

Town Board Minutes
Town of North Castle
15 Bedford Road
Armonk, New York 10504
on
February 24, 2010

Supervisor Weaver called the meeting to order at 7:35 p.m. and the following persons were present:

Supervisor	William R. Weaver
Councilmen	Rebecca A. Kittredge
	Michael J. Schiliro
	Diane Roth
	John J. Cronin
Town Clerk	Anne Curran
Town Counsel	Roland A. Baroni

Supervisor Weaver led the Pledge of Allegiance.

The minutes of the Public Hearing which commenced at 7:40 p.m. follow at the end of these minutes.

Town Clerk Curran read the following announcements:

- Joan Krantz, President of the North Castle Historical Society, asks residents to submit recipes for the Society's cookbook.
- There are two two-bedroom Middle Income Units for sale, one at Whippoorwill Commons, the other at Whippoorwill Hills. For further information go to What's New on the Town's Web Site or call the Housing Board Office at 273-4329. Applications are available at the Town Clerk's Office.
- The 2010 Census questionnaires will be mailed beginning March 15th. Residents are asked to complete and return to U.S. Census Bureau.

Councilman Roth encouraged community organizations to participate in the Adopt-a-Bin program through the donation of permanent three source recycling containers which are installed at Town parks and recreation facilities.

Councilman Schiliro said the American Red Cross is offering a Disaster Reserve Training program on Saturday, February 27, 2010.

Supervisor Weaver said the deadline date for the submission of completed volunteer service applications is Monday, March 1st.

Director of Planning Adam Kaufman reviewed his letter regarding the draft local law to create a new chapter 142 in the Town Code to regulate outdoor dining. Mr. Kaufman said the draft law would require that a license for outdoor dining be issued by the Building Inspector and would eliminate outdoor dining as a special use permit. In addition, several provisions have been included for the Board's consideration including hours of operation and whether to permit outdoor lighting, live or recorded music.

Councilman Roth provided details about the Village of Pleasantville's sidewalk café law which permits the Building Inspector to issue outdoor dining licenses and does not require Board approval. Ms. Roth said making this change in North Castle would help rejuvenate the business districts. Councilman Kittredge said that Finnegan's Grill and Mariachi Mexico have outdoor dining and a revised law would be beneficial. Supervisor Weaver said that while outdoor dining is currently allowed, the proposed changes would streamline the process and make it easier for businesses to have outdoor dining.

Councilman Roth inquired whether the draft law included all areas of North Castle. Mr. Kaufman said that the law, as currently drafted, would not change where outdoor dining is permitted and therefore would not include the Nursery Business (NB) zoning district. He said

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the law would need to be amended to include outdoor dining as a permitted accessory use in the NB district. Councilman Schiliro stated that the NB district did not have to be included in the legislation at this time. Several residents expressed their views regarding whether the Board should include the NB district in the legislation which would allow Mariani Gardens to apply for an outdoor dining license.

Councilman Roth moved, seconded by Councilman Cronin, authorization for Director of Planning Kaufman to amend the proposed outdoor dining law to include the Nursery Business zoning district; and further moved that the matter be referred to the Planning Board and the Town Board declare its intent to be Lead Agency for environmental review under SEQRA.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Roth, Cronin, Supervisor Weaver.

Noes: Councilman Schiliro

Councilman Schiliro moved, seconded by Councilman Kittredge, receipt of a letter, read aloud by Town Clerk Curran, from Martye Futia regarding outdoor dining.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver.

Noes: None.

Councilman Kittredge moved, seconded by Councilman Schiliro, receipt of franchise fee payment from Verizon for the fourth quarter of 2009 in the amount of \$13,653.35.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver.

Noes: None.

Councilman Kittredge moved, seconded by Councilman Roth, receipt of Cablevision franchise fee payments for the fourth quarter of 2009 from Cablevision System in the amount of \$31,104, and from Southern Westchester System in the amount of \$7,378.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver.

Noes: None.

Councilman Kittredge moved, seconded by Councilman Schiliro, receipt of a memorandum from Superintendent Futia regarding Windmill Farm Water District No. 2.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver.

Noes: None.

Councilman Kittredge moved, seconded by Councilman Roth, receipt of a copy of a letter from Supervisor Weaver to Rachel Cawkwell congratulating her on being chosen one of forty national finalists in the Intel Science Talent Search.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver.

Noes: None.

Councilman Kittredge moved, seconded by Councilman Schiliro, receipt of an amended petition from Eden Enterprises LLC for an amendment to the zoning code regarding parking requirements for supermarkets in the Central Business zoning district; and further moved that the matter be referred to the Planning Board.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver.

Noes: None.

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Supervisor Weaver provided an update from his meeting with representatives of NYCDEP regarding its property at the former bowling alley site on Old Route 22. Mr. Weaver said that DEP plans to remove the bowling alley building, move the Bear Cutter Creek back to its original site, conduct mitigation in the wetland area and plant numerous trees and bushes. Restoration of the area should be completed in spring, 2011.

Supervisor Weaver spoke about a recent meeting of Northern Westchester Supervisors with County Executive Rob Astorino which included information about the County's housing settlement with the federal government and the assessment revaluation. Mr. Weaver said he is in support of developing a proposal to the NYS Legislature to request a change in the assessment revaluation law to permit revaluation at the time of sale.

Councilman Kittredge moved, seconded by Councilman Schiliro, authorization for the Supervisor to sign a Correction and Supplemental Deed of Dedication of Lot A-1 (Water District No. 4 Main) with IBM.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver.

Noes: None.

Councilman Kittredge moved, seconded by Councilman Schiliro, permission for Town Clerk Curran to attend the NYS Town Clerks Association Annual Conference in Saratoga Springs on April 25 – 27, 2010.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver.

Noes: None.

Councilman Kittredge moved, seconded by Councilman Roth, the following:

Approval of the request of General Foreman Useted for the release of highway bonds to JCM Services, Inc., Permit #920, in the amount of \$750 to and to Con Edison, Permit #615 in the amount of \$750.

Approval of the request of the Byram Hills PTSA to place a sign under the eagle to publicize its Global Village Day scheduled for March 20, 2010.

Receipt of a New York State Department of Environmental Conservation Notice of Complete Application, dated February 10, 2010, for Fuca Property, 25 Limestone Road, Armonk for permit 1 – Article 24 Freshwater Wetlands.

Approval of the request of the Armonk Independent Fire Company to hold a parade on Saturday, June 26, 2010 to commemorate its 80th Anniversary of providing fire and emergency services.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver.

Noes: None.

Councilman Schiliro moved, seconded by Councilman Roth, receipt of a mortgage tax update for January 2010 from Comptroller Dawn Donovan. The projection for January 2010 is \$55,000.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver.

Noes: None.

Councilman Kittredge moved, seconded by Councilman Schiliro, authorization for the Town Attorneys to commence an In Rem Tax Foreclosure Proceeding on those parcels of property subject to same.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver.

Noes: None.

Councilman Schiliro moved, seconded by Councilman Roth, approval of the terms of the lease agreement with T-Mobile for placement of a cell antennae and equipment cabinet on the Custis Avenue Water tank in Water District No. 1, subject to permissive referendum and to an environmental determination pursuant to SEQR. The project will be coordinated with the Water and Sewer Department.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver.

Noes: None.

Councilman Kittredge moved, seconded by Councilman Roth, approval of the request of Superintendent Futia to award the bid for the Water District No. 1 water tank rehabilitation project for the Overlook Road and Custis Avenue water tanks to AMSTAR of Western New York, Inc., the lowest bidder, in the amount of \$800,000, subject to the Town Attorney's approval of bid documents.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver.

Noes: None.

Councilman Roth moved, seconded by Councilman Schiliro, the appointments of Howard Arden, Co-Chairman, Bob Greene, Co-Chairman, Michael Fareri, Ken Narva, George Pouder, John Kellard, Richard Fon, John Fava and Karen Gordon to the Organic Recycling Study Group, to serve at the pleasure of the Supervisor.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver.

Noes: None.

In a response to a query from Chris Carthy, Town Attorney Baroni said that the necessary property owners have consented to allow the market and he would draft agreements authorizing the use of property.

The Town Board audited and approved payments totaling \$291,898.35 as indicated on Warrant #4.

After all persons were heard who desired to be heard, the Supervisor closed the meeting at 9:20 p.m. in memory of Loretta Moore, former Assistant Court Clerk, and Mary Hinrichs.

Anne Curran, Town Clerk

Dated: March 4, 2010

PUBLIC HEARING

February 24, 2010

At 7:40 p.m. Supervisor Weaver 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 February 24, 2010 at 7:30 p.m., or as soon thereafter, at North Castle Town Hall, 15 Bedford Road, Armonk, New York for the purpose of considering the adoption of a Local Law to amend the Town Code of the Town of North Castle, Chapter 196 entitled "Vehicle and Traffic." Article III, Section 196-22 and Article VI, Section 196-53 (Section XIII) to establish a "No Parking Any Time" zones on several areas on Washington Avenue, Washington Place East and Hillandale Avenue.

By Order of the Town Board
Anne Curran, Town Clerk

Dated: February 4, 2010
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.

Lt. Peter Simonsen stated that the study of parking on Washington Avenue began in 2003 and had been addressed several times in later years. Pointing to a diagram of the road, Lt Simonsen explained that the desire has been to improve safety for residents in those areas where line of site is compromised by curves and the need to go around parked cars.

Stephanie DeMartino, 83 Washington Avenue, stated that sight distance is not a problem on straight areas, including in front of her house. She described her quality of life concerns of further reducing parking, particularly when work is being done on a house or family and friends visit. Ms. De Martino suggested that no parking be enforced on only one side of the road. Her husband added that there is already a year round no parking ordinance from 1:00 am until 6:00 am.

Lori Krouen, 107 Washington Avenue, said that parking is already a problem, and taking away more of it will impact the quality of life for everyone on the block.

Mary Jo Garrity, 115 Washington Avenue, asked residents to look past their personal needs and instead support this for the betterment of the community. She said that the No. White Plains Neighborhood Association supports the plan and she commended Lt. Simonsen for his efforts.

Washington Avenue resident, John Soloman, speaking on behalf of No. White Plains Fire Company, praised Lt Simonsen's efforts and stated that anything the Town Board can do to ease egress and allow strategic placement of emergency vehicles would be appreciated.

Town Clerk Curran read a letter dated February 16, 2010 from Michael and Lorraine Marucci, residents of 133 Washington Avenue, addressing their concerns regarding parking availability for visitors. They recommended an alternative: to require no parking anytime from the intersection with Hillandale Avenue to the intersection with the Bronx River parkway on the east side (north bound traffic) and to have no parking anytime from the intersection with Hillandale Avenue to approximately 22 feet south of their driveway entrance. The remaining area from this point to the intersection with Lafayette Avenue would remain as no parking from 1:00 am until 6:00 am.

Supervisor Weaver suggested that Town Board members visit Washington Avenue and review specific no parking areas with Lt. Simonsen.

To Councilman Schiliro's question regarding the possibility of phasing in additional no parking on one side of the road, Lt. Simonsen explained that the proposed legislation is designed to improve the quality of life, allowing access for emergency vehicles and safe passage, particularly for individuals who are dropped off or picked up in congested areas. Lt. Simonsen added that he doesn't see the increase of no parking to be a hardship for Michael Marucci, as there are six or more available parking spaces at that section of Washington Avenue.

Frank Benish, Sterling Road, suggested that parking permits for homeowners and for guests could improve the situation.

No other correspondence or comments were entered for the record.

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

The roll call vote was as follows:

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

Noes: None.

Anne Curran, Town Clerk

Dated: March 8, 2010