

PUBLIC HEARING

January 27, 2016

At 8:10 p.m. Supervisor Schiliro stated that the Public Hearing would take place in accordance with the Public Notice that follows:

NOTICE IS HEREBY GIVEN that the North Castle Town Board will hold a Public Hearing on Wednesday, January 27, 2016, at 7:30 p.m., or as soon thereafter, at Town Hall, 15 Bedford Road, Armonk, New York, 10504, to consider a local law to amend Chapter 355, Zoning, of the Code of the Town of North Castle with respect to the Residential Multifamily Senior Citizen (R-MF-SCH) Zoning District to increase the minimum required building setbacks and increase the maximum number of stories from 2 to 2.5.

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: January 13, 2016
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.

Amended Zoning Petition, including Full Environmental Assessment Form, dated March 30, 2015 was marked Exhibit "D" for the record.

Letters from Veneziano & Associates dated March 30, 2015, October 14, 2015, November 12, 2015 and December 2, 2015 was marked Exhibit "E" for the record.

Letters from Director of Planning Adam Kaufman, dated May 12, 2015 and September 29, 2015 regarding positive recommendations from the Planning Board were marked Exhibit "F" for the record.

Letter from Westchester County Planning Board dated December 21, 2015 stating that the matter is for local determination was marked Exhibit "G" for the record.

Certificates denoting mailing of Notice of hearing to adjacent property owners.

Negative Declaration for consideration.

Proposed Local Law for consideration.

Kory Salomone, Veneziano & Associates, appeared before the Board with his client, Frank Madonna, in connection with the age-restricted project on Route 128 and Old Mt. Kisco Road. Also in attendance were Ralph Alfonzetti, the project engineer, and Rob Aiello, from John Meyer Consulting who created the 3-D computerized visualization of the proposal for a single building on the site. Mr. Salomone presented a brief history of the project. In November 2013, the subject site was added to the Residential Multifamily Senior Citizen Housing (R-MF-SCH) Zoning District and zoning amendments were adopted in connection with the approval of a project for 14 townhouse units in five buildings to be located mostly along the perimeter of the property. Mr. Salomone noted the previous approvals also included the extension of Sewer District No. 2 to eight parcels on Old Mt. Kisco Road in addition to the subject site, and the extension of Water District No. 4 solely to the subject site. He noted that, in connection with the sewer district extension, Mr. Madonna has agreed to run the main sewer line, at his cost and expense, through Old Mt. Kisco Road, as well as to run the laterals and decommission the septic tanks to the eight homes of the owners who have signed the sewer district petition which is all the owners on that side of the street. Access to the site on Route 128 was approved in response to comments from neighbors who wanted the project to be more a part of the Route 128 neighborhood rather than the Old Mt. Kisco Road neighborhood.

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Mr. Salomone said that over the next year they developed what they believe is a better plan, a single building alternative which allows for the location of the building toward the center of the site, increasing the setbacks and resulting in a lower profile due to the topography. He said the plan provides for reduced total impervious coverage, less site disturbance, greatly reduced visual impacts and needed senior housing. In March 2015 an amended zoning petition with a single building alternative proposal was submitted to the Town Board. Mr. Salomone noted that on two occasions the Town Board referred the project to the Planning Board which recommended the single structure alternative as compared to both the townhouse proposal and the hybrid proposal.

Mr. Aiello presented a 3-D computerized model and animation of the single building alternative, with five years of landscaping growth, traveling North on Route 128 and South on Old Mt. Kisco Road.

In response to a query from Supervisor Schiliro, Mr. Alfonzetti said the rear setbacks on the proposed single building plan would be about 40 to 50 feet as compared to about 15 feet on the townhouse plan.

Residents spoke at the public hearing regarding the proposal for a single building with 16 units.

Linda Fernberg, Wampus Avenue, said she was not in favor of a single apartment building. Ms. Fernberg said that while the building rendering looks attractive, it does not fit with the smaller homes in the surrounding area of downtown Armonk. In response to Ms. Fernberg's query, Mr. Alfonzetti said the road elevation on Old Mt. Kisco Road is approximately 400 feet and the second floor of the single building would be 403 feet. Ms. Fernberg said that the building would be visible for about seven years through the periods of construction and landscaping growth. She expressed safety concerns about traffic from the site onto Route 128.

Ms. Fernberg objected to the condominium taxation for the single building. In response to her query, Mr. Madonna said that the price point would be in the \$800,000 range; and the average unit would be about 1,900 square feet. He said this would be the first and only age-restricted condominium project in the Town. In response to queries from Councilman Berra, Mr. Madonna said the taxes for the single building would be about \$150,000 versus taxation for the townhouses of about \$220,000. Mr. Madonna added that the current taxes on the property are about \$15,000 and the taxes for the property with the original zoning were \$120,000. Mr. Berra noted that the original townhouse project was age-restricted, but without condominium taxation.

Craig Useted, Old Mt. Kisco Road, said he was in favor of the single building plan which he said was the best of all the plans proposed. Mr. Useted preferred it to the townhouse plan which would locate the back of a building directly in view from his home. He said the townhouse plan, with buildings closer to the road at higher elevations, could not be properly screened and would not fit with the older homes on Old Mt. Kisco Road. The single building plan would provide screening after the landscaping matured, as well as slightly lower elevation and open space rather than an area with two buildings. He said the conservation easement behind the existing homes would protect wells and stop runoff.

Christine Eggleton, Old Mt. Kisco Road, reiterated her comments at previous meetings that her preference for the site was for smaller houses. Referencing Mr. Madonna's other project located at 805-809 Route 128, she expressed concerns that the proposed sewer extension through Old Mt. Kisco Road will encourage teardowns and bigger homes and change the character of the historic and unique street with homes dating back to the 1850s. She said that Old Mt. Kisco Road is narrow; and the project will make the parking situation worse. Ms. Eggleton said other people may want to speak, but might not because they signed the sewer petition; stating that although she signed the petition for the other project, it does not mean she supports it, but rather that she wants the developer (Mr. Madonna) to pay for the connection if the project does go through. She added that the developer has requested quite a few exceptions, including an age reduction from 62 to 55 years and increase in density to 14 units, and is now requesting two additional units. Supervisor Schiliro noted that the original proposal for the site had significantly greater density; the current proposal is age-restricted and will provide sewers and a conservation easement which are positives for the Town.

Mary Brigante, Armonk, expressed opposition to a large apartment building and said she interpreted the sewer petition as a form of bribery with the builder telling residents not to oppose the project

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and he will pay all expenses for the sewer connection. She said that she and her neighbors paid for their sewer connections. Ms. Brigante expressed concerns regarding a large building in her neighborhood devaluing her house; people 55 years of age having children in the school district; and more congestion on Route 128. Supervisor Schiliro said that in the 1980s the Westchester County Department of Health recommended that four streets in downtown Armonk: Annadale Street, Orchard Drive, Old Mt. Kisco Road, and a few properties on Cox Avenue have sewers for health reasons if an opportunity to tie into the district arose. Mr. Schiliro said that sewer capacity has been reserved for those streets. The Supervisor clarified that no one has to sign a sewer petition; it is each owner's choice.

Susan Shimer, Chair of the Landmarks Preservation Committee (LPC), said there are very few areas in Town which have historic value; and LPC members are concerned that the Town will lose them. In response to queries from Councilman Reiter, Ms. Shimer said that none of homes on Old Mt. Kisco Road are landmarked, and if they were it would be difficult to tear down a house. In response to a query from Councilman Berra, Christine Eggleton provided historical information regarding many homes on Old Mt. Kisco Road. Ms. Shimer said the Town wants progress and good health above all, but said it should do everything it can to assure that history about our past is not lost in decision making. She asked the Town Board to keep history in mind as it looks at the Comprehensive Plan and each project presented, until they have a revised Comprehensive Plan, and not rush into projects. Supervisor Schiliro said the project is not being rushed and has been before the Board for eight years. Mr. Schiliro said the Board has had concerns about parts of the project and has shared some of the residents' concerns. He said the 3D visualization requested of the applicant has been helpful to visualize how the building will look.

Mr. Salomone said they heard the neighbors and the project was revised to push the building away from Old Mt. Kisco Road, provide more screening and a buffer, and reduce the visual impact greatly. He said the sewers are beneficial to both the Town and the neighbors. In response to a query from Councilman Berra, Mr. Salomone said the additional benefits to the community include sewer connections to homes, installation of pumps where needed and decommission of septic tanks at both the subject site and at the other project at 805-809 Route 128. Town Attorney Roland Baroni said to ensure the sewer connections happen in a timely fashion, he and Mr. Salomone have discussed that an agreement should be in place before the Board considers an action, probably requiring that all connections be made before a certificate of occupancy is issued on the building.

Councilman DiGiacinto said she has struggled with the project because of the size of the single building in comparison to the existing smaller houses, versus the view building on Route 128 as shown in the rendering. Ms. DiGiacinto cited reductions in measurements, including total impervious coverage and land disturbance of the 16 unit building versus the 14 townhouses, and said she did think the single building would not have the impact that the townhouses would have. She said if the single building is considered as part of the Route 128 landscape, it does go along with the commercial buildings, but she was concerned if the completed building was to be too large she would feel badly that she had supported it.

Councilman Reiter said the setbacks, topography, visual impact, conservation easement and sewers are positives. Mr. Reiter said he understands some of the residents' objections. He said the commercial corridor extends from David Chen's Restaurant, and if the building is built the way it is shown, it will fit in fairly nicely. He said he supports the project.

Councilman D'Angelo confirmed with Mr. Salomone that under consideration were the zoning amendments to increase the minimum required setbacks and the number of stories from 2 to 2.5, and the difference between the 14 unit townhouse proposal and the 16 unit single building, not the as of right zoning for the property.

In response to queries from Councilman Berra, Mr. Madonna said that there were 36 inside parking spaces and 6 outdoor spaces; the two and a half stories would provide for two penthouse units as well as storage; and the two additional units are requirements for his proposal. With regard to Mr. Berra's query, Mr. Madonna said he has plans to build the two required affordable (AFFH) units on site, but would prefer to build them off site. Mr. Baroni confirmed that this could only be done with Town Board approval.

Councilman Berra expressed concerns about added congestion on Route 128 and said there are no compelling reasons that benefit the Town to extend large buildings beyond David Chen's and allow

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for more than already approved. Mr. Berra said that the view from Route 128 affects many people and the impression of the Town for both residents and visitors, noting there are different views on whether the large building belongs there. He said when a project has come before the Board many times, some residents may grow weary of attending meetings, and therefore the reason for additional approvals should be even more compelling. He added that he did not see the reason to move from fee simple taxation to condominium taxation; and said age-restricted housing in other communities has not remained that way permanently.

Supervisor Schiliro said important visual aesthetics have to be balanced with benefits of sewers and using the floating zone for age-restricted housing. Mr. Schiliro said he needed more time to review the information as do some other Board members.

Referencing the Town Comprehensive Plan which was brought up earlier in the discussion, Director of Planning Adam Kaufman said there are very salient points in the Plan that have led the Town to this point. One recommendation is for multi selection of housing types, including senior housing and apartments, in addition to single family homes, and this project is one step to meeting this goal. Another recommendation is for areas for seniors to live. The Town Board implemented that recommendation by creating the senior floating zone. These changes gave the applicant the opportunity to place the zone on this property. The Town Board determines the specifics of what the zone looks like. One of the requirements of the R-MF-SCH Zoning District is that the property has public sewers and access to water. Mr. Kaufman said there are very limited locations in the Town which can meet all of the criteria.

Mr. Salomone said the single building is a transitional zone from the commercial downtown, is in context with David Chen's and transitions to the residential neighborhood. There is market demand for the project; and they have listened to comments and have worked with the Town Board and Planning Board to come up with a good project.

After all persons were heard who desired to be heard, Councilman DiGiacinto moved, seconded by Councilman D'Angelo, that the Public Hearing be adjourned at 9:28 p.m.

The roll call vote was as follows:

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

Noes: None

Alison Simon, Town Clerk

Dated: February 8, 2016