

PUBLIC HEARING  
June 14, 2023

At 9:20 p.m. Supervisor Schiliro stated that a Public Hearing which was reconvened and adjourned on May 24, 2023, would be reconvened in accordance with the Public Notice that follows:

NOTICE IS HEREBY GIVEN THAT the North Castle Town Board will hold a Public Hearing on May 10, 2023, at 7:30 PM, or as soon thereafter as practical, at Town Hall, 15 Bedford Road, Armonk, NY 10504, to consider a Local Law to amend Chapter 355-6, Zoning Map, of the Town of North Castle, to reclassify approximately 81.6 acres from the OBH (Office Business Hotel) and R-MF-SCH (Multifamily-Senior Citizen Housing) Zoning Districts to the R-MF-A (Multifamily-A Residence) Zoning District. The applicant, Eagle Ridge, is proposing an 88 unit multi-family development located at 3 North Castle Drive, Armonk and known on the North Castle tax maps as lot 108.03-1-62.1.

The proposed Local Law is available in the Town Clerk's office during regular business hours and on the Town website. ALL PERSONS HAVING AN INTEREST IN THE MATTER ARE INVITED TO ATTEND AND BE HEARD.

By Order of the Town Board  
Alison Simon, Town Clerk

Dated: April 30, 2023  
Armonk, NY

Councilman Saleem Hussain recused himself from the discussion and the vote citing a potential conflict of interest due to the fact that his employer IBM is an adjacent property owner to the subject property. He left the dais for the hearing.

Councilman DiGiacinto moved, seconded by Councilman Milim, receipt of the following: Revised Community Benefits Agreement; Eagle Ridge Development Alternative Impact Comparison, June 6, 2023; Revised Environmental Assessment Form Part 1; and Letter from Jen Lamia, Superintendent of Schools, Byram Hills School District, dated June 13, 2023

The roll call vote was as follows:

Ayes: Councilmen DiGiacinto, Berra, Milim, Supervisor Schiliro  
Noes: None

Attorney Kory Salomone appeared on behalf of the applicant Maddd Madonna Armonk LLC.

In regard to the proposed revised community benefits agreement (CBA), Mr. Salomone stated that the applicant will give the Town \$2,248,000 to mitigate the projects' impacts and the applicant is not concerned with how it is allocated. Discussion ensued regarding allocation of CBA funds.

Discussion ensued with Director of Water and Sewer Operations Sal Misiti regarding the money earmarked for Water District No. 4 improvements. Mr. Misiti stated concerns regarding proposed water usage. Project Engineer Ralph Alfonzetti agreed to work with Mr. Misiti regarding proposed pump stations, irrigation systems and fire flows prior to construction. Town Attorney Roland Baroni stated sewer allotment for the project is not an issue as it was set aside with the original transfer of property from IBM.

In regard to the allocation of funds in the CBA, applicant Frank Madonna stated it was his idea to change the CBA to direct one million dollars of funds to Recreation. Councilman Matt Milim stated there is a huge need for the funding of recreation field development. Councilman Barbara DiGiacinto raised concerns regarding traffic and the development of a left turn lane and cross walk at the intersection of Maple Avenue and Route 22. Supervisor Michael Schiliro stated funds from the CBA should be earmarked for infrastructure, which can include Recreation. Councilman José Berra stated recreation funding is warranted due to the visual impact this development will have on Community Park and that the traffic impacts of all proposed developments should be considered cumulatively. The Board discussed impacts of proposed developments on emergency services.

Director of Planning Adam Kaufman stated these impacts should be considered cumulatively with respect to all new projects in Town and that the County has continuously expressed an interest in the connectivity of residential developments to the Town.

It was agreed to modify the CBA to designate the use of funds as follows:

- \$500,000.00 for parking in the hamlet area and/or certain roadway improvements in the hamlet area.
- \$500,000.00 for improvements of Water District no. 4.
- \$500,000 for the improvement of Town recreational facilities.
- \$748,000 for Town infrastructure improvements, which can include recreation and park improvements.

Discussion ensued regarding the Alternative Impact Comparison with specific attention to ensuring the development remains age targeted. Mr. Salomone stated the applicant is marketing the project with first floor primary bedrooms, but buyers may want second floor primary bedrooms. Mr. Baroni stated this is a concern of the school district. He suggested a covenant to require first floor primary bedrooms. The Board and the applicant agreed to a covenant requiring that 60 percent of the market rate units have a first floor primary bedroom.

Applicant Josh Weissman stated that it is the applicant's full intention to build the development with first floor primary bedrooms, but opposed the issuance of a covenant stating it is a bad business practice and it would handcuff the developer.

Project representative Patrick Cleary stated he has had numerous conversations with Byram Hills School District Superintendent Jen Lamia and indicated the use of standard industry accepted formulas to calculate the prospective number of students that will move into the development.

Resident Ed Woodyard expressed support for this project to remain age targeted.

In regard to the Negative Declaration, Councilman DiGiacinto recommended additional language limiting the project to two connecting housing units. Mr. Salomone indicated this would be part of the site plan.

After all persons were heard who desired to be heard, Councilman DiGiacinto moved, seconded by Councilman Milim, that the Public Hearing be closed at 11:26 p.m.

The roll call vote was as follows:

Ayes: Councilmen DiGiacinto, Berra, Milim, Supervisor Schiliro  
Noes: None

Councilman DiGiacinto moved, seconded by Councilman Milim, authorization for the Supervisor to sign the Revised Community Benefits Agreement as amended.

The roll call vote was as follows:

Ayes: Councilmen DiGiacinto, Milim, Supervisor Schiliro  
Noes: Councilman Berra

Councilman DiGiacinto moved, seconded by Councilman Milim, 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 impacts and the Town Board hereby adopts a Negative Declaration as amended.

The roll call vote was as follows:

Ayes: Councilmen DiGiacinto, Berra, Milim, Supervisor Schiliro  
Noes: None

Councilman DiGiacinto moved, seconded by Councilman Milim, the adoption of Resolution of Adoption of Local Law 5 of 2023, to amend the Town of North Castle Zoning Map to reclassify the Eagle Ridge Property (3 North Castle Drive – 108.03-1-62.1) from the OBH and R-MF-SCH Zoning Districts to the R-MF-A Zoning District, as amended. The Resolution and the Local Law follow at the end of these minutes.

Town Board Minutes  
June 14, 2023

The roll call vote was as follows:

Ayes: Councilmen DiGiacinto, Milim, Supervisor Schiliro

Noes: Councilman Berra

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Alison Simon, Town Clerk

Dated: June 22, 2023

**RESOLUTION**

**Action:** A local law to amend the Town of North Castle Zoning Map to reclassify the Eagle Ridge Property (3 North Castle Drive – 108.03-1-62.1) from the OBH and R-MF-SCH Zoning Districts to the R-MF-A Zoning District.

**Application Name:** Eagle Ridge [18-004]

**Date of Approval:** June 14, 2023

WHEREAS, an application for Zoning Text Amendment was submitted to the Town Board by to amend the Town Code as described above; and

WHEREAS, the Planning Board, in a communication to the Town Board, determined that the proposed action is appropriate; and

WHEREAS, the Town Board declared its intent to act as Lead Agency in connection with the proposed action and circulated such Notice of Intent and the EAF to all involved and interested agencies as required under SEQRA; and

WHEREAS, the Town Board conducted a public hearing on June 14, 2023, to receive comments regarding the proposed amendments to the Town of North Castle Town Code; and

WHEREAS, the Town Board has requested, received and considered comments from the Town attorney, the Consulting Town Engineer and Consulting Town Planner regarding the proposed development.

NOW THEREFORE BE IT RESOLVED, that based upon its review of the full environmental record finds that the proposed action will not result in any significant adverse environmental impacts and hereby adopts a Negative Declaration pursuant to the requirements of Article 8 of the New York State Environmental Quality Review Law and 6 NYCRR Part 617; and

BE IT FURTHER RESOLVED, that the Town of North Castle Town Board hereby adopts Local Law Number 5 for the year 2023 amending the Town of North Castle Zoning Map to reclassify the Eagle Ridge property (3 North Castle Drive – 108.03-1-62.1) from the OBH and R-MF-SCH Zoning Districts to the R-MF-A Zoning District.

AND BE IT FURTHER RESOLVED, that the applicant agrees to file a covenant with the County of Westchester prior to issuance of final site plan approval by the planning board acceptable to the Town Attorney which requires first floor primary bedroom suites in a mini of 60% of the market units.

<b>COUNCILMAN DiGIACINTO</b>	<b>VOTING</b>	<b>AYE</b>
<b>COUNCILMAN BERRA</b>	<b>VOTING</b>	<b>NO</b>
<b>COUNCILMAN HUSSAIN</b>		<b>RECUSED</b>
<b>COUNCILMAN MILIM</b>	<b>VOTING</b>	<b>AYE</b>
<b>SUPERVISOR SCHILIRO</b>	<b>VOTING</b>	<b>AYE</b>

**TOWN OF NORTH CASTLE**

**Local Law No.   5   For the Year 2023  
Adopted June 14, 2023**

A local law to amend the Town of North Castle Zoning Map to reclassify the Eagle Ridge Property (3 North Castle Drive – 108.03-1-62.1) from the OBH and R-MF-SCH Zoning Districts to the R-MF-A Zoning District.

**Section 1.** Amend the “Zoning Map of the Town of North Castle, New York,” as established in Section 355-6 of the Town Zoning Code, so as to reclassify Parcel No. 108.03-1-62.1, as shown on the attached map, from the OBH and R-MF-SCH Zoning Districts to the R-MF-A Zoning District.

**Section 2.** 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 3.** 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 4.** Effective Date.

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

Dated: June 14, 2023