

## PUBLIC HEARING

March 23, 2016

At 7:58 p.m. Supervisor Schiliro stated that the Public Hearing that was adjourned on February 24, 2016 would reconvene in accordance with the Order calling the Public Hearing to consider the petition, map and plan in the matter of the extension of Sewer District No. 2, Orchard Drive, (Tax Map Parcel IDs 107.02-4-12,107.02-4-14,108.01-6-78,108.01-6-79,108.01-6-83,108.01-6.84).

Supervisor Schiliro recused himself as he lives on Orchard Drive, and said Deputy Supervisor D'Angelo will preside over the hearing.

The following letters and documents were noted as received since the public hearing was opened on February 24, 2016:

Letters from the following property owners requesting the petition be amended to include their property in the sewer district extension were marked Exhibit "H" for the record:

Tax Map Parcel ID	Assessed Owner(s)
108.01-6-74	Gary & Stephanie Boyd
108.01-6-77	Jeanette Fuerst
108.01-6-82	Frances Costanzo/Robert Herridge
108.01-6-75	Debra LaGravinese
108.01-6-80	Susan Lampert
108.01-6-81	Robert J. LeDone, Jr./Deborah H. LeDone
108.01-6-76	Salvatore V. Piccini/Kristin Piccini

Email from Pellegrino (Rino) Monteforte dated March 23, 2016, which was read aloud by Town Clerk, Alison Simon, as the sender could not attend the meeting, was marked Exhibit "I" for the record.

The Town Clerk noted there was an amended Resolution to extend Sewer District No. 2 including the Negative Declaration.

Timothy Cronin, Cronin Engineering, P.E., P.C., appeared before the Board with his client, Dominic Santucci, Santucci Construction Corp.

Deputy Supervisor D'Angelo noted that with the seven additional property owners who signed the petition by letter to participate in the sewer district extension, all but one of the Orchard Drive property owners (of the smaller lots included in the 20,000 gpd allocation for neighborhoods adjacent to the sewer district in the 2009 expansion of the treatment plant) have signed the petition. The other property which is not part of the petition is the large parcel at 32 Orchard Drive (which was not included in the allocation for the expansion of the plant). Mr. Cronin said at the time the public hearing was opened at the February 24, 2016 Town Board meeting, there were a limited number of property owners interested in joining the sewer district. He said that subsequent to the meeting, Mr. Kellard's office contacted the property owners who were not part of the initial petition, and all but two properties on Orchard Drive, as noted by Mr. D'Angelo, are now part of the petition.

In response to a query from Mr. D'Angelo, Mr. Cronin said the proposal for the sewer extension will be the same for the additional property owners joining the district as for the owners who were part of the original petition. Mr. Cronin reviewed the details of the proposed extension as he provided at the February 24, 2016 meeting. He said that they are proposing to install an eight inch sewer main up Orchard Drive, install four inch TY connections from the sewer main, and cap the TY connections. Mr. Cronin said it is the responsibility of individual owners to extend the four inch piece from the sewer main to their property line. He said the owners can negotiate with Mr. Santucci or another contractor to install the laterals after the sewer main is tested and accepted by the Town.

In response to a query from Councilman DiGiacinto, Mr. Cronin said that the eight inch sewer main will not run the entire length of Orchard Drive; it will run up to the crest at which point a gravity

line would not work any further. He said the property at 12 Orchard Drive will need to pump its waste up to the last manhole which is located at the high point.

In response to a query from Sal Misiti, Director of Water and Sewer Operations, Mr. Cronin said the next steps are to submit the design to the Town Engineer, then to NYS Department of Health, followed by NYS DOT for approval, and shortly thereafter start the construction. With regard to the properties in the area where the gravity main will be run, Mr. Misiti said that residents asked how it will be determined whether or not they will be able to flow gravity out of their houses. He asked Mr. Cronin if during the design process he will be surveying the elevations of the soil lines to determine if they will set their sewer lines low enough for owners to have gravity. Following discussion, Mr. Cronin said if the owners provide the location of the soil lines coming out of their properties relative to the their first floor, he can evaluate whether the lines can be fed by gravity or if pumps will be needed.

Salvatore Piccini, 21 Orchard Drive, said some owners on Orchard Drive have discussed that gravity feed is possible on some of the properties, but there are potential exceptions and they will not know until they have a professional or surveyor give them a quote. Mr. Piccini said the general consensus of the owners was that if a pump is needed it would be better off to continue with a septic system due to the cost of the pumps and any backups.

Mr. Cronin said that continuing with the system is one option and another option would be to reduce some of the piping in the basement to have gravity out to the sewer.

Mr. Misiti said it may be possible to reconfigure the basement fixtures to be on a pump and have gravity for the rest of the house, and added that he wanted owners to be aware that pumps may be needed. In response to a query from Councilman Berra, Mr. Santucci said that the installation of a small pump for the basement waste would be approximately \$2,500.

In response to a query from Councilman DiGiacinto regarding properties located at 33 and 35 Orchard Drive, Mr. Cronin said they will have a pump on their property and they are aware they will need to pump up to the manhole. With regard to Ms. DiGiacinto's query regarding a force main, Mr. Cronin said more than one house can tie into a force main, and confirmed that the associated cost of the force main would be the responsibility of the individual property owners. Mr. Misiti said the force main will need to be approved by the NYS Health Department, as will the gravity main, and will become the responsibility of the sewer district and needs to be installed according to the Town's specifications.

In response to Ms. DiGiacinto's query on how it could be made a matter of public record that the Monteforte property at 33 and 35 Orchard Drive will not be subdivided, Town Attorney Roland Baroni said that Mr. Monteforte's email letter does not state that he would file a deed restriction that would bind future owners. Mr. Baroni said that Mr. Monteforte could be asked if his letter meant that he would file a deed restriction. Joe Cermele, Kellard Sessions Consulting, P.C., said that Mr. Monteforte would not have an issue restricting his property from ever being subdivided and he would contact him regarding the deed restriction.

In response to a query from Councilman Berra whether property owners who signed the petition can change their minds about joining the sewer district if they find they need pumps, Mr. Baroni stated that the resolution approving the petition to extend the sewer district is not retrievable and must be filed with the County Clerk within ten days of adoption. Deputy Supervisor D'Angelo said that the decision to join the sewer district does not obligate an owner to connect their property to the sewer line.

After all persons were heard who desired to be heard, Councilman Reiter moved, seconded by Councilman DiGiacinto, that the Public Hearing be closed at 8:20 p.m.

The roll call vote was as follows:

Ayes: Councilmen D'Angelo, DiGiacinto, Reiter, Berra

Noes: None

Abstained: Supervisor Schiliro

Town Board Minutes  
March 23, 2016

Councilman DiGiacinto moved, seconded by Councilman Reiter, the adoption of the Resolution, which follows at the end of these minutes, to extend the boundaries of Sewer District No. 2 to include all properties listed as Exhibit “A” of the Resolution.

The roll call vote was as follows:

Ayes: Councilmen D’Angelo, DiGiacinto, Reiter, Berra

Noes: None

Abstained: Supervisor Schiliro

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Alison Simon, Town Clerk

Dated: April 11, 2016

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 23rd day of March, 2016, at 7:30 P.M.

## RESOLUTION TO EXTEND SEWER DISTRICT NO. 2

WHEREAS, a Petition by certain residents of Orchard Drive dated December 16, 2015, for the extension of Sewer District No. 2 of the Town of North Castle, New York was duly presented to this Town Board together with the necessary maps and plans and subsequently seven (7) additional parcel owners elected to participate in the sewer district extension; and

WHEREAS, an Order was duly adopted by the Town Board on January 27, 2016, reciting the filing of said petition, the improvements proposed, the boundaries of the proposed extension, and the estimated expenses thereof and specifying February 24, 2016, 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 amended petition 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 24th day of February, 2016, 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 adjourned to March 23, 2016, at which time the hearing was re-opened and subsequently closed.

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

RESOLVED AND DETERMINED, that (a) the petition aforesaid is signed and acknowledged or proved as required by law, it duly complies with the requirements of Section 191 of the Town Law as to sufficiency of signers with respect to the boundaries of the proposed district as herein approved and it is otherwise sufficient; (b) all property and property owners within the proposed district extension are benefitted thereby; (c) all the property and property owners benefitted are included within the limits of the proposed district expansion; and (d) that it is in the public interest to grant in whole the relief sought; and it is further

RESOLVED AND DETERMINED, that the extension of Sewer District No. 2 as proposed in said petition be approved; that such District be designated as Sewer District No. 2 Extension-Area "Orchard Drive No. 1 Sewer Extension"; that the improvements to be constructed therein mentioned be constructed at the sole cost and expense of the applicant, including reimbursement of the town's legal and engineering fees and the cost of an as-built survey, and such extension be bounded and described as set forth in Schedule A attached hereto; and it is further

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 by the applicant, 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.

Town Board Minutes  
March 23, 2016

Roll Call:

Hon. Michael J. Schiliro  
Stephen D’Angelo  
Barbara DiGiacinto  
Barry Reiter  
José Berra

Vote:

voting Abstention  
voting Aye  
voting Aye  
voting Aye  
voting Aye

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 23rd day of March, 2016.

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Town Clerk

STATE OF NEW YORK: COUNTY OF WESTCHESTER: SS:

On the 23rd day of March in the year 2016 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**

**ORIGINAL PETITIONERS**

Tax Map Parcel ID	Assessed Owner(s)
107.02-4-12	Pellegrino & Rita Monteforte
107.02-4-14	Carl Kling
108.01-6-78	Carl C. & Meredith Kling
108.01-6-79	Carl Kling
108.01-6-83	Donald Cohen
108.01-6-84	Michael J. & Lori A. Schiliro

**ADDITIONAL PETITIONERS (By Letter)**

Tax Map Parcel ID	Assessed Owner(s)
108.01-6-74	Gary & Stephanie Boyd
108.01-6-77	Jeanette Fuerst
108.01-6-82	Frances Costanzo/Robert Herridge
108.01-6-75	Debra LaGravinese
108.01-6-80	Susan Lampert
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