

## PUBLIC HEARING

April 13, 2016

At 8:15 p.m. Supervisor Schiliro stated that the Public Hearing that was adjourned on March 23, 2016 would reconvene to consider a local law to amend Section 355-22 of the Town of North Castle Town Code to add additional clarifying language regarding multifamily dwellings located on the first floor within the CB-A Zoning District as well as multifamily dwellings located on the second floor within the CB-A Zoning District.

The proposed Local Law is available in the Town Clerk's Office during regular business hours and on the Town's 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: March 12, 2016  
Armonk, New York

The following letters and documents were noted as received:

Letter and Site Plan from Nathaniel (Dan) Holt, PE, submitted on behalf of Michael Fareri, dated April 6, 2016, regarding revisions to the Special Use Permit Application submitted by Mr. Fareri on September 15, 2015 were marked Exhibit "H" for the record.

Letter from Director of Planning, Adam Kaufman, to the Town Board dated April 12, 2016, regarding positive recommendation from the Planning Board concerning the proposed local law to amend the Town Code with respect to the CB-A Zoning District, was marked Exhibit "I" for the record.

The Town Clerk noted there was a Negative Declaration for consideration.

The Town Clerk noted there was a proposed Local Law for consideration.

Town Attorney Roland Baroni noted that the subject of the public hearing is the zoning text change to the Code and said the local law is under consideration for adoption. Mr. Baroni said that Mr. Fareri has an application regarding 37 and 41 Maple Avenue, but the proposed zoning change needs to be put in place first. He said that the letter received from Dan Holt is pertinent to Mr. Fareri's application.

Councilman D'Angelo noted for the record that Dan Holt is a client of his. Mr. D'Angelo said that he does not see this as a conflict of interest and would continue on this matter.

Director of Planning Adam Kaufman explained that the way the Town Code is written uses in the CB District are referenced to the CB-A District and the Code provides a list of uses which are permitted in the CB-A District. One of the uses in the CB-A District, permitted Principal Use 3, pertains to how much of the floor area in the entire CB-A District shall be apartments on the second floor in the District. Mr. Kaufman said that if one would try to apply this to a property located outside of the CB-A District it would not make sense; by adding the proposed language 'physically located' in Use 3, when one looks up uses by reference it would not include Use 3.

Mr. Kaufman said that Section 2 of the draft law, regarding permitted Principal Use 13, pertains to when multifamily dwellings are permitted on the first floor. Mr. Kaufman said that the Town Board has indicated that they would like additional language added to this permitted use in the CB-A District to clearly prohibit the conversion of prime retail space on the street level to a multifamily dwelling. The language under consideration is 'multifamily dwellings located on the first floor only when the first floor of the building is actively used, at the street, with retail and/or other suitable uses as determined by the Town Board.' Mr. Kaufman said the additional language provides needed clarification.

Michael Fareri requested that consideration be given for a reduction to the current requirement that at least 20% of the dwellings in the R-MF-SS District be designated as AFFH (fair and

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affordable) units. The Town Board indicated that they did not have an interest in a reduction to the current requirement in the R-MF-SS District.

After all persons were heard who desired to be heard, Councilman D'Angelo moved, seconded by Councilman DiGiacinto, that the Public Hearing be closed at 8:33p.m.

The roll call vote was as follows:

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

Noes: None

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, 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 D'Angelo, DiGiacinto, Reiter, Berra, Supervisor Schiliro

Noes: None

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, the adoption of Local Law 3 of 2016 to amend Chapter 355, Zoning, Section 355-22 to add additional clarifying language regarding multifamily dwellings located on the first floor within the CB-A Zoning District as well as multifamily dwellings located on the second floor within the CB-A Zoning District. The local law follows at the end of these minutes.

The roll call vote was as follows:

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

Noes: None

Councilman DiGiacinto said she would like it clear in the referral to the Planning Board and the Westchester County Planning Board of the Special Use Permit application submitted by Mr. Fareri that the six units at Maple Avenue would be fair and affordable units. Mr. Baroni said that the Town Board has not yet agreed by resolution to move the affordable units from the Lumberyard property to 37 Maple Avenue which would be done prior to the approval of the Special Use Permit and at the same time that Mr. Fareri delivers the covenant which Westchester County requires to restrict the 37 Maple Avenue property to six affordable units.

Councilman DiGiacinto moved, seconded by Councilman D'Angelo, to refer the Special Use Permit application to the Planning Board and the Westchester County Planning Board.

The roll call vote was as follows:

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

Noes: None

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, to schedule a public hearing on the Special Use Permit application on May 11, 2016.

The roll call vote was as follows:

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

Noes: None

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Alison Simon, Town Clerk

Dated: April 22, 2016

**TOWN OF NORTH CASTLE**

**Local Law No. 3 For the Year 2016**  
**Adopted April 13, 2016**

A Local Law to amend Section 355-22 of the Town of North Castle Town Code to add additional clarifying language regarding multifamily dwellings located on the first floor within the CB-A Zoning District as well as multifamily dwellings located on the second floor within the CB-A Zoning District.

**Section 1.** Modify Permitted Principal Use #3 within the CB-A Zoning District as follows:

3. At least 20%, but not more than 40%, of the total floor area physically located within the CB-A District shall consist of multifamily dwellings located on the second story. At least 20% of dwellings physically located within the CB-A District shall be designated and set aside as AFFH pursuant to § 355-24I of the Town Code.

**Section 2.** Modify Permitted Principal Use #13 within the CB-A Zoning District as follows:

- \*13. Multifamily dwellings located on the first floor only when the first floor of the building is actively used, at the street, with retail and/or other suitable uses as determined by the Town Board.

**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.