

## PUBLIC HEARING

March 9, 2016

At 7:56 p.m. Supervisor Schiliro stated that the Public Hearing that was adjourned on February 24, 2016 would reconvene 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

Negative Declaration for consideration.

Proposed Local Law for consideration.

Sewer Installation Agreement for consideration.

Kory Salomone 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 was Ralph Alfonzetti, the project engineer.

Mr. Madonna said he thought the indecisiveness about the proposed single building is related to its overall style and look which requires some time to be vetted with the Architectural Review Board (ARB) and the Planning Board. He noted that his team proposed a revised Dutch colonial barn design for the single building to try to lower the roof line and hide the half story. Mr. Madonna said that much of the inspiration for the design, size and style of the single building came from mansions along Riversville Road in Greenwich; the setbacks and size are similar to the site on Route 128. Displaying a photograph of a mansion on Riversville Road, he noted the features of a stone wall and gated driveway entry way with fence above it.

Councilman DiGiacinto said the stone wall, gate and fence breaks up the massiveness of the single structure. Ms. DiGiacinto said that Mr. Madonna's point is well taken that the Town Board is not the ARB. She said she has expressed her concerns about the massiveness of the single structure, but thought the single structure was a better plan than the townhouses, noting that Director of Planning Adam Kaufman has said that the single structure was a better choice. She said, in her opinion, the landscape proposal is not going to be adequate, and hoped there would be some type of stone wall with white fence to break up the massiveness. Ms. DiGiacinto said she liked the look of the stone wall with gate and fence as displayed in the photograph and the proposed colonial style for the single building.

Councilman Reiter also liked the wall and gate and thought it would enhance the view along Route 128.

In response to queries from Supervisor Schiliro, Mr. Madonna confirmed that he is still proposing the same single building design in terms of size and shape of the building. Mr. Madonna said that he is fine with either the original or revised design for the exterior of the building and said he thinks the exterior design needs to be addressed with the Planning Board and the ARB.

Councilman D'Angelo said the Town has come a long way in making a better looking project and is pleased that we are getting to this point.

Councilman Berra said that the Riversville house which Mr. Madonna displayed is consistent with the stretch of this road with houses of similar size and style, but the large single building on Route 128 would be inconsistent and would change the character of what is there. Mr. Berra said that at best, the range of opinions is neutral as to whether the single building is an improvement over the townhouse plan, and therefore, the single building plan does not provide a compelling reason for permitting two additional units or the lower condominium tax rate that applies to the townhouse plan. He reiterated his concerns about the single building, as he expressed at January 27, 2016 and February 24, 2016 meetings, including safety issues regarding entrance on Route 128, greater

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density from 14 to 16 units, and condominium taxation versus fee simple taxation for the already approved townhouse plan. He also expressed concern that condominium taxation might not be a sufficiently effective way to keep seniors in Town.

In response to a query from Supervisor Schiliro, Mr. Madonna said the increase from 14 to 16 units was to make the economics of the project work. Mr. Madonna said the reduction in square footage from 2,500 to 3,000 for the townhouse units in multiple buildings to 1,800 square feet for the condominium units in the single building necessitated the addition of two units.

Councilman DiGiacinto said that previous discussion regarding access on Old Mt. Kisco Road noted it would be very problematic particularly in the winter months because it is a narrow road and is basically a single lane in a severe winter.

In response to a query from Councilman D'Angelo, Mr. Kaufman confirmed that the height of the proposed single building is the same as Armonk Square. Mr. Madonna said the single building would be about 65 feet wide and 120 feet in length.

Councilman D'Angelo said that the condominium taxation is not permanent and at some future time the Town will do a revaluation at which time under the current law will provide for all units to be taxed the same way. Town Attorney Roland Baroni said when the Town does a revaluation it has the option of adopting the Homestead Act which allows condominiums to be taxed as fee simple. In response to a query from Councilman Berra, Mr. Baroni said the more condominiums there are, it becomes more difficult politically.

Michael Fareri noted that the only condominium development in Town is Whippoorwill Commons located at the former school behind Citibank in Armonk. Mr. Fareri said it is not likely that there will be school aged children at the proposed age-restricted condominium development and said it should not be taxed at the same rate as housing with school aged children. He said there needs to be a variety of housing options in Town for seniors and younger residents, not only single family homes.

In response to a query from Councilman DiGiacinto, Mr. Madonna said that the height of the townhouses would be eight to ten feet higher in elevation than the single building. Ms. DiGiacinto noted that the Town Board was charged with deciding if the setbacks should be changed to allow for the single building and at times has lost sight of this. In response to Ms. DiGiacinto's further queries, Mr. Madonna confirmed that he has agreed to provide a conservation easement for open space on the 3 acre parcel at 130 Old Mt. Kisco Road, and to bury tanks on site to provide for irrigation. Ms. DiGiacinto confirmed with Sal Misiti, Director of Water and Sewer Operations, that the revised wording in the proposed Sewer Installation Agreement is to his satisfaction.

Supervisor Schiliro reviewed the benefits of the project to the Town, including the age-restricted senior housing and the sewer infrastructure. Mr. Schiliro said he is still struggling with the design of the single building at the location and the view from Route 128. In response to queries from the Supervisor, Mr. Kaufman said that the Town Board is controlling the parameters for the zoning district and the concept of townhouses or single building, and it has delegated responsibility of the actual design of the building to the Planning Board and ARB. Mr. Kaufman said the Town Board could communicate their concerns in writing to the Planning Board and the ARB and the concerns would be taken seriously. The Planning Board would be involved with the physical location of the building and the ARB would be involved with its aesthetics. In response to the Supervisor's query regarding the appropriateness of the Town Board's involvement regarding the design, Mr. Baroni said the Board could certainly indicate their preferences to the Planning Board and the ARB, either individually or collectively, and could send one Town Board member as its representative to meetings of the two Boards. Councilman DiGiacinto said she was the liaison to both Boards and could attend meetings and follow the project.

Mr. Salomone said they would invite the Town Board's continued input at those Boards and make the project better.

After all persons were heard who desired to be heard, Councilman Reiter moved, seconded by Councilman DiGiacinto that the Public Hearing be closed at 8:45 p.m.

The roll call vote was as follows:

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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 Reiter, the adoption of Local Law 2 of 2016 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 Local Law follows at the end of these minutes.

The roll call vote was as follows:

Ayes: Councilmen D'Angelo, Reiter

Ayes with recommendations: Councilman DiGiacinto, Supervisor Schiliro

Noes: Councilman Berra

Supervisor Schiliro said he thought that written comments from the Town Board should be made individually and that Councilman DiGiacinto should be the Town Board's representative at the Planning Board and ARB meetings.

Councilman D'Angelo moved, seconded by Councilman Reiter, authorization for the Supervisor to sign the Sewer Installation Agreement between the Town of North Castle and Frank Madonna, Jr. with regard to property along Old Mt. Kisco Road known on the Tax Assessor's Map as Parcel Nos. 108.01-1-27, 28, and 30.3, and 8 additional properties are identified on the Tax Assessor's Map as Parcel Nos. 108.01-1-18, 19, 20, 21, 22, 23, 26, and 29.

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: March 21, 2016

**TOWN OF NORTH CASTLE**

**Local Law No. 2 For the Year 2016  
Adopted March 9, 2016**

A Local Law to amend Chapter 355 of the Town of North Castle Town Code with respect to the R-MF-SCH Zoning District.

Section 1. In accordance with Section 355-27(B)(2) and Section 355-21 (Schedule of Residence District Regulations), and supplementing Local Law 11 of 2013, establishing the following requirements for the parcels known as Section 108.01, Block 1, Lots 27, 28, and 30.3 on the Tax Assessment Map of the Town of North Castle:

Maximum Floor Area Ratio:	0.4
Minimum Lot Area:	3.0 acres
Minimum Lot Frontage:	750 feet
Minimum Lot Width:	500 feet
Minimum Lot Depth:	100 feet
Minimum Perimeter Front Yard:	30 feet
Minimum Perimeter Side Yard:	30 feet
Minimum Perimeter Rear Yard:	30 feet
Minimum Dwelling Unit Size:	1 bedroom unit – 800 s.f. 2 bedroom unit – 1,000 s.f. AFFH Units – in accordance with Section 213-22(I)

Maximum Building Coverage: 20%

Maximum Building Height

Stories 2.5

**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: March 9, 2016