

## PUBLIC HEARING

February 24, 2016

At 8:15 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 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 Order calling the public Hearing was marked Exhibit "A" for the record.

The Affidavit of Posting calling the Public Hearing was marked Exhibit "B".

The Affidavit of Publication from The Journal News calling the Public Hearing was marked Exhibit "C" for the record.

Memo from Kellard Sessions Consulting, P.C. dated April 17, 2015 was marked Exhibit "D" for the record.

Petition to extend Sewer District No. 2 prepared by Thomas Langan, Dempsey & Langan, dated December 16, 2015, was marked Exhibit "E" for the record

The Map, Plan and Report prepared by Timothy Cronin, Cronin Engineering, P.E., P.C., dated October 7, 2015 and revised January 28, 2016, were marked Exhibit "F" for the record.

Full Environmental Assessment Form was marked Exhibit "G" for the record.

Proposed 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. Mr. Cronin described application and petition for the proposed extension of Sewer District No. 2 on Orchard Drive which is located on the west side of Main Street (Route 128), approximately 1200 feet north of Bedford Road. If the extension is approved, the sanitary sewer line would be extended from the existing line on Main Street up Orchard Drive which would allow six parcels, three developed lots (12, 83, 84) and three undeveloped lots (14, 78, 79) to tie into the sewer after it has been installed. Mr. Cronin noted that approvals are required from the Town, Westchester County Department of Health and NYS Department of Transportation.

In response to a query from Deputy Supervisor D'Angelo, Mr. Cronin said the location of the sewer line is currently being designed and it appears it will be located on the south (left) side of Orchard Drive, but the location will be finalized with the Town Engineer.

In response to queries from Mr. D'Angelo and Sal Misiti, Director of Water and Sewer Operations, Mr. Cronin and Mr. Santucci provided details regarding the proposed extension. Mr. Santucci will install an eight inch sewer line, and install TY connections for all the lots going up Orchard Drive, but he is not proposing to run the sewer line past the TY connections for any of the properties. Mr. D'Angelo confirmed that property owners would be responsible for the total cost to run the sewer up to their property line. Mr. Cronin said that the owners could contact Mr. Santucci regarding this.

Mr. Misiti confirmed with Mr. Santucci that his proposal does not include running the laterals to the properties of the owners who signed the petition. Mr. Misiti said there should be an arrangement or agreement with the owners to connect to the sewer so that Orchard Drive would not be torn up multiple times. Mr. Cronin said this is a negotiation that owners would have to enter into with Mr. Santucci. Mr. Misiti clarified for the record that it is not the Town's responsibility to run the sewer to properties and expressed his concerns that it would be a cumbersome process for owners to connect at later dates. In response to a query from Mr. Misiti, Mr. Santucci said he would try to work with the owners who signed the petition to install the laterals up to the property line and out of the roadway. Councilman Berra said that it would be better yet to have the laterals installed for all the houses on Orchard Drive at the same time the eight inch sewer main is installed to avoid tearing up the street in the future and also the higher costs that would entail for houses which waited until later to install the laterals. Mr. Misiti said he also would like to see this done, but said there would

be an issue regarding properties whose owners did not opt to come into the district when the property is subsequently sold. Future owners may question why they would need to petition for a sewer extension if laterals were already brought up to the properties.

In response to a query from Mr. Berra, Mr. Santucci said the cost to run the sewer main would be in the range of \$160,000 to \$180,000 or \$200,000 depending on whether rock was encountered. In response to queries from Mr. Berra regarding the cost to owners to run the laterals, Mr. Santucci said the cost to each owner on the south side of Orchard Drive would be about \$2,500; and he committed to a cost of \$5,500 to each owner for lots 83 and 84 on the north side. John Kellard, Kellard Sessions Consulting P.C., said that the owner of lot 12 is prepared to install the service himself or contract with Mr. Santucci. Mr. Kellard noted that the other three lots on the other side of the road (14, 78, 79), are Mr. Kling's lots and they will be bringing in their own services. In response to queries from Mr. Berra, Mr. Cronin said if the site conditions are similar to lots 83 and 84, it would be reasonable for the cost for the laterals to be the same for other lots (74, 75, 76, 77, 80, 81, 82) which are not included in the petition, but they could not commit to a cost of \$5,500 if it were necessary to trench through rock. Mr. D'Angelo reiterated that the other lots are not part of the application and even if the lines were run there the owners would have to go through the petition process.

Mr. Kellard said his office contacted every resident on the street and a meeting was held in his office. He said some of the residents attended the meeting and they did not want to come into the district.

Ms. DiGiacinto confirmed if an owner who did not sign the petition decides he would like to join the district that he would have to petition and pay the costs which the petition would entail. Mr. Baroni said there would be separate costs involved for the applicant's engineer and the Town's engineer and attorney. In response to a query from Mr. Berra, Mr. Santucci said he would like to do the project this summer. Town Attorney Baroni said the hearing could be adjourned to see if other property owners who watch the meeting step forward to come into the district, and then the proceedings could be amended. Mr. Cronin confirmed with the Board that they were interested in the project going forward.

Ann Dantzig, 32 Orchard Drive, said she was not contacted. Mr. Kellard noted that he called her house twice and left messages. In response to Ms. Danzig's comment that her property was not included in the Map, Plan and Report listing properties which will have the ability to tie into the district at a later date, Mr. Kellard said her parcel was not included in the 50,000 gpd allocation, dating back from 2009 expansion of the treatment plant, which included 20,000 gpd for the smaller lots in neighborhoods adjacent to the present sewer district. In response to Ms. Danzig's query if the petition could be amended to include her property to join the district at a later date, Mr. Kellard said the Board would have to consider whether it would expand the district in the future which is based on allocation and capacity of the plant. In response to a query from Mr. Baroni, Ms. Danzig said her property is just under 13 acres. It is zoned one acre. Mr. Baroni noted that it could be subdivided. Mr. D'Angelo asked Mr. Kellard if he would talk with Ms. Dantzig. Ms. DiGiacinto noted that Mr. Kellard would need to talk with Mr. Misiti regarding sewer capacity and allocation for the parcel.

Mr. Berra urged owners on Orchard Drive who watch the meeting or hear about it to consider having the laterals run to their property even if they do not want to come into the sewer district at this time.

Ms. DiGiacinto asked Mr. Misiti if he was satisfied that the language in the petition is clear that an owner who wanted to join the sewer district in the future would have to petition and it would be at their cost. Mr. Misiti said the language was revised in Mr. Cronin's report; the language in section 2c of the petition of "a tap for seven other properties, at the option of the owners" is of concern and needs to be clarified. Mr. Baroni suggested Mr. Kellard send a letter to those owners who have not signed the petition explaining the specifics of the construction and the process they would each separately have to go through at a later date. Mr. Kellard said a letter was sent to residents and they were invited to a meeting at his office to explain the specifics of the project, to encourage them to come into the district and have the services installed, so the road could be paved and cleaned up. Following the meeting, a second letter was sent requesting that the residents advise if they wanted

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to come into the district, but no responses were received. Mr. Kellard said he would send a follow up letter to the residents.

Mr. Cronin and Mr. Santucci provided details regarding the high costs for repair of a septic system and replacement of septic fields, and the benefits of being able to connect to the sewer.

After all persons were heard who desired to be heard, Councilman DiGiacinto moved, seconded by Councilman Berra, that the Public Hearing be adjourned at 8:50 p.m. to the March 9, 2016 Town Board meeting.

*Note: Subsequent to the opening of the hearing on February 24, 2016, the applicant requested that the hearing be reconvened at the March 23, 2016 meeting.*

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: March 3, 2016

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 27<sup>th</sup> day of January, 2016, at 7:30 p.m.

P R E S E N T :

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

-----X  
In the Matter of the Extension of  
Sewer District No. 2 in the Town of North Castle,  
Westchester County, New York, pursuant to Article 12  
of the Town Law.  
-----X

ORDER CALLING  
PUBLIC HEARING

WHEREAS, a petition, a map and plan have been prepared by petitioners in such manner and in such detail as has heretofore been determined by the Town Board relating to the extension of Sewer District No. 2 in the Armonk area of the said Town, and

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

WHEREAS, said petition, map and plan 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 sewer system connection, and

WHEREAS, said map shows the transmission mains and appurtenant facilities to be connected to the existing sewer mains, and

WHEREAS, the boundaries of the proposed extension to said district to be known as "the Orchard Drive No. 1 Extension" are as follows:

**SEE EXHIBIT A**

WHEREAS, the improvements proposed are as set forth in the petition, and

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

WHEREAS, the maximum amount proposed to be expended for said improvements is one hundred fifty thousand (\$150,000.00) Dollars. In addition, petitioners shall be responsible to reimburse the Town for its cost of professional services associated with this extension, and

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

NOW, on motion of Councilman Reiter, seconded by Councilman DiGiacinto, 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 24<sup>th</sup> day of February, 2016, at 7:30 p.m. in that day to consider said petition, map 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 Abstention
Stephen D'Angelo	voting Aye
Barbara DiGiacinto	voting Aye
Barry Reiter	voting Aye
José Berra	voting Aye

and the order was thereupon declared duly adopted.

Dated: Armonk, New York  
January 27, 2016

**EXHIBIT A**

Tax Map Parcel ID

107.02-4-12  
107.02-4-14  
108.01-6-78  
108.01-6-79  
108.01-6-83  
108.01-6-84

Assessed Owner(s)

Pellegrino & Rita Monteforte  
Carl Kling  
Carl C. & Meredith Kling  
Carl Kling  
Donald Cohen  
Michael J. & Lori A. Schiliro