

PUBLIC HEARING

April 27, 2016

At 8:05 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 the end of these minutes to consider the petition, map and plan in the matter of the extension of Sewer District No. 2, in connection with Wampus Mills, 805-809 Route 128 (Mount Kisco Road), (Tax Map Parcel IDs 101.03-2-7, 101.03-2-9, 101.03-2-11, 101.03-2-22, 101.02-2-23, 101.03-2-24, 101.03-2-6, 108.01-1-24, 108.01-1-25).

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.

The following letters and documents were noted as received:

Petition to extend Sewer District No. 2, dated May 22, 2014, was marked Exhibit "D" for the record.

The Map, Plan and Report prepared by Ralph Alfonzetti, P.E. Alfonzetti Engineering, P.C., dated May 19, 2014, and revised August 18, 2015 and November 12, 2015, were marked Exhibit "E" for the record.

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

Letters from Kory Salomone, Esq. dated September 15, 2015 and April 4, 2016 were marked Exhibit "G" for the record.

The Town Clerk noted that there is a Proposed Resolution to extend Sewer District No. 2 including the Negative Declaration.

Kory Salomone appeared before the Board with his client, Frank Madonna, in connection with the petition to extend Sewer District No. 2. Also in attendance was Ralph Alfonzetti, the project engineer.

Mr. Salomone said that on February 24, 2016, the Town Board adopted a resolution to rezone property owned by Mr. Madonna located along Route 128 (Mount Kisco Road) from R-2A One-Family Residence District to R-1A One-Family Residence District, and that Mr. Madonna is proposing to subdivide the property into six lots. In connection with this development (Wampus Mills), the subject petition was submitted to extend Sewer District No. 2 to include this project and to include eight additional properties located on the second half of Old Mt. Kisco Road. Mr. Salomone said that Mr. Madonna has agreed to install the infrastructure and the laterals to seven of the ten properties whose owners have signed the subject petition. Mr. Salomone noted that the first half of Old Mt. Kisco Road will be connected to Sewer District No. 2 in conjunction with Mr. Madonna's age-restricted development on Route 128 and Old Mt. Kisco Road.

Mr. Salomone said that five of the property owners on the second half of Old Mt. Kisco Road chose to sign the subject petition and three did not. In response to a query from Councilman D'Angelo, Mr. Salomone confirmed that all eight properties will be in the district, but Mr. Madonna was proposing to connect only the five properties whose owners signed the petition. In response to a request from Councilman Berra, Mr. Madonna then further agreed to install the laterals up to the property line for all eight properties on Old Mt. Kisco Road, including the properties of the owners who had not signed the petition, to avoid the need to dig up the road at a future time. In response to a query from Mr. Berra, Mr. Salomone said that at the time the petition was being prepared his office sent letters to all owners and a second letter was sent to owners who did not sign the petition.

In response to queries from Christine Eggleton, Old Mt. Kisco Road resident who signed the subject petition, Mr. Alfonzetti said pumps may be needed in some situations, but pumps would be a last alternative as they want to connect properties through gravity. Mr. Alfonzetti said they would look into her request regarding the possibility of connecting her property and that of her neighbor through a shorter route from their septic tanks to Route 128 as part of the sewer connection for the first half of Old Mt. Kisco Road. In response to a query from Supervisor Schiliro, Town Attorney

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Roland Baroni said the Town Board could communicate to the Town Engineers that when they review the actual design for the connections, the preference is, wherever possible, that the least disruption and the lack of pumps be required. Mr. Alfonzetti said that the Town Engineer has to approve the location and design of the sewer extension, followed by approval by the County.

Councilman DiGiacinto said that Old Mt. Kisco Road was allocated in the sewer district capacity, but the former Young property (805-809 Route 128) was not. Ms. DiGiacinto said the fact that the Board voted to amend the zoning they were saying they would be supportive of extending the sewer district to the Young property. She said she was very concerned about the capacity of Sewer District No. 2 and referenced the recent presentation by GHD regarding two costly options to expand the sewer district. She said she would like to see the Town Board consider having a Work Session to deal with this topic because the Town has an obligation to IBM and to all users of the Sewer District No. 2 that the Town does not continue to expand the district and perhaps risk overburdening the capacity.

Supervisor Schiliro said the sewer capacity was previously increased from 450 gpd to 500 gpd and the Town is now looking to expand it to 600 to 700 gpd. The Supervisor said that the capacity needs to be expanded and from an economic standpoint the Town must use all resources, including state and federal representatives, to accomplish this and cannot stymie development. He said there would be a follow up Work Session regarding capital improvements, and the sewer capacity topic could be included; Sal Misiti, Director of Water and Sewer Operations, could provide an update from GHD Consulting with regard to the expansion.

After all persons were heard who desired to be heard, Councilman D'Angelo moved, seconded by Councilman DiGiacinto that the Public Hearing be closed at 8:18 p.m.

The roll call vote was as follows:

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

Noes: None

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, 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, Supervisor Schiliro

Noes: None

Alison Simon, Town Clerk

Dated: May 6, 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 13th day of April, 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.

ORDER CALLING
PUBLIC HEARING

-----X

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 805-809 Route 128 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

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WHEREAS, the maximum amount proposed to be expended for said improvements is four hundred thousand (\$400,000.00) 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 D'Angelo, 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 27th day of April, 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 Aye
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
April 13, 2016

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 April 13, 2016, 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, 2016.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town on April 13, 2016.

Alison Simon
Town Clerk
Town of North Castle

(Corporate Seal)

EXHIBIT A

Tax Map Parcel ID

Section 101.03
Block 2
Lots 7, 9, 10, 11, 22, 23, 24

Section 101.03
Block 2
Lot 6

Section 108.01
Block 1
Lots 24, 25

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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 27th day of April, 2016, at 7:30
P.M.

RESOLUTION TO EXTEND SEWER DISTRICT NO. 2

WHEREAS, a Petition dated May 22, 2014, 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 map, plan and report; and

WHEREAS, an Order was duly adopted by the Town Board on April 13, 2016, reciting the filing of said petition, the improvements proposed, the boundaries of the proposed extension, and the estimated expenses thereof and specifying April 27, 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 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 27th day of April, 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 was duly closed.

NOW, upon the evidence given at such hearing and on motion of Councilman D'Angelo, seconded by Councilman DiGiacinto, 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 "805-809 Mount Kisco Road 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.

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Roll Call:	Vote:	
Hon. Michael J. Schiliro	voting	Aye
Stephen D’Angelo	voting	Aye
Barbara DiGiacinto	voting	Aye
Barry Reiter	voting	Aye
José Berra	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 27th day of April, 2016.

Town Clerk

STATE OF NEW YORK: COUNTY OF WESTCHESTER: SS:

On the 27th day of April 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.

Notary Public

SCHEDULE A

Tax Map Parcel ID

Section 101.03
Block 2
Lots 7, 9, 10, 11, 22, 23, 24

Section 101.03
Block 2
Lot 6

Section 108.01
Block 1
Lots 24, 25