WHEREAS, pursuant to Section 209 of the Town Law, the Town Board of the Town of North Castle, Westchester County, New York, has heretofore duly caused a map, plan and report to be prepared and filed in the office of the Clerk of said Town in relation to the establishment of North Castle Water District No. 8 in said Town.

WHEREAS, an Order Calling for Public Hearing was duly adopted by said Town Board on August 11, 2021, reciting a description of the boundaries of said proposed District by Tax Map Designation, the improvements proposed, the proposed method of financing to be employed, the fact that said map, plan and report was on file in the Town Clerk's Office for public inspection and specifying the 9th day of September, 2021, at 7:30 o'clock P.M., Prevailing Time, at the Town Hall, 15 Bedford Road, Armonk, New York in said Town, as the time when and the place where said Town Board would meet for the purpose of holding a public hearing to hear all persons interested in the subject thereof concerning the same; and

WHEREAS, such Order was duly published and posted in the manner and within the time prescribed by Section 209-d of the Town Law, and proof of said publication and posting has been duly presented to said Town Board; and

WHEREAS, said public hearing was duly held at the time and place set forth in said Orders, as aforesaid, at which all persons desiring to be heard were duly heard, at which time the public hearing was duly closed.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of North Castle, Westchester County, New York, as follows:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined as follows:

- a) The notice of hearing was published and posted as required by law, and are otherwise sufficient;
- b) All the property and property owners within said proposed District are benefitted thereby;
- c) All the property and property owners benefitted are included within the limits of said proposed District; and
- d) It is in the public interest to grant, in full, the relief sought.

Section 2. The resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Hon. Michael J. Schiliro	voting Aye
Barbara DiGiacinto	voting Aye
José Berra	voting Aye
Barry Reiter	voting Aye
Saleem Hussain	voting Aye

and the resolution was thereupon declared duly adopted.

Town Board Minutes  
September 9, 2021

STATE OF NEW YORK                    )  
  ) ss.:  
COUNTY OF WESTCHESTER        )

I, the undersigned Town Clerk of the Town of North Castle, Westchester County, New York, DO HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the Town Board of said Town, including the resolution contained therein, held on September 9, 2021, with the original thereof on file in my office, and that the same is a true and correct transcript therefrom and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting.

I FURTHER CERTIFY that, PURSUANT TO Section 103 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public.

I FURTHER CERTIFY that, PRIOR to the time of said meeting, the time and place of all regular meetings of the Town Board for the year were announced at an Organizational Meeting held in January, 2021.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town on September 9, 2021.

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Alison Simon  
Town Clerk  
Town of North Castle

(Corporate Seal)

Record & Return to:  
Roland A. Baroni, Jr.  
STEPHENS, BARONI, REILLY  
& LEWIS, LLP  
175 Main Street  
White Plains, NY 10601

At a meeting of the Town Board of the  
Town of North Castle at the Town Hall, 15 Bedford  
Road, Armonk, N.Y., in the Town of North Castle,  
Westchester County, New York on the 9<sup>th</sup> day of  
September, 2021, at 7:30 P.M.

### **RESOLUTION TO ESTABLISH WATER DISTRICT NO. 8**

WHEREAS, pursuant to Section 209 of the Town Law, a Map, Plan and Report dated July, 2021, for the establishment of Water District No. 8 of the Town of North Castle, New York was duly presented to this Town Board together with the necessary maps and plans attached thereto, and

WHEREAS, an Order was duly adopted by the Town Board on August 11, 2021, reciting the filing of said Map, Plan and Report, the improvements proposed, the boundaries of the proposed district, and the estimated expenses thereof and specifying September 9, 2021, at 7:30 p.m. as the time and the Town Hall in said Town as the place where the said Board would meet to consider the matter and to hear all persons interested in the subject thereof, concerning the same, and

WHEREAS, such order was duly posted, published and served as required by law, and

WHEREAS, a hearing in the matter was duly held by the Board on the 9<sup>th</sup> day of September, 2021, commencing at 7:30 p.m. o'clock at the Town Hall in said Town and considerable discussion upon the matter having been had, and all persons desiring to be heard having been duly heard and thereupon the hearing being duly closed, and

WHEREAS, following said public hearing, and based upon evidence given thereat, said Town Board duly adopted a resolution of even date herewith determining in the affirmative all of the questions set forth in Section 209-e of the Town Law, and

WHEREAS, it is now desired to adopt a further resolution pursuant to Section 209-e of the Town Law approving the establishment of said district, the improvements proposed and the rendering of services required in connection therewith.

NOW, upon the evidence given at such hearing and on motion of Councilman DiGiacinto, seconded by Councilman Hussain, it is

RESOLVED AND DETERMINED, that the establishment of Water District No. 8 as proposed be approved subject to Permissive Referendum as provided for in Section 209-e3 of the Town Law; that such District be designated as Water District No. 8; that the improvements to be constructed therein mentioned be constructed as set forth in said Map, Plan and Report, and such establishment be bounded and described as set forth in Schedule A attached hereto, and it is further

RESOLVED, that the Town Clerk is hereby ordered and directed within ten (10) days of the adoption of this resolution to (i) record a certified copy of this resolution with the Clerk of the County of Westchester; and (ii) file a certified copy of this resolution with the Office of the Department of audit and Control in Albany New York, and it is further

RESOLVED, that the Town Clerk is hereby ordered and directed within ten (10) days of the adoption of this resolution to (i) post and publish a Notice of Permissive Referendum as required by Law, and it is further

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RESOLVED, in accordance with Article 8 of the State Environmental Quality Review Act and 6 NYCRR Part 617, the Town Board hereby makes the determination that based on the information and analysis provided, the proposed action will not result in any significant adverse environmental impact, and it is further

RESOLVED, that the Town Clerk of this Town shall file certified copies thereof, in duplicate, in the office of the State Department of Audit and Control in Albany, New York.

The question of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Roll Call:		Vote:
Councilman	Barbara DiGiacinto	AYE
Councilman	Saleem Hussain	AYE
Councilman	Barry Reiter	AYE
Councilman	José Berra	AYE
Supervisor	Michael J. Schiliro	AYE

and the resolution was thereupon declared duly adopted.



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September 9, 2021

STATE OF NEW YORK  
COUNTY OF WESTCHESTER  
TOWN OF NORTH CASTLE

I, ALISON SIMON, Town Clerk of the Town of North Castle, do hereby certify that I have compared the preceding Resolution with the original thereof filed in my office at Town Hall, 15 Bedford Road, Armonk, Westchester County, New York, that the same is a true and correct copy of said original and the whole thereof.

I further certify that all members of the Town Board had due notice of the meeting at which said resolution was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town this 9<sup>TH</sup> day of September, 2021.

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ALISON SIMON  
Town Clerk

STATE OF NEW YORK

SS

COUNTY OF WESTCHESTER

On the 9<sup>th</sup> day of September in the year 2021 before me, the undersigned personally appeared ALISON SIMON, Town Clerk of the Town of North Castle, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

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Notary Public

**SCHEDULE A**

<u>Owner</u>	<u>Street Address</u>	<u>Parcel ID</u>
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