

Town Board Minutes  
Regular Meeting  
Town of North Castle  
15 Bedford Road  
Armonk, New York  
on  
April 5, 2017

The Town Board meeting was called to order at 5:00 p.m. at Town Hall and immediately adjourned to a Work Session on the duly adopted motion of Councilman D'Angelo. All Town Board members, the Town Attorney, Town Administrator and the Town Clerk were present for the Work Session. The Work Session adjourned to an Executive Session at 5:33 p.m. on the duly adopted motion of Councilman D'Angelo. All Town Board members, the Town Attorney and the Town Administrator were present for the Executive Session. The regular meeting reconvened at 7:40 p.m. and the following persons were present:

Supervisor:	Michael J. Schiliro
Councilmen:	Stephen D'Angelo
	Barbara W. DiGiacinto
	Barry S. Reiter
	José L. Berra
Town Clerk	Alison Simon
Town Attorney	Roland A. Baroni
Town Administrator	Joan Goldberg

Town Wide Clean Up Day student Coordinator Malorie Lipstein gave a presentation on the Recycling Committee's efforts and goals for 2017 TWCU.

Regarding The Vue, 1700 Old Orchard Street, Councilman D'Angelo moved, seconded by Councilman Reiter, receipt of written comments regarding issues to be addressed in the DEIS, received through February 6, 2017.

Vote: Unanimous

Regarding The Vue, 1700 Old Orchard Street, Councilman D'Angelo moved, seconded by Councilman Reiter, adoption of Environmental Impact Statement (EIS) scope, as amended. The roll call vote was as follows:

Ayes: Councilmen D'Angelo, DiGiacinto, Reiter, Berra, Supervisor Schiliro

Noes: None

With regard to the Special Use Permit application from Michael Fareri pertaining to his proposed multifamily development at 470 Main Street, Councilman D'Angelo moved, seconded by Councilman DiGiacinto, adoption of a conditioned Negative Declaration.

Vote: Unanimous

With regard to the Special Use Permit application from Michael Fareri for the proposed multifamily development at 470 Main Street, Councilman D'Angelo moved, seconded by Councilman DiGiacinto, approval of Special Use Permit Application for more than one dwelling unit located in a building, as amended.

The Resolution follows at the end of these minutes.

The roll call vote was as follows:

Ayes: Councilmen D'Angelo, DiGiacinto, Reiter, Supervisor Schiliro

Noes: None

Abstained: Councilman Berra

With regard to the Special Use Permit application from Michael Fareri for the proposed multifamily development at 470 Main Street, Councilman D'Angelo moved, seconded by Councilman DiGiacinto, approval of Special Use Permit Application for multifamily dwellings located on the first floor, as amended.

The Resolution follows at the end of these minutes.

The roll call vote was as follows:

Ayes: Councilmen D'Angelo, DiGiacinto, Reiter, Supervisor Schiliro

Noes: None

Abstained: Councilman Berra

Councilman Berra moved, seconded by Councilman Reiter, receipt of a memo from Director of Planning, Adam Kaufman, regarding a Special Use Permit application for animal assisted therapy at Jennie Clarkson Campus, 1700 Old Orchard Street, and further moved referral of the application to the Planning Board with the recommendation that Planning Board acts as Lead Agency.

Vote: Unanimous

Pursuant to recommendations from the Planning Board and Kellard Sessions Consulting, Councilman DiGiacinto moved, seconded by Councilman Reiter, to establish a Demolition Bond for the McManus Subdivision, 19 Glendale Avenue, Armonk, in the amount of \$16,610, plus payment of an inspection fee equal to 5% of the cost of construction, or \$755.

Vote: Unanimous

Pursuant to recommendations from the Planning Board and Kellard Sessions Consulting, Councilman Reiter moved, seconded by Councilman DiGiacinto, to establish a Construction Performance Bond for Green Drop Site Plan, 660 North Broadway, North White Plains, in the amount of \$48,500, to ensure the construction of common and critical site infrastructure.

Vote: Unanimous

Regarding the Town Special Election to be held May 23, 2017 for the purpose of voting on a proposition to provide for the reclassification of the office of Receiver of Taxes from an elective to an appointive position, the Town Board took the following actions:

Councilman Berra moved, seconded by Councilman DiGiacinto, approval of the following resolution for the establishment of three polling locations: Armonk Firehouse, Banksville Firehouse and the North Castle Community Center in North White Plains at which the polls will be kept open between the hours of 6:00 A.M. and 9:00 P.M.

Vote: Unanimous

**RESOLUTION ESTABLISHING THREE POLLING LOCATIONS AND VOTING HOURS  
FOR A SPECIAL TOWN ELECTION IN THE TOWN OF NORTH CASTLE,  
WESTCHESTER COUNTY, NEW YORK TO BE HELD MAY 23, 2017**

WHEREAS, the Town Board of the Town of North Castle, Westchester County, New York has established the date of a Special Election as Tuesday, May 23, 2017 for the purpose of voting on a proposition to provide for the reclassification of the office of Receiver of Taxes from an elective to an appointive position, effective as of January 1, 2018, and

NOW THEREFORE, BE IT RESOLVED, by the Town Board of the Town of North Castle, Westchester County, New York as follows:

The Town Board designates three polling locations for the Special Election as follows: Armonk Firehouse, Banksville Firehouse and the North Castle Community Center, which polls will be kept open between the hours of 6:00 A.M. and 9:00 P.M.

This resolution shall take effect immediately.

Councilman Reiter moved, seconded by Councilman DiGiacinto, approval of the following resolution for the designation of election officials and a Board of Registration for Personal Voter Registration Day.

Vote: Unanimous

**RESOLUTION DESIGNATING ELECTION OFFICIALS AND A BOARD OF  
REGISTRATION FOR A SPECIAL ELECTION IN THE TOWN OF NORTH CASTLE,  
WESTCHESTER COUNTY, NEW YORK**

WHEREAS, the Town Board of the Town of North Castle, Westchester County, New York has established the date of a Special Election as Tuesday, May 23, 2017 for the purpose of voting on a proposition to provide for the reclassification of the office of Receiver of Taxes from an elective to an appointive position, effective as of January 1, 2018, and

WHEREAS, for a special Town election, section 83 of Town Law requires election inspectors and ballot clerks be selected by the Town Board from the list of election inspectors previously designated for general election purposes; and

WHEREAS, subdivision 3 of Section 84 of Town Law requires that a Board of Registration be selected by the Town Board from the list of election inspectors previously designated for general election purposes and that no less than two nor more than four registrars shall be selected for each voting place by the Town Board;

NOW THEREFORE , BE IT RESOLVED, that the Town Clerk is authorized to engage the services of up to twenty election inspectors and ballot clerks for the special election on May 23, 2017, at a sum of \$250 each for their services; and

BE IT FURTHER RESOLVED, that the Town Clerk is authorized to engage the services of up to ten election inspectors for personal registration on May 9, 2017 at a sum of \$200 each for their services; and

BE IT FURTHER RESOLVED, that the Town Clerk is authorized to engage the services of up to four alternate (“stand-by”) inspectors, each such alternate to be available to serve at such special election, in the event any election inspector is unable to assume or perform the duties required of them, at a sum of \$50 each for their services; and

BE IT FURTHER RESOLVED, that the Town Clerk is authorized to engage the services of up to two alternate (“stand-by”) inspectors, each such alternate to be available to serve at such personal registration, in the event any registrar is unable to assume or perform the duties required of them, at a sum of \$50 each for their services.

Councilman Reiter moved, seconded by Councilman DiGiacinto, approval of the following resolution for the establishment of Personal Voter Registration Date and Procedures of May 9, 2017, from 3:00 P.M. to 8:00 P.M.

Vote: Unanimous

**RESOLUTION ESTABLISHING PERSONAL VOTER REGISTRATION LOCATIONS  
AND HOURS TO BE HELD ON MAY 9, 2017**

WHEREAS, the Town Board of the Town of North Castle, Westchester County, New York has established the date of a Special Election as Tuesday, May 23, 2017 for the purpose of voting on a proposition to provide for the reclassification of the office of Receiver of Taxes from an elective to an appointive position, effective as of January 1, 2018, and

NOW THEREFORE, BE IT RESOLVED, by the Town Board of the Town of North Castle, Westchester County, New York as follows:

That persons qualified to vote at such special election shall, except as otherwise provided in the following paragraph with respect to personal registration, be electors of the Town of North Castle, Westchester County, New York; and

That personal registration is required and an elector shall not be entitled to vote at said special election unless his or her name appears on the register of the Town or such elector registers as hereinafter provided. All electors currently registered to vote with the Westchester County Board of Elections need not register again in order to vote in such special election; and

That the Board of Registration for such Special Election will meet at the location of each polling place specified below on Tuesday, May 9, 2017, between the hours of 3:00 P.M. and 8:00 P.M., such date being not more than fifteen days nor less than ten days prior to said election, for the purpose of preparing a register of those qualified to vote at such Special Election on May 23, 2017, at which time any elector may present himself or herself personally for registration and to have his or her name added to such register for such special election; and

The established polling locations with corresponding election districts for such Special Election and Personal Registration as follows:

- Armonk Firehouse, 400 Bedford Road, Armonk  
Election Districts Nos. 2, 4, 6, 7, 8, 10, 11
- Banksville Firehouse, 33 Bedford Banksville Road, Bedford  
Election Districts Nos. 1, 9
- North Castle Community Center, 10 Clove Road, North White Plains  
Election Districts Nos. 3, 5

The Town Clerk is hereby authorized and directed to give notice of the day, location and hours of personal voter registration for the purpose of preparing a register of qualified voters of the Town in the Journal News, and such notice is to be made at least ten days prior to the May 9, 2017 registration date. In addition, the Town Clerk shall post or cause to be posted a copy of such notice on the sign board maintained in Town Hall and in at least four other conspicuous locations in the Town, each such posting to be at least ten days prior to said registration date.

Councilman Reiter moved, seconded by Councilman DiGiacinto, authorization for Town Clerk Simon to Notice Special Election, registration of voters and availability of absentee ballots.

Vote: Unanimous

**NOTICE OF SPECIAL ELECTION, REGISTRATION OF VOTERS  
AND AVAILABILITY OF ABSENTEE BALLOTS  
Town of North Castle, Westchester County, New York**

NOTICE IS HEREBY GIVEN, that a special election in the Town of North Castle, Westchester County, New York, will be conducted on Tuesday, May 23, 2017, between the hours of 6:00 A.M. and 9:00 P.M., at the polling places set forth below, for the purpose of voting on a proposition as set forth herein.

**PROPOSITION**

*Shall the office of Receiver of Taxes in the Town of North Castle be reclassified from an elective to an appointive position effective as of January 1, 2018?*

NOTICE IS HEREBY FURTHER GIVEN, that persons qualified to vote at such special election shall, except as otherwise provided in the following paragraph with respect to personal registration, be electors of the Town of North Castle, Westchester County, New York.

NOTICE IS HEREBY FURTHER GIVEN, that personal registration is required and an elector shall not be entitled to vote at said special election unless his or her name appears on the register of the Town or such elector registers as hereinafter provided. All electors currently registered to vote with the Westchester County Board of Elections need not register again in order to vote in such special election.

NOTICE IS HEREBY FURTHER GIVEN, that the Board of Registration will meet at the location of each polling place specified below on Tuesday, May 9, 2017, between the hours of 3:00 P.M. and 8:00 P.M., at which time any elector may present himself or herself personally for registration and to have his or her name added to such register for such special election.

NOTICE IS HEREBY FURTHER GIVEN, that the polling places for such special election and personal registration shall be as follows:

**POLLING SITE**

Armonk Firehouse  
400 Bedford Road, Armonk

Banksville Firehouse  
33 Bedford Banksville Road, Bedford

**ELECTION DISTRICTS**

Election Districts Nos. 2, 4, 6, 7, 8, 10, 11

Election Districts Nos. 1, 9

North Castle Community Center  
10 Clove Road, North White Plains

Election Districts Nos. 3, 5

NOTICE IS HEREBY FURTHER GIVEN, that applications for absentee ballots for qualified electors whose names appear on the afore described registration list may be applied for at the Office of the Town Clerk, 15 Bedford Road, Armonk, NY, not later than the seventh day before such special election if the ballot is to be mailed to the qualified elector, or the day before such special election if the ballot is to be delivered personally to the qualified elector or his or her agent.

NOTICE IS HEREBY FURTHER GIVEN, that absentee ballots must be returned and received by the Town Clerk not later than 5:00 P.M. on the date of the special election, Tuesday, May 23, 2017.

NOTICE IS HEREBY FURTHER GIVEN, that a list of all qualified electors to whom absentee ballots have been issued will be available for public inspection at the Office of the Town Clerk during regular office hours up to and including the date of the special election. Such list will also be posted at each polling place during the special election. Any qualified elector may, upon examination of such list, file a written challenge to the qualification of any elector to receive an absentee ballot, and stating the reasons for such challenge. Such written challenge shall be filed with the Town Clerk who will transmit the same to the Inspectors of Election prior to the close of the polls.

Dated: Armonk, New York,  
May 4, 2017

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF NORTH CASTLE,  
WESTCHESTER COUNTY, NEW YORK

By: Alison Simon, Town Clerk

Councilman Reiter moved, seconded by Councilman DiGiacinto, authorization for Town Clerk Simon to hire an hourly worker to assist with clerical needs for the special election at a rate of \$20 per hour; and further moved, that additional hourly personnel may be hired by the Town Clerk, as needed, for the special election, at the same or lower hourly rate.  
Vote: Unanimous

**RESOLUTION AUTHORIZING THE TOWN CLERK TO HIRE HOURLY PERSONNEL**

WHEREAS, the Town Board of the Town of North Castle, Westchester County, New York has established the date of a Special Election as Tuesday, May 23, 2017 for the purpose of voting on a proposition to provide for the reclassification of the office of Receiver of Taxes from an elective to an appointive position, effective as of January 1, 2018, and

NOW THEREFORE, BE IT RESOLVED, by the Town Board of the Town of North Castle, Westchester County, New York as follows:

That the Town Clerk is authorized to hire an hourly worker to assist with clerical needs for the special election at rate of \$20 per hour; and that additional hourly personnel may be hired by the Town Clerk, as needed for the special election, at the same or lower hourly rate.

Councilman DiGiacinto moved, seconded by Councilman Reiter, authorization for the Supervisor to sign an agreement with Westchester County Board of Elections for use of voting machines.  
Vote: Unanimous

Councilman DiGiacinto moved, seconded by Councilman Reiter, a resolution for Designation of Procedures for Poll Watchers.  
Vote: Unanimous

**RESOLUTION DESIGNATING PROCEDURES FOR POLL WATCHERS  
FOR A SPECIAL ELECTION IN THE  
TOWN OF NORTH CASTLE, WESTCHESTER COUNTY, NY.**

WHEREAS, the Town Board of the Town of North Castle, Westchester County, New York has established the date of a Special Election as Tuesday, May 23, 2017 for the purpose of voting on a proposition to provide for the reclassification of the office of Receiver of Taxes from an elective to an appointive position, effective as of January 1, 2018, and

WHEREAS, three designated polling sites will be open for voting on Tuesday, May 23, 2017, from 6:00 A.M. until 9:00 P.M.;

NOW THEREFORE, BE IT RESOLVED, that the following rules of procedure for said special election be and hereby are adopted:

1. Poll watchers shall be permitted at the special election.
2. A poll watcher shall be a qualified voter of the Town of North Castle.
3. The maximum number of poll watchers per polling site shall be as follows:
  - Four (4) in total at Banksville Firehouse and the Community Center in North White Plains, two each on behalf of proponents and two each on behalf of opponents.
  - Six (6) in total at Armonk Firehouse, three each on behalf of proponents and three each on behalf of opponents.
4. The Town Clerk shall issue a poll watcher certificate, in blank, which must be completed by each watcher and presented to the designated Chairperson at each polling site.
5. Copies of voter lists will be provided only to poll watchers who have their watcher certificates on file with the polling site Chairperson. To the extent reasonably practicable, such copies will be made available at approximately 3:00 pm, 5:00 pm and 7:00 pm.
6. The conduct of poll watchers shall conform, to the extent reasonably practicable, to the pertinent provisions of the Election Law.
7. As the chief election officer for the special election, the Town Clerk, and/or her deputy and designated agents, shall be responsible for the supervision of poll watchers, as necessary and appropriate, and all decisions of the Town Clerk shall be final.

Councilman Reiter moved, seconded by Councilman DiGiacinto, approval of request for an Alcohol Permit from Hudson Stage Company for an opening night party at Whippoorwill Hall on April 29, 2017.

Vote: Unanimous

Councilman DiGiacinto moved, seconded by Councilman Berra, receipt of notification from Flik International Corp., 20 Old Post Road, Armonk, for a new on-premises hotel liquor license, and approval of a waiver of the 30 day Advance Notice for filing of a new liquor license application.

Vote: Unanimous

Councilman DiGiacinto moved, seconded by Councilman Berra, authorization for the Town's Attorneys to execute a Consent Judgement in the following Tax Certiorari matter: Thomas Stuart vs. Town of North Castle, Index Nos. 15988/2011 et al.

Vote: Unanimous

Councilman DiGiacinto moved, seconded by Councilman Reiter, authorization for the Town's Attorneys to execute a Consent Order and Judgment (Assessment years 2010-2016) in the Tax Certiorari matter of 11 Virginia Road Realty Corp., 11 Virginia Road, North White Plains, and approval of a refund of \$6,257.82.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman Berra, authorization for the Supervisor to sign the agreement with Westchester County Department of Correction for prisoner transportation

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between the Town and Westchester County jail, for the two-year period of January 1, 2017 through December 31, 2018.

Vote: Unanimous

Regarding Long Pond Dam, Councilman D'Angelo moved, seconded by Councilman DiGiacinto, approval of GEA Engineering proposal for additional dam engineering services - slope stability analysis and response to DEC comments, for a fee of \$6,350.

Councilman Berra recused himself from the vote.

The roll call vote was as follows:

Ayes: Councilmen D'Angelo, DiGiacinto, Reiter, Supervisor Schiliro

Noes: None

Abstain: Councilman Berra

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, receipt of letter of retirement from Don Brandes, Parks Foreman, effective April 29, 2017.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman Berra, receipt of letter of resignation from John Delano, Planning Board, effective April 30, 2017.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman Berra, the reappointment of Zenaida Bongaarts to the Conservation Board for a two-year term to expire April 9, 2019.

Vote: Unanimous

Councilman Berra moved, seconded by Councilman D'Angelo, the reappointment of Peter Limburg to the Conservation Board for a two-year term to expire April 9, 2019.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman Reiter, the consensus agenda as follows:

- Receipt of worker's compensation claim, Highway Department.
- Receipt of Notice of Claim and referral to Town Attorneys regarding Lois McCarthy vs. Town of North Castle

Vote: Unanimous

The Town Board audited and approved payments of \$397,290.80 as indicated on Warrant #7 dated April 5, 2017.

After all persons were heard who desired to be heard, the Supervisor closed the meeting at 10:14 p.m. in memory of Mort Begun, father of Samantha Schwam; Louis Larizza, Jr.; and Kimberly Beth Kaplan, daughter of Linda Schultz.

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Alison Simon, Town Clerk

Dated: April 13, 2017

## RESOLUTION

<b>Action:</b>	Special Use Permit for More Than One Dwelling Unit Located in a Building
<b>Application Name:</b>	470 Main Street
<b>Applicant:</b>	Michael Fareri
<b>Owner:</b>	KH Realty I LLC
<b>Zone:</b>	CB Zoning District
<b>Location:</b>	470 Main Street
<b>Date of Approval:</b>	April 5, 2017
<b>Expiration Date:</b>	April 5, 2018 (1 year)

WHEREAS, the Town of North Castle Town Board received a special use permit application to construct 6 1-bedroom apartments and 10 2-bedroom apartments (total of 16 units) in a new 13,544 square foot residential building located at 470 Main Street; and

WHEREAS, 14 of units would initially be market rate units and 2 of which would be AFFH units; and

WHEREAS, eight apartments are proposed on the first floor; and

WHEREAS, pursuant to Section 355-22 of the Town Code, CB-B Permitted Accessory Use 6, residential uses are limited to one dwelling unit with additional dwellings permitted by the issuance of a special use permit by the Town Board; and

WHEREAS, on November 9, 2016, the Planning Board reviewed and discussed the requested special use permit and positively recommended that the Town Board consider issuing the requested permits; and

WHEREAS, the application for special use permit was referred 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, a duly advertised public hearing on said application was opened on January 25, 2017 and closed on March 8, 2017, at which time all those wishing to be heard were given the opportunity to be heard; and

WHEREAS, § 355-37 of the North Castle Code establishes certain general standards for all special permit uses; and

WHEREAS, in order for the Town Board to approve a special use permit, the Town Board must find that all of the conditions and standards have been met; and

WHEREAS, pursuant to § 355-37(A) of the Town Code, in order to grant a special permit, the Town Board must find that “the location and size of the use, the nature and intensity of the operations involved in it or conducted in connection with it, the size of the site in relation to it and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located and that it complies with all special requirements for such use established in” the Town Code; and

WHEREAS, the subject property is located within the CB Zoning District; and

WHEREAS, within close proximity are several residential apartment uses located within the CB and CB-A Zoning Districts; and

WHEREAS, the proposed use would be compatible with surrounding commercial and residential uses in the CB Zoning District; and

WHEREAS, the Town Board, based upon its review of the entire record, finds that the location and size of the use, the nature and intensity of the operations involved in it or conducted in connection with it, the size of the site in relation to it and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the



district in which it is located and that it complies with all requirements for such use established in the Town Code; and

WHEREAS, pursuant to § 355-37(B) of the Town Code, the second criteria for the issuance of a special permit is 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 the adjacent land and buildings;” and

WHEREAS, the proposed building height complies with the requirements of the zoning code and the Planning Board will require the implementation of a landscaping plan during site plan review; and

WHEREAS, 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 since the proposed buildings comply with the CB district height and setback requirements and an extensive landscaping plan will be implemented, and that the construction of this project will promote appropriate development and use of adjacent land and buildings; and

WHEREAS, the Town Board, based upon its review of the entire record finds 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 the adjacent land and buildings; and

WHEREAS, pursuant to § 355-37(C), the third requirement for the issuance of a special permit is that “operations in connection with any special permit 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 proposed residential uses will not generate any noise, fumes or vibrations; and

WHEREAS, the Town Board, based upon its review of the entire record finds that the operations in connection with any special permit 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, pursuant to § 355-37(D) of the Town Code, the Town Board, in order to grant a special permit, must find that “parking areas will be of adequate size for the particular use, properly located and suitably screened from adjoining residential uses, and the entrance and exit drives shall be laid out so as to achieve maximum convenience and safety;” and

WHEREAS, the site plan will provide adequate off street parking to the satisfaction of the Planning Board or the Applicant will need to secure a variance from the Zoning Board of Appeals; and

WHEREAS, the Town Board, based upon its review of the entire record finds that the proposed parking areas are of adequate size for the proposed use, properly located and suitably screened from adjoining residential uses, and the entrance and exit driveways are laid out so as to achieve maximum convenience and safety; and

WHEREAS, pursuant to § 355-37(E) of the Town Code, the fourth criteria for the issuance of a special permit is compliance “where required, [with] the provisions of the Town Flood Hazard Ordinance;” and

WHEREAS, no development is proposed within the floodplain; and

WHEREAS, the Town Board, based upon its review of the entire record finds that development is not proposed within the floodplain; and

WHEREAS, pursuant to § 355-37(F), it is required that “the Town Board finds that the proposed special permit use will not have a significant adverse effect on the environment;” and

WHEREAS, on October 26, 2016, the Town Board declared its intent to act as Lead Agency with respect to the environmental review of the proposed action pursuant to the State Environmental

Quality Review Act (SEQRA) and adopted a resolution authorizing circulation of a Lead Agency Determination Notice and a copy of the application materials, including a copy of the Environmental Assessment Form, to all involved agencies for the project, and no agencies objected to the Town Board becoming the Lead Agency; and

WHEREAS, the Town Board has found that the proposed action is an Unlisted Action pursuant to SEQRA; and

WHEREAS, the Town Board, based upon its review of the entire record, finds that the proposed special permit use will not have a significant adverse effect on the environment; and

WHEREAS, the Town Board hereby adopts a Negative Declaration and finds that the proposed action will not result in any significant adverse environmental impacts; and

NOW THEREFORE BE IT RESOLVED, that this special permit shall be deemed to authorize only the particular use of uses specified in the permit and shall expire if work is not initiated within one year from the date of issue, or if said use or uses shall cease for more than one year for any reason or if all required improvements are not completed within two 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; and

BE IT FURTHER RESOLVED, that the special use permit be, and it hereby is, approved, subject to the conditions set forth below:

**Conditions:**

1. The special permit shall only be valid for unit configurations as depicted on the following plans as amended per this resolution:
  - Plan labeled of 1,” entitled “Preliminary Site Plan Stand Alone,” dated November 25, 2016, last revised December 28, 2016, prepared by Nathaniel J. Holt, PE.
  - Plan labeled of 1,” entitled “Site Development Cross Sections,” dated January 5, 2017, prepared by Nathaniel J. Holt, PE.
  - Plan labeled “SK-1,” entitled “Floor Plan & Elevation,” dated November 29, 2016, last revised December 29, 2016, prepared by Joseph R. Crocco Architects.
  - Plan labeled “SK-2,” entitled “Rear & Side Elevations,” dated November 29, 2016, last revised December 29, 2016, prepared by Joseph R. Crocco Architects.
2. The property shall be restricted using a mechanism such as declaration of restrictive covenants in recordable form acceptable to the Town which shall ensure that the affordable AFFH units shall remain subject to affordable regulations for the minimum 50-year period of affordability. The covenants shall require that the unit be the primary residence of the resident household selected to occupy the unit. Such declaration shall be recorded against the property prior to the issuance of a Building Permit. The AFFH units shall consist of 1 one bedroom and 1 two bedroom units.
3. The plans shall be revised to depict the rehabilitation of the sidewalks fronting Main Street to the satisfaction of the Town Engineer.
4. The plans shall be revised to depict screening of adjacent commercial properties to the satisfaction of the Planning Board.
5. The property shall be maintained in a reasonable condition (as it exists today) to the satisfaction of the Building Department.
6. All affordable AFFH units shall be marketed in accordance with the Westchester County Fair & Affordable Housing Affirmative Marketing Plan.
7. All AFFH units shall comply with Section 355-24.I(12)(c) Maximum Rent and Sales Price Section of the Town Code.
8. Compliance with all applicable local laws and ordinances of the Town of North Castle.

## RESOLUTION

<b>Action:</b>	Special Use Permit for Multifamily Dwellings Located On the First Floor
<b>Application Name:</b>	470 Main Street
<b>Applicant:</b>	Michael Fareri
<b>Owner:</b>	KH Realty I LLC
<b>Zone:</b>	CB Zoning District
<b>Location:</b>	470 Main Street
<b>Date of Approval:</b>	April 5, 2017
<b>Expiration Date:</b>	April 5, 2018 (1 year)

WHEREAS, the Town of North Castle Town Board received a special use permit application to construct 6 1-bedroom apartments and 10 2-bedroom apartments (total of 16 units) in a new 13,544 square foot residential building located at 470 Main Street; and

WHEREAS, 14 of units would initially be market rate units and 2 of which would be AFFH units; and

WHEREAS, eight apartments are proposed on the first floor; and

WHEREAS, pursuant to Section 355-22 of the Town Code, CB-A Permitted Principal Use 13, multifamily dwellings located on the first floor requires the issuance of a special use permit by the Town Board; and

WHEREAS, on November 9, 2016, the Planning Board reviewed and discussed the requested special use permit and positively recommended that the Town Board consider issuing the requested permit; and

WHEREAS, the application for special use permit was referred 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, a duly advertised public hearing on said application was opened on January 25, 2017 and closed on March 8, 2017, at which time all those wishing to be heard were given the opportunity to be heard; and

WHEREAS, § 355-37 of the North Castle Code establishes certain general standards for all special permit uses; and

WHEREAS, in order for the Town Board to approve a special use permit, the Town Board must find that all of the conditions and standards have been met; and

WHEREAS, pursuant to § 355-37(A) of the Town Code, in order to grant a special permit, the Town Board must find that “the location and size of the use, the nature and intensity of the operations involved in it or conducted in connection with it, the size of the site in relation to it and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located and that it complies with all special requirements for such use established in” the Town Code; and

WHEREAS, the subject property is located within the CB Zoning District; and

WHEREAS, within close proximity are several residential apartment uses located within the CB and CB-A Zoning Districts; and

WHEREAS, the proposed use would be compatible with surrounding commercial and residential uses in the CB Zoning District; and

WHEREAS, the Town Board, based upon its review of the entire record, finds that the location and size of the use, the nature and intensity of the operations involved in it or conducted in connection with it, the size of the site in relation to it and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the

district in which it is located and that it complies with all requirements for such use established in the Town Code; and

WHEREAS, pursuant to § 355-37(B) of the Town Code, the second criteria for the issuance of a special permit is 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 the adjacent land and buildings;” and

WHEREAS, the proposed building height complies with the requirements of the zoning code and the Planning Board will require the implementation of a landscaping plan during site plan review; and

WHEREAS, 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 since the proposed buildings comply with the CB district height and setback requirements and an extensive landscaping plan will be implemented, and that the construction of this project will promote appropriate development and use of adjacent land and buildings; and

WHEREAS, the Town Board, based upon its review of the entire record finds 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 the adjacent land and buildings; and

WHEREAS, pursuant to § 355-37(C), the third requirement for the issuance of a special permit is that “operations in connection with any special permit 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 proposed residential uses will not generate any noise, fumes or vibrations; and

WHEREAS, the Town Board, based upon its review of the entire record finds that the operations in connection with any special permit 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, pursuant to § 355-37(D) of the Town Code, the Town Board, in order to grant a special permit, must find that “parking areas will be of adequate size for the particular use, properly located and suitably screened from adjoining residential uses, and the entrance and exit drives shall be laid out so as to achieve maximum convenience and safety;” and

WHEREAS, the site plan will provide adequate off street parking to the satisfaction of the Planning Board or the Applicant will need to secure a variance from the Zoning Board of Appeals; and

WHEREAS, the Town Board, based upon its review of the entire record finds that the proposed parking areas are of adequate size for the proposed use, properly located and suitably screened from adjoining residential uses, and the entrance and exit driveways are laid out so as to achieve maximum convenience and safety; and

WHEREAS, pursuant to § 355-37(E) of the Town Code, the fourth criteria for the issuance of a special permit is compliance “where required, [with] the provisions of the Town Flood Hazard Ordinance;” and

WHEREAS, no development is proposed within the floodplain; and

WHEREAS, the Town Board, based upon its review of the entire record finds that development is not proposed within the floodplain; and

WHEREAS, pursuant to § 355-37(F), it is required that “the Town Board finds that the proposed special permit use will not have a significant adverse effect on the environment;” and

WHEREAS, on October 26, 2016, the Town Board declared its intent to act as Lead Agency with respect to the environmental review of the proposed action pursuant to the State Environmental

Quality Review Act (SEQRA) and adopted a resolution authorizing circulation of a Lead Agency Determination Notice and a copy of the application materials, including a copy of the Environmental Assessment Form, to all involved agencies for the project, and no agencies objected to the Town Board becoming the Lead Agency; and

WHEREAS, the Town Board has found that the proposed action is an Unlisted Action pursuant to SEQRA; and

WHEREAS, the Town Board, based upon its review of the entire record, finds that the proposed special permit use will not have a significant adverse effect on the environment; and

WHEREAS, the Town Board hereby adopts a Negative Declaration and finds that the proposed action will not result in any significant adverse environmental impacts; and

NOW THEREFORE BE IT RESOLVED, that this special permit shall be deemed to authorize only the particular use of uses specified in the permit and shall expire if work is not initiated within one year from the date of issue, or if said use or uses shall cease for more than one year for any reason or if all required improvements are not completed within two 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; and

BE IT FURTHER RESOLVED, that the special use permit be, and it hereby is, approved, subject to the conditions set forth below:

**Conditions:**

1. The special permit shall only be valid for unit configurations as depicted on the following plans as amended per this resolution:
  - Plan labeled of 1,” entitled “Preliminary Site Plan Stand Alone,” dated November 25, 2016, last revised December 28, 2016, prepared by Nathaniel J. Holt, PE.
  - Plan labeled of 1,” entitled “Site Development Cross Sections,” dated January 5, 2017, prepared by Nathaniel J. Holt, PE.
  - Plan labeled “SK-1,” entitled “Floor Plan & Elevation,” dated November 29, 2016, last revised December 29, 2016, prepared by Joseph R. Crocco Architects.
  - Plan labeled “SK-2,” entitled “Rear & Side Elevations,” dated November 29, 2016, last revised December 29, 2016, prepared by Joseph R. Crocco Architects.
2. The property shall be restricted using a mechanism such as declaration of restrictive covenants in recordable form acceptable to the Town which shall ensure that the affordable AFFH units shall remain subject to affordable regulations for the minimum 50-year period of affordability. The covenants shall require that the unit be the primary residence of the resident household selected to occupy the unit. Such declaration shall be recorded against the property prior to the issuance of a Building Permit. The AFFH units shall consist of 1 one bedroom and 1 two bedroom units.
3. The plans shall be revised to depict the rehabilitation of the sidewalks fronting Main Street to the satisfaction of the Town Engineer.
4. The plans shall be revised to depict screening of adjacent commercial properties to the satisfaction of the Planning Board.
5. The property shall be maintained in a reasonable condition (as it exists today) to the satisfaction of the Building Department.
6. All affordable AFFH units shall be marketed in accordance with the Westchester County Fair & Affordable Housing Affirmative Marketing Plan.
7. All AFFH units shall comply with Section 355-24.I(12)(c) Maximum Rent and Sales Price Section of the Town Code.
8. Compliance with all applicable local laws and ordinances of the Town of North Castle.