

PUBLIC HEARING

May 12, 2021

At 8:13 p.m. Supervisor Schiliro 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 on May 12, 2021, at 7:30 PM, or as soon thereafter as practical, at Town Hall, 15 Bedford Road, Armonk, NY 10504 via web conference to consider a local law to revise Chapter 340 of the Town of North Castle Town Code entitled “Wetlands and Watercourse Protection” to permit the Building Department to administratively review and approve some types of wetlands permits.

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  
Alison Simon, Town Clerk

Dated: May 1, 2021  
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.

Letter from Director of Planning Adam Kaufman, dated March 4, 2021 was marked Exhibit “D” for the record.

Short Environmental Assessment Form (EAF), Parts 1, 2, and 3, was marked Exhibit “E” for the record.

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

The Town Clerk noted there was a Local Law for consideration.

Supervisor Schiliro explained that the Town Code currently requires that the Building Inspector in conjunction with the Town Wetland Consultant review and issue permits for certain activities in wetlands. The proposed local law would allow the Building Inspector to review and approve some types of wetlands permits, and to make the determination whether a permit should be referred to the Town Wetland Consultant. The Supervisor noted that the law would not prevent the Building Inspector from referring any administrative wetlands permit to the Town Wetland Consultant, nor prevent a referral to the Residential Project Review Committee (RPRC) or the Conservation Board. The law would accelerate the approval process for permits that do not need additional review, and eliminate the associated fees for residents. The Supervisor noted that the Town Board held a Work Session regarding the proposed law on April 28, 2021.

All Board members expressed their support for the proposed law.

After all persons were heard who desired to be heard, Councilman Reiter moved, seconded by Councilman DiGiacinto, that the Public Hearing be closed at 8:16 p.m.

The roll call vote was as follows:

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

Noes: None

Town Board Minutes  
May 12, 2021

Director of Planning Adam Kaufman noted that Councilman Berra had recommended that the Negative Declaration be amended to revise the language for consistency as follows: The Proposed Action will not have a significant adverse environmental impact on existing transportation systems.

Councilman Reiter 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, as amended.

The roll call vote was as follows:

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

Noes: None

Councilman Reiter moved, seconded by Councilman DiGiacinto, the adoption of Local Law 2 of 2021 to revise Chapter 340 of the Town of North Castle Town Code entitled “Wetlands and Watercourse Protection” to permit the Building Department to administratively review and approve some types of wetlands permits. The Local Law 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: May 18, 2021

## **TOWN OF NORTH CASTLE**

### **Local Law No.   2   For the Year 2021 Adopted May 12, 2021**

**A local law to revise Chapter 340 (Wetlands and Watercourse Protection) to permit the Building Department to administratively review and approve some types of wetlands permits.**

**Section 1. Amend the definition of ADMINISTRATIVE PERMIT in Section 340-3.B of the Town Code as follows:**

#### **ADMINISTRATIVE PERMIT**

A permit issued by the Building Inspector for certain activities in wetlands, as listed in § 340-4C, which have been determined by this chapter to be limited in scope and limited in potential impact on wetlands. The Building Inspector may refer any administrative wetlands permit to the Town Wetland Consultant for review and report.

**Section 2. Amend the definition of APPROVAL AUTHORITY in Section 340-3.B of the Town Code as follows:**

#### **APPROVAL AUTHORITY**

The administrative board or public official empowered to grant or deny permits under this chapter, to require the posting of bonds as necessary and to revoke or suspend a permit where lack of compliance to the permit is established. The approval authority shall be:

- (1) The Planning Board of the Town of North Castle for any wetlands activity requiring a permit as specified in § 340-4B and for any activity included on plans submitted to the Planning Board for approval under other procedures, such as subdivision, site plan, or special use permit applications.
- (2) The Building Inspector of the Town of North Castle for any wetlands activity requiring an administrative permit as specified in § 340-4C.

**Section 3. Amend Section 340-5.B of the Town Code as follows:**

#### **B. Conservation Board.**

- (1) Where the Planning Board is the approval authority, upon submission of a completed application and upon referral from the Planning Board, the Conservation Board shall review the application and, within 45 days of receipt thereof, shall file a written report and its recommendation concerning the application with the Planning Board. Such report shall evaluate the proposed regulated activity in terms of the findings, intent and standards of this Chapter 340.
- (2) Where the Building Inspector is the approval authority, upon submission of the completed application, the Building Inspector shall provide the Conservation Board with an informational report at its next meeting.

**Section 4. Amend Section 340-6.D(4) of the Town Code as follows:**

Administrative wetland permit fees. A fee shall be charged in connection with the review of administrative wetland permit applications when such application is referred to the Town Wetlands Consultant by the Building Inspector as described in or contemplated by this chapter in such amounts as set forth in the Master Fee Schedule.

**Section 5. 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 6.** 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 7.** Effective Date.

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