

PUBLIC HEARING

April 24, 2019

At 8:25 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 Wednesday, April 24, 2019, at 7:30 p.m., or as soon thereafter, at Town Hall, 15 Bedford Road, Armonk, NY 10504, to consider a local law to amend Chapter 355, Zoning, of the Code of the Town of North Castle to establish fees for extension of time requests for Planning Board approvals; and to amend Chapter 276, Subdivision of Land, of the Code of the Town of North Castle to include fees for any extension of time applications in such amounts as set forth in the Master Fee Schedule.

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: April 10, 2019
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 Adam Kaufman, Director of Planning, dated March 12, 2019, was marked Exhibit "D" for the record.

Short Environmental Assessment Form (EAF), Parts 1, 2, and 3, dated April 3, 2019, 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 proposed Local Law for consideration.

The Town Clerk noted there was a Revised Master Fee Schedule for consideration.

Director of Planning Adam Kaufman explained that this issue was raised by the Planning Board which has noted that some applications before their Board were obtaining excessive extensions of time for Planning Board approvals. Currently the Town Code does not require any type of fee for extensions of time. At the request of the Planning Board, Mr. Kaufman prepared a form for applicants to complete stating the reasons they need an extension of time and their expectations of when they think the project is going to be developed. He noted that the form is developed and is in place. The Planning Board also asked to establish a fee that applicants would have to submit for each extension of time and have that fee increase up to a certain amount to deter excessive extension of time requests and to spur the filing of completion of work.

Town Board members expressed support of the proposed local law.

Mr. Kaufman noted that the use of the new form should provide the Planning Board with additional information as to whether or not they should grant additional extensions based on the information on the form.

Town Attorney Roland Baroni advised the adoption of this local law would not apply to the developer who has broken ground and may have poured a foundation as he does not need to go back to the Planning Board since he has a building permit or a foundation permit. He said that once a developer is in the ground and has made meaningful progress to the project, then the site plan is

Town Board Minutes
April 24, 2019

vested. Mr. Baroni noted that the Building Department does not have to renew a building permit if there has been no meaningful progress.

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 8:34 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 Berra, 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 impact and the Town Board hereby adopts a Negative Declaration.

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 Local Law 3 of 2019 to amend Chapter 355, Zoning, of the Code of the Town of North Castle to establish fees for extension of time requests for Planning Board approvals; and to amend Chapter 276, Subdivision of Land, of the Code of the Town of North Castle to include fees for any extension of time applications in such amounts as set forth in the Master Fee Schedule. The Local Law follows at the end of these minutes.

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 Berra, adoption of the Revised Master Fee Schedule to add fees for Extension of Time.

The roll call vote was as follows:

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

Noes: None

Alison Simon, Town Clerk

Dated: May 3, 2019

TOWN OF NORTH CASTLE

Local Law No. 3 For the Year 2019
Adopted April 24, 2019

A local law to amend Chapter 355, Zoning, of the Code of the Town of North Castle to establish fees for extension of time requests for Planning Board approvals; and to amend Chapter 276, Subdivision of Land, of the Code of the Town of North Castle to include fees for any extension of time applications in such amounts as set forth in the Master Fee Schedule.

Section 1. Amend §355-79.A of the Town Code as follows:

A fee shall be charged in connection with the review of any zoning application or petition requesting any amendment, supplement, change, modification or repeal of the zoning regulations or district boundaries; any special permit; and any site plan application or any extension of time described in or contemplated by this chapter in such amounts as set forth in the Master Fee Schedule.

Section 2. Amend §275-36.B of the Town Code as follows:

Subdivision application. A fee shall be charged in connection with the review of all subdivision applications, including sketch plat, preliminary subdivision, and final subdivision applications, and any extension of time applications described in or contemplated by this chapter in such amounts as set forth in the Master Fee Schedule.

Section 3. 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 of other applicable rules or regulations, the requirements of this local law shall prevail.

Section 4. 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 5. This local law shall take effect immediately upon its adoption and filing with the Secretary of State.