

Town Board Minutes
Town of North Castle
15 Bedford Road
Armonk, New York
on
July 8, 2009

At 5:00 p.m. Supervisor Berman called the meeting to order and the following persons were present:

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

The meeting was immediately adjourned into Executive Session, which was then closed at 6:30 p.m.

Supervisor Berman reconvened the regular meeting at 7:35 p.m.

Councilman Kittredge moved, seconded by Councilman Weaver, approval of the minutes of the June 24 work session and the June 24 regular meeting.

The roll vote was as follows:

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

Noes: None.

The minutes of the Public Hearing which commenced at 7:55 p.m. follow at the end of these minutes.

Supervisor Berman made the following announcements:

- *Music by the Brook*, is a series of five free summer concerts in Wampus Brook Park, co-sponsored by North Castle Recreation and Parks and The Small Town Theatre Company. Upcoming concert dates are July 18, August 2, August 16 and August 30. For more information, go to the Town web site www.northcastleny.com/calendar.php
- Clerical departments are observing summer hours, working 8:00 a.m. until 4:00 p.m. through Monday, August 31. The Town Justice Court will continue with its usual hours and not observe summer hours.
- Night work on the Westchester Avenue Bridge over I-287 is scheduled for July 8 and 9. The work on the North Broadway Bridge in North White Plains is expected to be completed by the middle of November. Additional goals for 2009 include completion of all the noise barrier and retaining walls; enhanced new drainage system within the center median of the roadway and installation of a permanent barrier within the center median. The I-287 project is scheduled for "substantial" completion during the fall of 2010.
- On March 11, 2009 the Board received the Administrator Review Task Force's unanimous recommendation to hire a town administrator as soon as possible. Discussion regarding the establishment of a town administrator position will take place at the Town Board meeting scheduled for July 29th when any who wishes to be heard may speak. If needed, the discussion will continue at the Town Board Meeting scheduled for August 12th.
- NYSDOT paving of Route 22 from Maple Avenue to Route 120 is scheduled for early August. The additional delay was due to the contractor's poor safety record.
- Westchester County is hosting a Financial Helpline on July 21 and July 22.

Supervisor Berman presented a plaque to Nicholas Cerullo, recently retired chairman of the Landmarks Preservation Committee, in honor of his dedicated work in preserving the Town's heritage, which included obtaining landmark status for the Bedford Road Historic District. Dr.

Town Board Minutes
July 8, 2009

Cerullo served on the LPC as a member and then chairman for thirty-two years. He thanked his neighbors and the LPC committee members and wished the new LPC Chairman and members continued good luck.

Supervisor Berman introduced L.G. Erskine, Jr., a World War II veteran, who is asking for support for his ten-mile memorial hike to benefit the Fisher House Foundation for soldiers wounded in Iraq and Afghanistan. Mr. Erskine's hike is scheduled on September 26, 2009, beginning at Boniface Circle in Scarsdale and ending at North White Plains Community Center. More information is available at the Fisher House Foundation website www.active.com/donate/09hike4fisherhouse.

Councilman Geist moved, seconded by Councilman Weaver, receipt of a letter form NYS Department of State regarding the Residential Sprinkler Committee Report which was submitted to the State Fire Prevention and Building Code Council on June 16, 2009.

The roll vote was as follows:

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

Noes: None.

Councilman Geist recommended, with the concurrence of Supervisor Berman, that prior to Superintendent Fon and Assistant Building Inspector Richardson's attendance at the September 15, 2009 Council meeting in Albany, Mr. Fon confirm that the Town's more restrictive local standard is included on the meeting agenda.

Alfred DelBello, DelBello Donnellan Weingarten et al, representing the property owner of the Armonk Shopping Center (A&P/Werber) at 450 Main Street, Armonk, said that the applicant is requesting that the parking regulations in the CB Zone be changed to be the same as those for shopping centers of this size in the Shopping Center (SC) Zone. Councilman Geist moved, seconded by Councilman Kittredge, receipt of a positive recommendation from the Planning Board regarding the proposed zoning text amendment for off-street parking requirements in the Central Business (CB) Zone, and further moved that a public hearing be scheduled for August 12, 2009.

The roll vote was as follows:

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

Noes: None.

Upon Mr. DelBello's request, Councilman Geist moved, seconded by Councilman Weaver, approval of an amendment to change the name of the petitioner to Eden Enterprises LLC, the property owner, in place of Werber Management, the property manager.

The roll vote was as follows:

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

Noes: None.

Councilman Schiliro asked how many square feet and how many parking spaces there are in the North White Plains Center as compared to the proposed square feet and parking spaces for the Armonk Shopping Center. Mr. DelBello said the Super Stop & Shop shopping centers are usually about 73,000 to 75,000 square feet and have more than adequate parking. Director of Planning Kaufman explained that the special parking regulations would apply to the new Armonk Shopping Center since the combined square footage of the supermarket and the additional retail space would be in excess of 50,000 square feet.

With regard to the resolution received from the North Castle Parks and Recreation Advisory Board concerning proposed modifications to the A&P site which impact on the Hergenhan Recreation Center property, Councilman Geist, Town Board liaison to the Advisory Board, provided background on this issue. In 2008, the Town Board requested input from the Recreation Board regarding the plan for the Town to offer land, behind the Center and adjacent to the A&P, to enable the applicant to meet parking requirements for their supermarket expansion. The Recreation Board recommended that the Town transfer the property to the applicant in exchange for permanent improvements for safer access to and from the Center by constructing an internal loop of driveways with no connection to the shopping center. The

majority of the Town Board was in favor of the Recreation Board's recommendation and the applicant revised the site plan to accommodate it. Mr. Geist said that Supervisor Berman and he have remained in favor of the plan, but the majority of the Town Board has recently changed positions and wants the applicant to pay a one time fee to the Town in lieu of the improvements. Mr. Geist read the resolution from the Recreation Board urging the majority to change their positions. Mr. Geist asked that the matter be referred to the Planning Board for their consideration.

Town Attorney Baroni said there are now two proposed plans. He said the original plan included a ramp and a platform for parking with an estimated cost to the applicant of \$250,000. Mr. Baroni said that a new plan which has been presented to the Planning Board includes a ramp closer to the Recreation Center and has a preliminary estimate of \$95,000 which may be reduced to an amount in the \$75,000 to \$80,000 range.

Councilman Geist said he thought the important issue is whether the improvements will be made regardless of the cost. Mr. Baroni said the Board should know the applicant's cost for the driveway access improvement may be significantly reduced.

Councilman Kittredge asked how many parking spaces would be eliminated in the lot next to the Recreation Center by the proposed driveway loop. Mr. DelBello said he did not think any spaces would be eliminated.

Supervisor Berman said she wanted to refer the matter to the Planning Board as site plan discussions are not typically held by the Town Board. Mr. Baroni said since the Town owns the property whatever is built on it has to be done with the concurrence of the Town Board. He said the Town Board could refer the issue to the Planning Board, but the Planning Board may choose not to render an opinion on Town-owned property. Mr. Geist said that the Planning Board should be asked for its opinion on a payment in lieu of improvements. Mr. Schiliro said he did not think it was appropriate for the Planning Board to review fiscal matters. Mr. Baroni said the Planning Board would most likely focus on planning issues only.

Councilman Schiliro said he had changed his view due to fiscal concerns and thought any payment should be used to help restore the fund balance rather than help balance the budget. Mr. Schiliro said it might be appropriate for the Planning Board to provide recommendations regarding safety options, such as speed bumps and rails to protect people from the road. Councilman Weaver said there may be other ways to address the safety issues regarding access to the A&P parking lot through a connection from the Center.

At the end of the discussion, it was agreed that the matter be referred to the Planning Board for its study and report regarding the better access alternative for the Center, a ramp and internal driveway loop or no ramp and a connection to the A&P parking lot; how many parking spaces currently exist in the lot next to the Recreation Center and how many would be eliminated with the use of a driveway loop; and input about other possible ways to address safety issues.

With regard to a letter of recommendation from the Planning Board concerning basic and maximum permitted gross land coverage and gross floor area, Mr. Kaufman said that a joint Town Board/Planning Board work session was held earlier this year to look at ways to increase the role of the Residential Project Review Committee (RPRC) and to reduce the number of applications which require Planning Board review. By increasing the basic amount of gross land coverage and gross floor coverage as proposed in the local law, the majority of the oversight will be conducted by the RPRC.

Councilman Weaver moved, seconded by Councilman Kittredge, receipt of a letter from the Planning Board containing a positive recommendation regarding an increase in the basic amounts of gross land coverage and gross floor area, and further moved that a public hearing be scheduled for July 29, 2009.

The roll vote was as follows:

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

Noes: None.

Town Board Minutes
July 8, 2009

Councilman Kittredge moved, seconded by Councilman Schiliro, receipt of a copy of a letter from Town Attorney Baroni to the North Castle South Fire District Board of Commissioners regarding the commissioners' unilaterally changing the agreed upon rental amount in the hydrant agreement. Town Clerk Leber read the letter aloud. Councilman Schiliro said that Councilman Weaver and he had scheduled a meeting with the Fire Commissioners for July 14, 2009.

The roll vote was as follows:

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

Noes: None.

A presentation by Mark McCarthy, AIA, regarding the proposed construction of additional school buildings for St. Christopher's, Inc. on its Jennie Clarkson campus, was postponed because the agency did not receive expected stimulus funds.

Councilman Geist recused himself from the discussion regarding the Aerotech project.

Bill Null, Cuddy & Feder LLP, appeared before the Board representing Aerotech, the developer for 11 New King Street, LLC, the owner of a 2.5 acre parcel at this address. Mr. Null presented information regarding the application for the construction of a parking facility for up to 1,450 cars. He said that the proposed new use would address the shortage of airport parking, should help reduce the number of vehicle trips for airport drop offs, and would not involve any airport modifications. Since the current uses permitted in the IND-AA Zone do not include construction and operation of this type of parking facility, the applicant has submitted a petition for a zone text amendment to establish a parking structure as a permitted special permit use. The applicant has also submitted applications for site plan approval, wetlands and drainage, and tree removal, and a draft scoping document.

Councilman Kittredge asked if the Westchester County Planning Board is aware of the application, and Mr. Null replied that there have been informal discussions with the County.

Karen Shultz of Harrison spoke against the application, expressing her concerns regarding the impact on drinking water, air quality, health costs, home values and overall quality of life. Mr. Shultz's husband, Julius Shultz, said he had the same concerns.

Susan Leifer, a member of the Sierra Club's State Watershed Committee, also spoke against the application, citing the impact on the Kensico Reservoir watershed, the potential demand for more flights, and increases in noise, traffic and pollution.

Tania Vernon of Rye Brook spoke of her concerns about the proximity of the proposed parking garage to the water supply.

Robert Porto of Harrison said that since the site is in the watershed there are laws in place to protect it.

John Moore, board member of the North West Greenwich Association, said homeowners in Greenwich are also opposed to the parking structure.

Mr. Null said he understands there are many issues with the applications, but the parking structure would reduce vehicle trips and thereby benefit air quality. He said the issues and the need for information would be addressed in a continued public dialogue and asked the Board to refer the matter to the Planning Board.

Councilman Kittredge moved, seconded by Councilman Schiliro, receipt of an application from 11 New King Street, LLC for various approvals for a parking facility at 11 New King Street, and the matter was referred to the Westchester County Planning Board, North Castle Planning Board and the North Castle Conservation Board for study and report.

The roll vote was as follows:

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

Noes: None.

Councilman Kittredge moved, seconded by Councilman Geist, receipt of a letter from Stearns & Wheler regarding Change Order No. 1 and the Certificate of Substantial Completion for the

Town Board Minutes
July 8, 2009

wastewater treatment plant upgrade. Supervisor Berman said that the original contract amount has been reduced and the Town is being credited \$9,065.91

The roll vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, authorization for Comptroller Dawn Donovan to make payment in the amount of \$15,399.24 to Dolph Rotfeld Engineering, P.C., in connection with the Quarry Heights sewer project.

The roll vote was as follows:

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

Noes: None.

Supervisor Berman moved, seconded by Councilman Weaver, receipt of a letter from the Westchester County Department of Health confirming that the completion of the Quarry Heights sewer main complies with the Department's conditions. Supervisor Berman said the confirmation was necessary to begin connecting affected homes to the new sewer system.

The roll vote was as follows:

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

Noes: None.

Pursuant to letters from Tax Receiver Colombo regarding Small Claims Assessment Review Settlements, Councilman Kittredge moved, seconded by Councilman Weaver, that Comptroller Donovan be authorized to issue the following refunds:

In the amount of \$450.89 to Steven & Marla Feldman, 3 Cobblers Lane, Armonk

In the amount of \$816.56 to Allan & Antonella Brook, 49 Wrights Mill Road, Armonk

In the amount of \$392.09 to Peter & Lori Cox, 47 Miller Circle, Armonk

In the amount of \$493.01 to Robert & Barri Leff, 3 Hillview Court, Armonk

In the amount of \$193.92 to Sew-Kam Tam, 32 Annadale Street, Armonk, Armonk

In the amount of \$693.31 to George Bektas & Diana Heimann, 28 Wrights Mill Road, Armonk

In the amount of \$430.94 to Geoffrey Thaw, 9 East Lane, Armonk

The roll vote was as follows:

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

Noes: None.

Councilman Kittredge moved, seconded by Councilman Weaver, approval of the request of General Foreman Useted for the release of highway bonds to Dan Aulicino, Permit #822, in the amount of \$500; and further moved approval to reinstate \$5,250 of the \$50,000 bond provided by Cablevision, for Permit #s 744, 745, 746, 816, 817, 832 and 836.

The roll vote was as follows:

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

Noes: None.

Councilman Kittredge moved, seconded by Councilman Weaver, receipt of a memo from the Westchester County Board of Legislators regarding the adoption of a resolution to establish a Collaborative Assessment Commission. Town Clerk Leber was asked to contact Legislator John Nonna to invite him to attend a future Town Board meeting to discuss the matter.

The roll vote was as follows:

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

Noes: None.

Mike Gordon, of CPower, Inc., gave a presentation regarding the Northern Westchester Energy Action Collaborative (NWEAC) application to seek federal "Smart Grid" stimulus funds which will enable NWEAC towns to participate in and benefit from developing dynamic electric power markets. Mr. Gordon explained that by the Town would be paid for managing and thereby reducing its energy consumption during peak energy times, as it would become a provider of

Town Board Minutes
July 8, 2009

electric power. Mr. Gordon said to proceed with the Smart Grid grant application the Board would need to adopt a resolution which would commit the Town to request data from Con Ed which would provide information about metering capability and cost. Mr. Gordon added that obtaining the necessary information for this project does not obligate the Town to spend any funds or commit it to participate in the project, but makes further participation possible. When Councilman Schiliro asked if there would be any cost to the Town if the grant proposal were successful, Mr. Gordon said there would be no cost to the Town, but that Con Edison would spread their investment costs over all consumers in their service areas, not only the Smart Grid communities.

Councilman Kittredge moved, seconded by Councilman Schiliro, adoption of a resolution to seek federal "Smart Grid" stimulus funds through an initiative with the Northern Westchester Energy Action Collaborative.

The roll vote was as follows:

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

Noes: None.

Councilman Kittredge moved, seconded by Councilman Geist, authorization for the Supervisor to sign a Northern Westchester Energy Action Coalition Intermunicipal Agreement to create intergovernmental relations councils regarding energy efficiency.

The roll vote was as follows:

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

Noes: None.

Councilman Kittredge moved, seconded by Councilman Weaver, that a letter from David Dorfman expressing his concerns about safety issues at the intersection of High Street, Sarles Street and Sheather Road be received and referred to the Police and Highway Departments for study and report.

The roll vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, receipt and filing of the Town Clerk's report for the month of June, 2009.

The roll vote was as follows:

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

Noes: None.

Councilman Geist moved, seconded by Councilman Weaver, authorization for the Supervisor to sign an agreement with Byram Hills School District for use of school buildings and grounds for recreation programs, July 1, 2009 – June 30, 2010.

The roll vote was as follows:

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

Noes: None.

Pursuant to the request of Chief D'Angelo, Councilman Kittredge moved, seconded by Councilman Geist, permission for Detective Frank Kolarik to attend the New York State Police Juvenile Officers Training Conference in Lake George, August 30 – September 4, 2009.

The roll vote was as follows:

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

Noes: None.

Councilman Kittredge moved, seconded by Councilman Schiliro, acceptance of the resignation of Tara Ermark from the Landmarks Preservation Committee, effective immediately.

The roll vote was as follows:

Town Board Minutes
July 8, 2009

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

With regard to the recommendation from the Road Naming Committee regarding the name for a new private street off Custis Avenue in North White Plains, the Board asked the Committee to reconsider its recommendation of "Custis Spur" and suggest an alternative name.

Edie Martimucci, Reference Librarian and President of CSEA Unit III representing employees of the North Castle Public Library, thanked the Friends of the Library, the Library Board of Trustees and Library Director Cris Ansnes for their commitment and leadership. Ms. Martimucci said the Library is a hub of learning for the Town and enumerated many of the services provided to residents by dedicated library employees. Ms. Martimucci asked the Board to now support the Library and to reconsider the sacrifices the library staff is being asked to make.

Linda DiFiore, President of CSEA Unit II, spoke on behalf of the employees of Town Hall, Parks and Recreation, Sewer and Water Departments and the Police Department clerical staff. Ms. DiFiore said the union respectfully disagreed with the view that the Town's unprecedented fiscal crisis calls for sacrifices from Town workers when cuts could be made elsewhere. Ms. DiFiore cited various expenditures approved by the Board which the union considered unnecessary. She said the three unions have already made sacrifices and the Town's workforce is stretched thin. Town residents expect a certain level of service and furloughs would impact these services. Ms. DiFiore said the union would like to resubmit their list of suggested ideas to save money and increase revenues and asked the Board to look at the ideas again.

Michael Giaccio, a member of CSEA Highway Unit I and a twenty-two year employee said that the contracts between the Town and the union are fair, not lucrative, contracts. Mr. Giaccio said that surrounding towns are waiting to see how the issue of furloughs is handled in North Castle. The Highway Department was down three employees and would not operate effectively with additional cuts in staff. He said that many employees are also Town residents who save money for the Town by volunteering in the fire departments and ambulance corps.

Sheila Tyler, Labor Relations Specialist and Chief Contract Negotiator for CSEA Units I, II and III, said that the Town should not balance the budget to the detriment of its employees who are doing more with less due to layoffs and reduction in hours. She questioned various expenditures made by or planning to be made by the Board. Ms. Tyler urged the Board to look again at the forty-one cost saving and revenue generating ideas from CSEA employees.

The Town Board audited and approved payments totaling \$513,468.94 as indicated on Warrant #9.

After all persons were heard who desired to be heard, the Supervisor closed the meeting at 10:00 p.m. in memory of Louis Perrotta.

Ann Leber, Town Clerk

Dated: July 24, 2009

PUBLIC HEARING

July 8, 2009

At 7:55 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 July 8, 2009 at 7:30 p.m., or as soon thereafter, at North Castle Town Hall, 15 Bedford Road,

Town Board Minutes
July 8, 2009

Armonk, New York for the purpose of considering the adoption of a Local Law to revise Section 213-32 and Section 213-41 of the Town Code so that Site Plan Approvals and Special Use Permit Approvals will not expire if a valid Building Permit exists.

By Order of the Town Board
Ann Leber, Town Clerk

Dated: June 26, 2009
Armonk, New York

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.

A letter from the Westchester County Planning Board to Director of Planning Adam Kaufman, dated June 4, 2009, stating that the action is a matter for local determination, and a letter from Mr. Kaufman, dated June 9, 2009, stating that the North Castle Planning Board adopted a positive recommendation were marked Exhibit "D" for the record.

Mr. Kaufman explained that there are currently two separate expiration dates for approvals issued by the Planning Board and for building permits issued by the Building Department. This has resulted in confusion for applicants in keeping track of two expiration dates. The proposed local law would create one timeline for applicants by prevent a Planning Board site plan expiration as long as a valid building permit is in effect.

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 7:56 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 Schiliro, 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 Kittredge, Geist, Weaver, Schiliro, Supervisor Berman.

Noes: None.

Councilman Kittredge moved, seconded by Councilman Schiliro, the adoption of Local Law 8 of the year 2009 to revise Section 213-32 and Section 213-41 of the Town Code so that Site Plan Approvals and Special Use Permit Approvals will not expire if a valid Building Permit exists.

The roll call vote was as follows:

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

Noes: None.

The Local Law follows:

TOWN OF NORTH CASTLE

Local Law No. 8 For The Year 2009

Adopted July 8, 2009

A local law to revise Section 213-32 and Section 213-41 of the Town Code so that Site Plan Approvals and Special Use Permit Approvals will not expire if a valid Building Permit exists.

Section 1. Revise Section 213-32 of the Town Code as follows:

§ 213-32 Expiration.

A special permit shall be deemed to authorize only the particular use or uses specified in the permit, and unless other provisions are set forth by the Town Board or Planning Board in connection with their issuance of that permit, shall expire if work is not initiated pursuant thereto within one year, or if said use or uses shall cease for more than one year for any reason or if the building permit obtained for the project has expired or if all such required improvements are not maintained and all conditions and standards complied with throughout the duration of the use.

Section 2. Revise Section 213-41 of the Town Code as follows:

§ 213-41 Expiration.

A site development plan approval shall be deemed to authorize only the particular use or uses shown on the approved site plan and shall expire if work is not initiated in accordance therewith within one year, or if the uses for which site development plan approval was granted ceases for more than one year from the date of the issuance of the certificate of occupancy, or if the building permit obtained for the project has expired, or if all such required improvements are not maintained and all conditions and standards complied with throughout the duration of the use.

Section 3. Conflicting Standards.

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 other applicable rules or regulations, the requirements of this Local Law shall prevail.

Section 4. Severability.

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. Effective Date.

This Local Law shall take effect immediately upon its adoption and filing with the Secretary of State.

Dated: July 8, 2009

Ann Leber, Town Clerk

Dated: July 24, 2009