

PUBLIC HEARING

March 11, 2020

At 7:54 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 the Public Hearing on March 11, 2020, at 7:30 PM, or as soon thereafter as practical, at Town Hall, 15 Bedford Road, Armonk, NY 10504, to consider a Local Law regarding a Comprehensive Town Code Update to amend various Chapters of the Town Code to improve the administration of the Code by the Building Department.

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: February 29, 2020
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 February 14, 2020, was marked Exhibit "D" for the record.

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

Email from Robert Dean, dated March 11, 2020, was marked Exhibit "F" 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.

Supervisor Schiliro noted that the Town Board previously held two Work Sessions (on January 22, 2020 and February 12, 2020) regarding the proposed Local Law.

The Supervisor said that, due to the Coronavirus (COVID-19) pandemic, people could participate in the Public Hearing by sending an email with questions and comments to the Town Clerk.

Councilman Hussain moved, seconded by Councilman Reiter, receipt of the Short Environmental Assessment Form (EAF), Parts 1, 2, and 3.

The roll call vote was as follows:

Ayes: Councilmen DiGiacinto, Reiter, Berra, Supervisor Schiliro

Noes: None

Town Clerk Alison Simon read aloud an email from Robert Dean, dated March 11, 2020, which included questions regarding specific Sections of the proposed Local Law. Director of Planning Adam Kaufman responded to the questions. In response to questions regarding enforceability of

the Code with regard to Section 24, Solid Waste and Recycling, Director of Planning Adam Kaufman said that it is the commercial property owner's responsibility to maintain dumpsters, and if necessary, to secure them. Mr. Kaufman said that when the Building Department enforces the laws, violations are issued to provide a property owner with the opportunity to correct the issue, and it is only when a property owner refuses to address the issue that a summons would be issued, and the matter would go to court. With regard to Section 45, Structure, Mr. Kaufman explained that the list of structures which require a building permit is not being amended, and the requirement for a building permit applies only to structures that are 64 square feet or larger, and therefore would not apply to most dog houses, outdoor bins, or tool sheds. In response to a question regarding weeds in Section 47, Property Maintenance, he said that the qualifier is noxious weeds, and therefore would not apply to wildflower or bee pollinating gardens. With regard to Mr. Dean's questions regarding proposed new Section 51, Portable On-Demand Storage Structures, Councilman DiGiacinto said that the topic was raised in her monthly meetings in North White Plains. Mr. Kaufman explained that the proposed legislation specifically addresses storage structures on residential properties because the use of these structures on commercial properties is already regulated by site plan approval by the Planning Board.

In his letter dated February 14, 2020, Mr. Kaufman summarized the amendments to the Town Code as recommended by the Building Inspector as follows: "The recommended changes include revising the Town Code to provide for common penalties for offenses throughout the Code, removing reference to the need for a fill permit in the Property Maintenance Chapter, clarifying that driveway gates require permits, removing Chapter 157 since excavation is controlled by other existing regulations, reducing the amount of exempted fill from Chapter 161, creating requirements for street opening permits and work within the right-of-way, clarifying that fences require the issuance of a building permit, requiring driveway gates to have a gate key rather than a passcode, revising the Code to require enhanced weed maintenance, and the repeal of Chapter 181 since the New York State Department of Environmental Conservation regulates and oversees tank installation, decommissioning of gas tanks and remediation of gas tank leaks and soil contamination."

Mr. Kaufman presented an overview of the proposed Local Law, highlighting the following:

Sections 1 through 38 involve making uniform penalties throughout the Code. Mr. Kaufman noted that the Sections preceded by asterisks in the proposed Local Law were previously identified by the Town Board as Sections they wanted to look at more closely. Following review, the Board agreed that the Sections should be amended as proposed.

Section 45 would clarify the definition of a Structure in the Zoning Chapter to include fences four feet high or more in height which would require the issuance of a building permit.

Section 51 would create a new Section in the Zoning Chapter regarding Portable On-Demand Storage structures, known as pods, for use on a limited basis on one and two-family residential properties for temporary storage; and would require the property owner or tenant to submit an application and receive a permit from the Building Department. The Board was in agreement that the initial permit be granted for a period of 30 days with no fee. An applicant could request to extend the permit for an additional 60 days; and in no event could a permit exceed a period of six months. Councilman DiGiacinto said that the legislation should be amended as proposed to permit only one pod at any residential property at one given time, and noted that she in support of prohibiting pods from being placed in streets or in the front yard of a property. Councilman Berra said that it may not be practical or possible in some locations for pods to be placed on a driveway. Discussion ensued among the Board members including whether to allow more than one pod on a property; to restrict the placement of pods to the driveway or allow for placement off the driveway subject to approval of the Building Inspector; and to require the vendor supplying and delivering a pod to provide an insurance certificate providing liability insurance to be submitted with the owner's application. Councilman Berra said he did not see the need for insurance certificates to be provided since the vendors would not be providing any services. It was agreed that Councilman Hussain would research whether providing a certificate of insurance is standard industry practice.

Town Board Minutes
March 11, 2020

After all persons were heard who desired to be heard, Councilman Reiter moved, seconded by Councilman DiGiacinto, that the Public Hearing be adjourned at 9:00 p.m. and reconvened at the March 25, 2020 Town Board meeting.

Note: The Town Board meeting scheduled for March 25, 2020 was cancelled due to the Coronavirus (COVID-19) pandemic. The Public Hearing reconvened at the April 15, 2020 meeting.

The roll call vote was as follows:

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

Noes: None

Alison Simon, Town Clerk

Dated: April 13, 2020