

Town Board Minutes
Town of North Castle
15 Bedford Road
Armonk, New York 10504
on
November 19, 2008

Supervisor Berman called the meeting to order at 7:40 p.m. and the following persons were present:

Supervisor	Reese Berman
Councilmen	Rebecca A. Kittredge Gerald K. Geist William R. Weaver Michael J. Schiliro
Deputy Town Clerk	Barbara Pesquera
Town Counsel	Roland A. Baroni

Town Clerk Ann Leber was absent.

Councilman Weaver moved, seconded by Councilman Schiliro, approval of the minutes of the November 5, 2008 regular meeting.

The roll call vote was as follows:

Ayes: Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Kittredge announced that the Annual Winter Walk will take place on Sunday, December 14 beginning at 5:30 pm at the Gazebo in Wampus Brook Park. There will be caroling, hayrides for children and stores along Main Street will remain open late.

Supervisor Berman made the following announcements:

- Congratulations to the Armonk Baseball League for its winning season:
Ages 12 and under had an unprecedented undefeated season
Ages 11 and under took first place with a 10-2 winning record
The 10 and under and 9 and under groups both made it to the Westchester Putnam Baseball Association playoffs.
- November 30th is the last day to put out loose leaves. Please continue to blow and/or compost as many leaves as possible. Bagged leaves will be picked up after November 30th.
- Westchester County is asking residents who would need special assistance if you had to leave your homes in case of an emergency situation to sign up for Westchester County's Special Needs Registry. The new registry is for people with physical or mental disabilities who live independently.
The database is coordinated by the Department of Emergency Services and is confidential, but will be shared with local municipalities for use in emergency planning efforts. Call 2-1-1 to register over the telephone or register on-line at www.westchestergov.com/specialneeds or call 914-864-5450 and ask for an application form from the Office of Emergency Management

Councilman Weaver moved, seconded by Councilman Geist, receipt of the Holiday Display Advisory Group Report and Recommendation regarding holiday displays at Wampus Park.

The roll call vote was as follows:

Ayes: Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Supervisor Berman introduced Marilyn Heimerdinger and thanked her and Len Mitchell for the leadership they offered as co-chairs to the Holiday Display Advisory Group.

Marilyn Heimerdinger recited the names of other members of the committee including:

Rev. Hikari Chang, Melinda Ganeles, Asad Jilani, Councilman Rebecca Kittredge, Rabbi Douglas Krantz, Ivy Levien and Town Attorney Roland Baroni.

Ms. Heimerdinger reported on the recommendations, stating that they considered many options, which ranged from recommending the inclusion of a multitude of symbols to removing all holiday symbols from town property. After careful consideration of the actions of three other Westchester communities (Scarsdale, Bedford, and Briarcliff Manor) who have dealt with this issue, the following recommendations were unanimously approved:

- The Town should continue to display the Christmas tree as well as the menorah at the Gazebo in Wampus Park, and upon the request of any citizen, and approval by the town, a symbol for the Islamic faith (crescent) or any other also should be displayed. It shall be up to the Town Board to determine the appropriate size and character of the symbol. The expense for the cost of purchase or construction of all such symbols must be provided by non-public funds. The Town should install and remove the symbols at Town expense.
- Recognizing that not every faith and/or tradition is represented by the Christmas tree, the menorah, and the star and crescent, they recommended that an all-inclusive sign or banner also be constructed. This sign or banner should be posted at the entrance to Wampus Park, with as much visibility as possible, consistent with concern for aesthetics, town sign restrictions and public safety.
- The Advisory Group recommend that the sign/banner read as follows:
Our Community: Celebrating Many Traditions
- The Town Board should institute a procedure by which believers in other faiths and/or traditions can petition the Town for a symbol representing that faith or tradition. The Group recommended that North Castle follow a similar procedure to that put forth in a Resolution by the Town Board of Bedford.
- The symbols described above, as well as the proposed sign/banner, should all be installed on the same date and for the same length of time, regardless of the time when the religion or tradition is actually celebrated. The Group suggested that the symbols and sign/banner be installed each year sometime shortly after Thanksgiving Day and be taken down as soon after New Year's Day as practical.

Supervisor Berman stated that the Town Board had reviewed the recommendations and agreed with the emphasis on celebrating the diversity and inclusiveness within our community. She indicated that while the sign is a good idea, the Town Board will not consider doing the sign this year.

Regarding Mr. Asad Jilani's request to display a star and crescent, holiday symbols of the Islamic faith, Ms. Berman stated that it was acceptable, although the Town Board would have to discuss lighting.

Councilman Geist moved, seconded by Councilman Kittredge, approval of the request of Asad Jilani, member of the Holiday Display Advisory Group, for installation of a crescent and a star in Wampus Park to celebrate the Holiday season provided lighting is approved by Superintendent Barnard.

The roll call vote was as follows:

Ayes: Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Anne Curran, Chair of The Town of North Castle Recycling Committee (NCRC) stated that the Committee was appointed six months ago and charged with promoting and encouraging town residents and local businesses to reduce, reuse and recycle. Committee membership includes Councilman Becky Kittredge, Suburban Carting Representative Diane Chickering, and Town residents: Diane Roth, Helen Leontiou, April Paresi, and Jeanine Conway.

Explaining that the purpose of the report was to review more recent completed projects and seek input from the Town Board regarding continuing efforts and future goals, Ms. Curran summarized the Committee's early efforts including: expanding the Green Page on the Town's

web site; developing Green E-News Updates; arranging for the sale of blue recycling bins at Town Hall and Hergenhan Recreation Center and evaluating recycling practices and needs within the Town.

Describing a recently completed project, Ms. Curran said that NCRC reviewed and recommended changes to Town Code based on the County's Source Separation Law. The Town Board passed legislation in October, 2008 to mandate recycling for businesses, update various recycling provisions and increase fines for recycling non-compliance. Now, every individual, business, organization or institution within the Town of North Castle is required to separate recyclable materials from the solid waste stream by source separating: 1) paper products, 2) co-mingled glass, cans and plastics, and 3) waste.

Ms. Curran reported that the Town is currently working on a recycling video segment with Suburban Carting Co. The video segment will explain the requirement for everyone to source separate, upcoming changes to the collection schedule and general instruction about what can be recycled. It will begin airing on the Town's cable TV channels in early December.

NCRC member April Paresi stated that as a short term strategy, the Recycling Committee recommended the purchase of portable recycling bins to be used on playing fields and in parks. The Town purchased twelve portable recycling receptacles that debuted during the fall sports season and were heavily used at the Armonk Art Outdoor Show. A donation from the Armonk Outdoor Art Show co-chairs was received, and Ms. Paresi stated that she is hopeful that other civic groups, particularly those that host events that will use these portable recycling bins, will donate before the end of this year.

Stating that more work needs to be done, Ms. Paresi said that NCRC recommends the installation of permanent three-source separation containers for the entrances to all our parks and recreation areas. The NCRC has met with the Parks and Recreation Board to present permanent trash/recycling container options and costs, and discuss the solicitation of funding from civic groups, sport associations and other community groups. Ms. Paresi said that permanent three-source separation containers cost approximately \$1,200 each and NCRC recommends the purchase of 10-12 permanent bins to be placed at Lomardi Park, North Castle Community Park, Wampus Brook Park and Clove Road Park.

The Recycling Committee plans to meet again with Parks and Recreation to determine container selection and actual costs for purchase and installation. NCRC estimates that outfitting Town recreation areas with appropriate recycling receptacles will cost between \$18,000 – \$20,000.

A solicitation letter has been drafted explaining the Recycling Committee's short and longer term strategy to provide appropriate recycling receptacles and to encourage recycling in all recreation spaces. Ms. Paresi concluded by stating that the initial focus for the fund raising is on the groups and organizations which utilize the fields; the next phase of the program will expand the campaign to solicit other civic organizations, businesses and private citizens.

Helen Leontiou, recapped NCRC events organized in recognition of Global Warming Awareness Week, October 23-30, 2008. The Recycling Committee hosted a Green Awareness Day on Sunday, October 26 at the Hergenhan Recreation Center. Compost bins were sold at the discounted County price and instructional advice was dispensed by Cornell Cooperative master gardeners. Blue recycling bins and insulated reusable tote bags were also available for purchase.

Ms. Leontiou said that NCRC organized a one week sneaker collection in cooperation with the Byram Hills PTSA Sustainability Committee. The Recycling Committee established collection boxes at each of the Byram Hills Schools and at the Hergenhan Recreation Center to accept sneakers for a week. The sneaker donation campaign was publicized through each school's newsletter and the Town's web site. The successful collection culminated with the delivery of 320 pairs of athletic shoes to NikeTown in New York City which will grind the sneakers to make sports surfaces for communities around the world.

NCRC member Jeanine Conway described her efforts to reach out to the Valhalla School District to share information about the Recycling Committee's efforts. She invited Ms. Nori Lustig, a seventh grade social studies teacher who heads up the recycling committee at the Valhalla Middle School, to attend the Byram Hills sustainability discussion at H.C. Crittenden Middle

School. The dialogue was very beneficial and Ms. Conway plans to continue promoting NCRC efforts and fostering involvement with the Valhalla School community.

Reiterating that NCRC is working hard to research, evaluate, educate and coordinate recycling efforts on many levels within the community, Anne Curran stated that the goal is to reduce waste and improve recycling collection in all categories. She said this will require the development of programs to continually raise community awareness while advocating for long term solutions to our recycling challenges.

NCRC member Diane Roth concluded the presentation by speaking about plans for a recycling facility in the Town. The Committee is currently working on a NYS grant application which could partially fund the development of a facility. She explained that many surrounding communities, including New Castle and Bedford, have operated very successful recycling centers for many years and emphasized that this service has become increasingly important as 60% of waste is recyclable. Stating that obtaining NYS grant monies is a long term process, Ms. Roth stated that NCRC will present periodic updates to the Town Board, and she invited feedback from the Board and from the community.

Councilman Weaver moved, seconded by Councilman Geist, receipt of the request by Town Clerk Leber to increase the fees for special use permit applications and for zoning text amendment applications to \$200 from \$100, and the scheduling of a public hearing for December 17, 2008.

The roll call vote was as follows:

Ayes: Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.
Noes: None.

Councilman Kittredge moved, seconded by Councilman Geist, receipt of a memo from Finance Director Donovan regarding the sales tax payment for the third quarter of 2008.

The roll call vote was as follows:

Ayes: Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.
Noes: None.

Councilman Geist moved, seconded by Councilman Schiliro, receipt of a letter from Cablevision regarding rates for adjustments to certain Cablevision services, effective December 1, 2008; customer equipment charges, effective January 1, 2009; and rate decreases in certain one-time charges, effective January 1, 2009.

The roll call vote was as follows:

Ayes: Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.
Noes: None.

Councilman Kittredge moved, seconded by Councilman Schiliro, receipt of an e-mail from Ed Lobermann, read aloud by Deputy Town Clerk Pesquera, with regard to the Cablevision cablecast of the November 5, 2008 meeting and the agenda item concerning the award of the bid for refuse and recyclables. Supervisor Berman noted that she had responded to Mr. Lobermann.

The roll call vote was as follows:

Ayes: Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.
Noes: None.

Councilman Kittredge moved, seconded by Councilman Weaver, approval of the request of the Armonk Baseball League to place a sign at the site of the eagle to publicize the WBPA Championship.

The roll call vote was as follows:

Ayes: Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.
Noes: None.

Councilman Weaver moved, seconded by Councilman Geist, receipt of an e-mail, read aloud by Deputy Town Clerk Pesquera, from Byram Hills Superintendent of Schools Jacqueline Taylor

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commending the North Castle Police Department for its response for assistance to confirm the safety of the school building and secure the safety of the children during an emergency situation.

The roll call vote was as follows:

Ayes: Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Supervisor Berman said there was an article and an editorial in the Journal News in the past week concerning Mt. Kisco's pending purchase of the Dubos property, nearly 30 acres of undeveloped land off of Baldwin Road. She said that the purchase price for this land is \$475,000; a very reasonable price for that amount of land.

Ms. Berman explained that this property is in North Castle and very near the Byram Lake, which is Mt. Kisco's water supply. Since both towns have an interest in protecting this land as open space, the North Castle Town Board and Open Space Committee have expressed interest in sharing this purchase with Mt. Kisco. The Supervisor said that a public hearing will be necessary because the Town's share of the cost will be coming from open space funds.

Town Attorney Baroni added that Mount Kisco legal counsel fully expects North Castle to participate in the purchase of the Dubos property.

Upon the recommendation of Building Inspector Fon, Councilman Geist moved, seconded by Councilman Weaver, authorization for Finance Director Donovan to make payment to Acocella Contracting, Inc. for change order #1 for the CDBG Washington Avenue Improvement project in the amount of \$6,377.65.

The roll call vote was as follows:

Ayes: Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, authorization for Finance Director Donovan to make the second and final payment to Acocella Contracting, Inc. for the CDBG Washington Avenue Improvement project in the amount of \$16,792.

The roll call vote was as follows:

Ayes: Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Upon the recommendation of General Foreman Useted, Councilman Geist moved, seconded by Councilman Weaver, to authorize Town Attorney Baroni to revoke the bid, previously awarded to 4 Brothers Fence Company, to repair the fence on Nethermont Avenue due their to failure to initiate the contract; and further authorized Town Clerk Leber to send a letter awarding the bid to the second lowest bidder, Choice Fence Company in the amount of \$4,000.

The roll call vote was as follows:

Ayes: Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, approval of the request of General Foreman Useted to release a highway bond to GAH Building Corp., Permit #677, in the amount of \$500.

The roll call vote was as follows:

Ayes: Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Geist moved, seconded by Councilman Schiliro, receipt of a memo from Finance Director Donovan regarding the first update of mortgage tax estimates for 2009. Supervisor Berman reiterated that the mortgage tax revenues continue to be significantly lower than in the past, citing October 2008 revenue as slightly more than half of October 2007.

The roll call vote was as follows:

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Ayes: Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.
Noes: None.

Councilman Geist moved, seconded by Councilman Schiliro, approval of the request of Superintendent Futia to go out to bid for the Sewer District No. 2 Nitrogen Removal project – Consent Order.

The roll call vote was as follows:

Ayes: Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.
Noes: None.

Pursuant to the request by Michael Fareri and based on recommendations of Kellard Sessions Consulting and Sewer & Water Superintendent Tony Futia, Councilman Geist moved, seconded by Councilman Weaver, that Town Attorney Baroni be directed to prepare an order calling for a Public Hearing to consider including 170 Bedford Road (lumber yard property) in Water District #7.

The roll call vote was as follows:

Ayes: Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.
Noes: None.

Mr. Fareri stated that he is disappointed with the performance of the Sewer Capacity Task Force, which is studying the capacity of the Sewer District No. 2 treatment plant. He believes that the group should include some people who live in the district and are therefore paying the sewer taxes. Mr. Fareri reviewed the history of Sewer District No. 2 and suggested that preventing growth results in no increase of assessables, thereby placing an unfair burden on people currently in the district who have been paying all along for maintenance and may have to pay to upgrade the system.

Councilman Weaver moved, seconded by Councilman Geist, that the Supervisor be authorized to make the budget transfers that follow at the end of these minutes.

The roll call vote was as follows:

Ayes: Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.
Noes: None.

Councilman Weaver moved, seconded by Councilman Geist, receipt of a Workers Compensation Report on Gary Ristaino, Highway Department.

The roll call vote was as follows:

Ayes: Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.
Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, authorization for the Supervisor to sign an agreement in the amount of \$10,500 with Stearns & Wheler to provide planning level information and evaluation to the Sewer Capacity Task Force. It was stipulated that additional meeting attendance shall be at a fee not to exceed \$1,200 per meeting.

The roll call vote was as follows:

Ayes: Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.
Noes: None.

Councilman Geist moved, seconded by Councilman Kittredge, authorization for the Supervisor to sign an agreement with Environmental Capital, LLC, for financial advisory services for an Open Space Bond Anticipation Note. The cost of \$1,500 will be included in the BAN.

The roll call vote was as follows:

Ayes: Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.
Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, authorization for the Supervisor to sign a Grantee Certification for Community Capital Assistance Program (CCAP) grant in the

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amount of \$150,000 for the installation of a new sewer line. The funding was obtained by Assemblyman Adam Bradley for the Quarry Heights project.

The roll call vote was as follows:

Ayes: Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Kittredge moved, seconded by Councilman Geist, approval of the request of Joseph Remo, Jr., Highway Department, to carry over two weeks of 2008 vacation to 2009.

The roll call vote was as follows:

Ayes: Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Geist moved, seconded by Councilman Kittredge, approval of the request of Receiver of Taxes Patricia Colombo to attend the Association of Towns Training School and Annual Meeting on February 16-17, 2009.

The roll call vote was as follows:

Ayes: Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Geist moved, seconded by Councilman Kittredge, ratification of the extension of the duties of the Recycling Coordinator to include weekend recycling and maintenance work in the Main Street area at an expense not to exceed \$6,000 per year which is equal to the fee charged by the contractor previously performing the work.

The roll call vote was as follows:

Ayes: Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Weaver explained the proposed establishment of a Department of Public Works (DPW) in the Town of North Castle as something that this Town Board and previous Boards have considered over the past decade. The purpose of creating a DPW is to provide better coordination between existing departments particularly in the areas of personnel and equipment. Mr. Weaver suggested that a DPW will give the Town Board better oversight of departments and a closer look at budgets in order to find additional savings. Displaying an organizational chart, Councilman Weaver stated that the DPW superintendent would work with superintendents of various departments and supervise projects. Departments under DPW, and the estimated amount of involvement with each, are: Building & Engineering (50%); Water & Sewer (20%); Highway (20%); Parks (7%) and Building Maintenance (3%).

In response to questions from resident Sue Shimer, Pond Lane, Supervisor Berman explained that the Superintendent of Public Works would continue with his current responsibilities without any other additions to staff. She added that the increase in benefits would be one additional week of vacation and possibly, if cost savings are realized, a \$3,500 mid-year salary increase. The Supervisor also stated that the establishment of the DPW position is something the Board feels needs to be done now to avoid redundancy, while the prospect of establishing a Town Administrator position is in the future and would include much more extensive responsibilities.

Michael Fareri expressed support for the establishment of the Superintendent of Public Works, but suggested that the position be made on a trial basis. Councilman Kittredge stated that under civil service regulation a position can always be abolished.

North White Plains resident and Sewer & Water Superintendent Tony Futia, said that he agreed with the establishment of a Department of Public Works but criticized the decision to appoint a superintendent instead of a commissioner of the Department. Quoting from the County description of duties and qualifications of both positions, Mr. Futia suggested that substantial savings could be realized by appointing a Commissioner who would be an engineer, qualified to perform many tasks that are currently handled by consulting engineers. He expressed objections to charging 20% of the salary for the new position to the Special Districts and stated that he

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doesn't believe that Building Inspector Richard Fon is qualified for the role of DPW Superintendent.

Councilman Weaver said that hiring a Commissioner of Public Works would cost a lot of money and said he disagreed that cost savings would be realized by adding this position.

Supervisor Berman stated that, at some time in the future, the Town Board could consider the reduction of an administrative position, though she noted that Sal Misiti is well poised and qualified to assume the position of Sewer & Water Superintendent when Mr. Futia retires.

Councilman Kittredge moved, seconded by Councilman Schiliro, establishment of the Department of Public Works in the Town of North Castle.

The roll call vote was as follows:

Ayes: Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Kittredge moved, seconded by Councilman Geist, establishment of position of Superintendent of Public Works.

The roll call vote was as follows:

Ayes: Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Kittredge moved, seconded by Councilman Weaver, the probationary appointment of Building Inspector Richard Fon as Superintendent of Public Works, effective immediately, at the current budgeted salary plus one additional week of paid vacation.

The roll call vote was as follows:

Ayes: Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Geist moved, seconded by Councilman Kittredge, the appointment of George Alvarez, who will replace Kevin Eccleston, as a member of the North Castle Parks and Recreation Advisory Board for a term to expire December 31, 2009.

The roll call vote was as follows:

Ayes: Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Geist moved, seconded by Councilman Schiliro, authorization for Finance Director Donovan to make payment in the amount of \$24,842.50 to DeRosa Tennis, Inc., for base contract items and clean up work as part of the Lombardi Park Road and Parking Lot Improvement project.

The roll call vote was as follows:

Ayes: Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, receipt of a letter from Deputy County Executive Larry Schwartz regarding the County-wide septic system database project for the preservation of water quality and septic health in the County and to promote opportunities for shared services.

The roll call vote was as follows:

Ayes: Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

The Town Board audited and approved payments totaling \$1,220,428.31 as indicated on Warrant #21.

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After all persons were heard who desired to be heard, the Supervisor closed the meeting at 10:12 p.m. in memory of Frank Daniels, Jr.

Ann Leber, Town Clerk

Dated: November 20, 2008

PUBLIC HEARING

November 19, 2008

At 7:45 p.m. Supervisor Berman 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 November 19, 2008 at 7:30 p.m., or as soon thereafter, at Town Hall, 15 Bedford Road, Armonk, New York 10504, for the purpose of considering the Special Use Permit application of 14 Middle Patent Road, Armonk, New York, for additional horses (Section 1, Block 01, Lot 17).

By Order of the Town Board
Ann Leber, Town Clerk

Dated: November 6, 2008
Armonk, New York

The Public Notice read by the Town Clerk 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 green cards denoting mailing to and receipt of certified mail by adjoining property owners were received and marked Exhibit "D" for the record.

The following correspondence was marked Exhibit "E" for the record:

Memo to the North Castle Town Board and the North Castle Planning Board from Director of Planning Adam Kaufman dated September 4, 2008

Letters from Mr. Kaufman dated September 23, 2008 and October 1, 2008

Referral Form to Westchester County Planning Board mailed October 6, 2008

Notification of Intent and Environmental Assessment Form dated October 8, 2008

Letter from John Slaker, representing Therese and Murray Kessler dated November 12, 2008 with an attached letter to Mr. and Mrs. Kessler from previous owner Christopher Roosevelt

Letter from Landmarks Preservation Committee Chairman Cerullo dated November 17, 2008

John Slaker, landscape architect, representing the property owners Therese and Murray Kessler, gave a brief presentation of the Special Use Permit application to house ten horses and construct an accessory structure on the property. Mr. Slaker explained that the entire property is over forty-two acres, thirty of which have been set aside as conservation land. The proposed project, on the remaining twelve acres, would include the removal of the existing 1,500 square foot barn and the construction of a new 3,500 square foot stable for the ten horses, which would have a small septic system, bathroom, and a washer and dryer. Mr. Slaker said there would be minor grading of the foundation, grading around the building, virtually no tree removal, no staff residing in the stable, and no disturbance of the remaining property. He added that the wetlands have been flagged and the letter from Mr. Roosevelt, the former property owner, attested to the existence of pastures on the property in the vicinity of the wetland and wetland buffer areas.

Councilman Kittredge asked if a sprinkler system would be installed in the stable. Mr. Kessler said they just wanted to make sure that dust would not set off the sprinklers, but they would do whatever the Building Department required, and they wanted to keep the horses safe.

Steve Brounstein, Mianus Drive, asked if any guidelines currently exist regarding the number of horses permitted. Mr. Kessler explained that, for properties with a minimum of twenty-five acres, Town Code allows owners to apply for a special permit to house one horse on the first two acres and one horse for every additional acre. Therefore, they could apply to have thirty-nine horses on the property, but they were only asking for a total of ten. When asked how many horses are currently on the property, Mr. Kessler said that they are four.

Tony Mountford, Mianus Drive, said that his property is close to the Kessler's property and he is very concerned about proper management of horse manure. He requested confirmation from the owners that they would not permit the manure to stand for more than one week which would result in odor and fly problems. Mr. Kessler said this concern is a top priority and that the fields will be raked with a harrow once a month and they would continue to be meticulous in keeping the stable clean. When Mr. Mountford asked if the horses would be safe by being contained on the property, Mr. Kessler replied they have high quality horse fencing with a five foot chain link fence surrounding it.

Dana Brounstein, Mianus Drive, expressed her concerns about having additional horses on the property. Mr. Kessler said that they currently have four horses on two of the fields and would have ten horses on five fields. Supervisor Berman added that the previous property owner had numerous animals on the property.

Supervisor Berman said that in the event the property is sold in the future, the Town needs to protect the residents with additional safeguards, for example, to ensure that no commercialization or special events are permitted.

Mr. Kessler said that the conservation easement restricts the request for a variance of use and they could not petition for commercial use of the property.

Supervisor Berman said that she and Councilman Geist have had conversations with Mr. Kaufman regarding additional language to be added to the resolution. Councilman Geist asked if more stringent conditions could be adopted to be consistent with the conditions adopted for the Rose Hill Farm property.

After discussion, the Board proposed the following additional conditions: 1) applicant must schedule three inspections of the site with the Town Building Inspector each year; 2) bins used for storage of manure and other waste must be carted off site at least one time per week, between 8:00 a.m. and 4:00 p.m. weekdays; 3) deliveries of hay, feed or other materials and supplies must be made and accepted between the hours of 8:00 a.m. to 4:00 p.m. weekdays; 4) storage of manure and other materials that could negatively effect air quality and surface and groundwater quality cannot exceed 10 cubic yards in quantity or be located within 250 feet of a property line, watercourse or controlled area; 5) applicant must submit plans demonstrating that all barns will contain sprinklers, a fire alarm with central station monitoring and fire doors; and 6) horses would be solely for the non-commercial use and enjoyment of residents and their guests; no for-profit horse shows would be permitted; no public lessons, no private lessons, except for guests of family members, or performances would be permitted.

No other correspondence or comments were entered for the record.

After all persons were heard who desired to be heard, Councilman Kittredge moved, seconded by Councilman Weaver, that the Public Hearing be closed at 8:10 p.m.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Kittredge moved, seconded by Councilman Geist, approval of the Special Use Permit application of 14 Middle Patent Road, Armonk, New York, (Section 1, Block 01, Lot 17) for additional horses. The amended resolution follows at the end of these minutes.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Dated: December 1, 2008

Ann Leber, Town Clerk

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RESOLUTION

Action:	Special Use Permit Approval for Additional Horses
Application Name:	Kessler
Owner/Applicant:	Therese & Murray Kessler
Designation:	Section 1, Block 1, Lot 17 (95.03-1-42)
Zone:	R-4A Zoning District
Location:	14 Middle Patent Road
Date of Approval:	November 19, 2008
Expiration Date:	November 19, 2009 (1 year)

WHEREAS, a formal application for the approval of a Special Use Permit was submitted to the Town on August 8, 2008; and

WHEREAS, the application consists of the following drawings:

- Plan labeled "EP-1," entitled "Aerial," dated August 8, 2008, prepared by John P. Slaker Design Group.
- Plan labeled "EP-2," entitled "Existing Conditions," dated August 8, 2008, prepared by John P. Slaker Design Group.
- Plan labeled "EP-3," entitled "Site Plan," dated August 8, 2008, prepared by John P. Slaker Design Group.

WHEREAS, the Special Use Permit application was referred to the Planning Board on August 13, 2008, for its study and report; and

WHEREAS, the subject property is approximately 42.23 acres in area and is designated on the Tax Maps of the Town of North Castle as Section 1, Block 1, Lot 17 and is zoned R-4A Residence District (minimum lot size 4 acres); and

WHEREAS, the existing property contains a 30.6 acre conservation easement and on the remaining 12.02 acres stands a main residence, guest house, pool, garage and 5-stall barn; and;

WHEREAS, the Applicant is requesting permission to house a total of ten (10) horses on the property and construct a new 3,552 square foot stable; and

WHEREAS, the Applicant is proposing to demolish the existing barn; and

WHEREAS, pursuant to Section 213-33.D(2) of the Town Code, all buildings and grazing and exercising areas are required to be set back from adjacent residential property boundaries at least twice the minimum distance required for residential buildings in the R-4A Zoning District except that the Town Board may either increase or decrease this setback requirement because of relationships to neighboring properties, topography or the installation of buffer, landscaping and/or fencing. In no case, however, shall the minimum setback from adjacent residential property boundaries be less than 25 feet; and

WHEREAS, the grazing/exercise areas adjacent to the Mianus Drive properties do not meet the minimum required 25 foot setback requirement. It is noted, however, that the Applicant has supplied the Town Board with a letter dated November 4, 2008 from Mr. and Mrs. Christopher

du P. Roosevelt stating that the existing paddock areas have been present since 1971 and that historic photographs of the property depict agricultural or animal husbandry uses dating back possible to 1905. Therefore, the paddock areas are existing non-conforming with respect to Section 213-33.D(2) of the Town Code and can continued to be used; and

WHEREAS, pursuant to Section 213-33.D(4) of the Town Code, horses are required to be fenced and are not be permitted to graze, exercise or in any way intrude into any areas designated as controlled areas under the Town's Wetlands and Drainage Law;

WHEREAS, a portion of the southwestern most grazing/exercise area is located within a Town-regulated wetland buffer; and

WHEREAS, the grazing/exercise areas adjacent to the Mianus Drive properties do not meet the requirements of Section 213-33.D(4) of the Town Code. It is noted, however, that the Applicant has supplied the Town Board with a letter dated November 4, 2008 from Mr. and Mrs. Christopher du P. Roosevelt stating that the existing paddock areas have been present since 1971 and that historic photographs of the property depict agricultural or animal husbandry uses dating back possible to 1905. Therefore, the paddock areas are existing non-conforming with respect to Section 213-33.D(4) of the Town Code and can continued to be used; and

WHEREAS, on September 22, 2008, the Planning Board wrote a letter to the Town Board recommending approval of the Special Use Permit for keeping up to 10 horses on site; and

WHEREAS, in accordance with Article B of the State Environmental Quality Review Law and 6 NYCRR Part 617, and the North Castle Town Environmental Quality Review Law (TEQR -- Local Law 2-19H1), the Town Board made the determination that the proposed development is an Unlisted Action; and

WHEREAS, the Town Board determined to conduct a coordinated SEQRA review; and

WHEREAS, the Town Board has assumed the role of Lead Agency for the environmental review of this project; and

WHEREAS, the application for special use permit approval requires referral to the Westchester County Planning Board pursuant to Section 239 L, M and N of the New York State General Municipal Law and Section 277.61 of the County Administrative Code; and

WHEREAS, the County Planning Board indicated that there are no County of intermunicipal planning issues of concern; and

WHEREAS, the Town Wetland Consultant was asked on October 1, 2008 to verify the existing wetland boundaries on the property; and

WHEREAS, the Town Wetland Consultant has not yet reported back to the Town with respect to the wetland delineation; and

WHEREAS, the Town Board has requested, received, and considered comments from the Town Attorney, the Town Engineer, the Building Inspector, and the Planning Director regarding the proposed development; and

WHEREAS, the Town Board is familiar with the nature of the site, the surrounding area, and the proposed development; and

WHEREAS, the Town Board scheduled a Public Hearing on November 19, 2008 at approximately 7:30 P.M. at the Town of North Castle Town Hall Annex at 17 Bedford Road, Armonk, New York at which time all those wishing to be heard were given the opportunity to be heard and the hearing was closed on that date; and

WHEREAS, the Town Board is familiar with the nature of the site and surrounding area; and

WHEREAS, the Town Board has determined that the proposed location and size of the use is in harmony with the appropriate and orderly development of the R-4A Zoning District; and

WHEREAS, the Town Board has determined that the location, nature and height of buildings, walls, fences and the nature and extent of existing or proposed plantings on the site are such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings; and

WHEREAS, the Town Board has determined that operations in connection with the special use will not be more objectionable to nearby properties by reason of noise, fumes, vibration or other characteristics than would be the operations of any permitted uses not requiring a special permit; and

WHEREAS, the Town Board has determined that parking areas are of adequate size for the particular use, properly located and suitably screened from adjoining residential uses, and the entrance and exit drives are laid out so as to achieve maximum convenience and safety; and

WHEREAS, the Town Board has determined that the provisions of the Town Flood Hazard Ordinance have been met; and

WHEREAS, the Town Board has determined that the proposed special permit use will not have a significant adverse effect on the environment; and

WHEREAS, the Town Board has carefully considered the complete record and measures intended to mitigate any and all significant impacts to the environment that might be caused by this development and such measures are attached to this resolution; and

WHEREAS, the requirements of the Zoning Ordinance, the Subdivision Regulations and the Town Development Plan Update of the Town of North Castle have been met by application and plats except as noted below;

NOW, THEREFORE, BE IT RESOLVED, that in accordance with Article 8 of the State Environmental Quality Review Law and 6 NYCRR Part 617 and the North Castle Town Environmental Quality Review Law, the Town Board hereby makes a determination that the proposed development will not have a significant impact on the environment as any such impacts will be minimized or avoided through the design of the project and through the incorporation as conditions attached to the project approval those mitigating measures that have been identified;

THEREFORE, BE IT FURTHER RESOLVED, that the application for a Special Use Permit be granted subject to the following conditions and modifications:

1. The Town Wetlands Consultant shall provide a wetlands delineation confirmation prior to the Applicant obtaining Special Permit approval from the Planning Board.
2. The Applicant shall schedule three inspections of the site with the Town Building Inspector each year (one in the winter, one in the spring and one in the fall). If the Town Building Inspector finds any violations of the special permit or any other law or ordinance of the Town of North Castle during the inspection or at any other time, the Applicant shall immediately correct said violation and shall notify the Town Building Inspector of the correction or the special permit shall be revoked.
3. The bins used for storage of manure and other wastes shall be carted off site a minimum of one time per week, not before 8:00 A.M., nor after 4:00 P.M. weekdays only, and a contract for such service shall be submitted to the Town of its review.
4. Deliveries of hay, feed or other materials and supplies shall only be made and accepted during the hours of 8:00 A.M. to 4:00 P.M. weekdays.
5. Pursuant to Section 213-33.D(6)(b) of the Town Code, the site plan shall be revised to depict the location for the storage of manure and other materials that could negatively affect air quality and surface and groundwater quality. The storage area shall not exceed 10 cubic yards in quantity or be located within 250 feet of a property line, watercourse or controlled area to the satisfaction of the Planning Board.

6. Pursuant to Section 213-33.D(6)(c) of the Town Code, the site plan or floor plans shall depict the location where feed is proposed to be stored to the satisfaction of the Planning Board. In addition, the plans shall contain a detail of the rodentproof containers to the satisfaction of the Planning Board.
7. Pursuant to Section 213-33.D(6)(e) of the Town Code, the Applicant shall submit a detailed plan of the proposed stables showing the use of floor space by type of use and floor level. In addition, the Applicant shall submit proposed elevations of the building.
8. Installation of a spray system in each of the barns for the control of insects, flies and rodents to the satisfaction of the Building Inspector.
9. The Applicant shall submit plans demonstrating that all barns will contain sprinklers, a fire alarm with central station monitoring and fire doors as deemed appropriate by the Town Fire Inspector and the Building Inspector.
10. The applicant shall comply with all applicable local laws and ordinances of the Town of North Castle and any conditions attached to permits issued thereunder.
11. The applicant shall be responsible for the payment of all applicable fees, including any consulting fees.
12. Pursuant to Section 213-33.D(1) of the Town Code, horses shall be solely for the non-commercial use and enjoyment of residents and their guests; no for-profit horse shows shall be permitted. No public lessons, no private lessons, except for guests of family members, or performances shall be permitted.
13. The applicant shall comply with Section 213-14 (N) of the Zoning Code, which prevents the source of outside lighting from being seen from any adjacent residential property.
14. The applicant shall return to the Planning Board for special permit approval for the proposed construction of the stable.
15. The maximum number of horses to be on the premises at any one time shall not exceed 10.
16. The applicant shall secure all necessary approvals from the Westchester County Department of Health.
17. The applicant shall comply with the submitted plan for the storage of manure and other waste materials on the site. In addition, the applicant shall screen all manure and other waste containers from public view and/or put them in an enclosure.
18. The applicant shall comply with the submitted plan for vermin proof storage areas for the animal feed and for the safe storage of pesticides and herbicides needed for the operation of the stables.

THEREFORE, BE IT FURTHER RESOLVED that this Special Use Permit approval expires if work is not initiated within one (1) year, or if said use or uses shall cease for more than one (1) year for any reason or if all required improvements are not completed within two (2) years from the date of issue or if all such required improvements are not maintained and all conditions and standards complied with throughout the duration of the use.

PUBLIC HEARING

November 19, 2008

At 8:12 p.m. Supervisor Berman stated that a Public Hearing would be held in accordance with the Public Notice that follows:

Town Board Minutes
November 19, 2008

NOTICE IS HEREBY GIVEN THAT the North Castle Town Board will hold a Public Hearing on November 19, 2008 at 7:30 p.m., or as soon thereafter, at Town Hall, 15 Bedford Road, Armonk, New York 10504, for the purpose of considering the adoption of a Local Law to amend the Code of the Town of North Castle Chapter 30 entitled "Officers and Employees" to modify residency requirements for Town Comptroller.

By Order of the Town Board
Ann Leber, Town Clerk

Dated: November 8, 2008
Armonk, New York

Councilman Geist moved, seconded by Councilman Weaver, that the public hearing be adjourned to be reopened at a later date.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Ann Leber, Town Clerk

Dated: December 1, 2008

PUBLIC HEARING

November 19, 2008

At 8:13 p.m. Supervisor Berman 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 November 19, 2008 at 7:30 p.m., or as soon thereafter, at Town Hall, 15 Bedford Road, Armonk, New York 10504, for the purpose of considering the adoption of a Local Law to amend the Code of the Town of North Castle, Chapter 196-47, Schedule VII, entitled "Stop Intersections", to install a stop sign at the intersection of Grove Road and Lakeview Drive North, and Chapter 196-4, entitled "Penalties for Offenses" to increase the minimum fine for parking violations.

By Order of the Town Board
Ann Leber, Town Clerk

Dated: November 8, 2008
Armonk, New York

The Public Notice read by the Town Clerk 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.

Memos from Lieutenant Peter Simonsen dated October 21, and October 22, 2008 regarding the stop sign and the minimum fine for violations of parking restrictions were marked Exhibit "D" for the record.

Supervisor Berman said that Police Chief Robert D'Angelo and Lieutenant Peter Simonsen have recommended both of these changes. Supervisor Berman said that the current fines for parking

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violations have been in effect since 1986. Supervisor Berman said that the minimum fine increase from \$10 to \$25 would apply to the following parking violations: no parking zone, overtime parking, snow removal, and restricted parking. It would be in keeping with fines in surrounding towns. She added that the current \$10 fine is not much of a deterrent.

Councilman Schiliro asked about the traffic flow at the intersection of Grove Road and Lakeview Drive North that necessitated a stop sign. Councilman Kittredge said that any road going into another road should have a stop sign. Supervisor Berman added that the addition of the traffic control device at this intersection would maintain conformity with other Town roads.

No other correspondence or comments were entered for the record.

After all persons were heard who desired to be heard, Councilman Weaver moved, seconded by Councilman Kittredge, that the Public Hearing be closed at 8:17 p.m.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Weaver moved, seconded by Councilman Kittredge, adoption of Local Law 19 - 2008 to amend the Code of the Town of North Castle, Chapter 196-47, Schedule VII, entitled "Stop Intersections," to install stop signs at the intersection of Grove Road and Lakeview Drive North. The local law follows at the end of these minutes.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Weaver moved, seconded by Councilman Kittredge, approval to increase the minimum fine for parking violations from \$10 to \$25.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Ann Leber, Town Clerk

Dated: December 1, 2008

PHLL Stop Intersections 11-19-08.doc

LOCAL LAW NO. 19 FOR THE YEAR 2008

TOWN OF NORTH CASTLE

(Adopted November 19, 2008)

A Local Law to amend Chapter 196 entitled Vehicles and Traffic of the Code of the Town of North Castle.

Be It Enacted by the Town Board of the Town of North Castle as follows:

1. Schedule VII Section 196-47 Stop Intersections is hereby amended to add the following:

Name of Street

Direction of Travel

At Intersection of

2. Effective Date: This Local Law shall be effective immediately upon filing of the same with the Secretary of State of the State of New York.
