

PUBLIC HEARING

June 14, 2017

At 8:26 p.m. Supervisor Schiliro stated that a Public Hearing would be held 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, June 14, 2017, 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 Sections 355-4, 355-23 (Part 2) and 355-40 of the Town of North Castle Town Code to include structured parking as a Special Permit use in the IND-AA 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: June 2, 2017
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.

The following letters and documents were noted as received and marked Exhibit "D" for the record:

Statement of Environmental Findings adopted by the Planning Board on June 5, 2017

Letters from Cuddy & Feder dated September 1, 2016, April 26, 2017 and June 12, 2017

Letter from Cleary Consulting dated June 6, 2017

Letter from Westchester County Planning Board to Alison Simon, Town Clerk, dated June 6, 2017, with attached Letter from Westchester County Planning Board to Adam Kaufman, Director of Planning, dated May 23, 2017

The Town Clerk noted that certificates denoting mailing of Notice of hearing to adjacent property owners were in order.

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

The Town Clerk noted that as of today, June 14, 2017, a list of the documents, that have been received by the Town Board since receipt of the initial Application from 11 New King Street, LLC for Amendment to Zoning Ordinance and Site Development Plan Approval, dated June 26, 2009, has been prepared and is available for review. The list of documents follows at the end of these minutes.

William Null, Cuddy & Feder, appeared before the Board on behalf of 11 New King Street, LLC with regard to the proposed development of a new multi-level automated parking structure to be known as "Park Place" located adjacent to Westchester County Airport, including the proposed amendment to the Zoning Ordinance to permit structured parking as a special permit use in the Industrial District (IND-AA). Also in attendance were Jeffrey Brown and Kim Frank of 11 New King Street, LLC, the applicant; and Nanette Bourne and Justin Seeney, of AKRF.

Mr. Null noted that the Planning Board has been Lead Agency for this matter; and it adopted a Findings Statement on June 5, 2017. Displaying a rendering of the proposed parking structure, he said that structured parking is currently permitted in adjacent districts as a permitted accessory use; the amendment to the Zoning Ordinance would permit structured parking as a principal special permit use. He said the project has changed in scale in response to the comments that have been made over the course of nine years that they have been before the Board and the public. Mr. Null said when the initial application was presented the number of vehicles proposed to be parked was 1450 vehicles; and now they are proposing 850 vehicles. He said the creation of long term parking as a special permit use sets dimensional restraints for the building, with a reduction from about 50,000 square feet to less than 32,000 square feet. The overall impervious surface has been reduced by 39%.

Mr. Null said the project is sustainable and green and does not involve vehicles being driven in the parking structure. He described the automated parking process: vehicle is driven into a cabin and turned off; owner exits taking the keys; vehicle is transported by a pallet into parking space; and owner is driven by shuttle to the airport.

Mr. Null cited sections of the Cuddy & Feder letter, dated June 12, 2017, referring to a letter from the Westchester County Planning Board to the Town which contradicts "The Westchester County Airport Final Draft Master Plan", dated April 2017. He said all data, including an independent study which was confirmed by the Town's consultant, indicate that additional parking is needed at Westchester County Airport. He said the proposed use is consistent with the IND-AA Zoning District and the Town's Comprehensive Plan.

Mr. Null noted there is a 9,700 square foot office building at the site which is underutilized, and said that the taxes which would be generated from the parking structure would be a significant multiple of the of the taxes provided by the current office building when it was fully occupied. Supervisor Schiliro noted that the projected taxable value of the building will be reviewed with the Town Assessor. In response to a query from the Supervisor, Mr. Brown, of 11 New King Street, LLC, said a range of the estimated Building Department fees related to the structure and the mechanicals would be provided.

In response to a queries from Councilman DiGiacinto, the following responses were provided:

Mr. Null said that the FAA (Federal Aviation Administration) evaluated the structure, its location and height and issued a clearance that there is no threat to air traffic safety and said the project met the standards and had clearance for construction.

Mr. Brown said that the development team would be meeting with Adam Kaufman, Director of Planning, the Building Department and the Armonk Fire Department. He said there will be water sprinklers on every level where vehicles will be stored.

Mr. Seeney, of AKRF, said there is currently nor stormwater management at the site and he described the proposed stormwater system that will be implemented.

In response to a query from Councilman Reiter, Mr. Brown said the parking structure would operate 24 hours a day, seven days a week, be manned at all times and have security cameras, backup generator and emergency lighting. He said the energy use will be very low as compared to hydraulic systems due to the fact that a system of pulleys and chains will be used to move the parked vehicles.

In response to a query from Councilman Berra and Supervisor Schiliro, Ms. Bourne said a green screen with climbing vegetation is being proposed along with low shrubs and trees. Mr. Seeney described the proposed green roof.

During discussion of the text of the proposed local law, Town Board members provided revisions. With regard to Section 5: Amendments to Article VII, Special Permit Uses, it was agreed by all parties to revise Section 355-40. W. (5) to a maximum height of 55 feet.

Resident Linda Fernberg expressed her concerns regarding airport expansion. Ms. Fernberg questioned the need for additional parking based on the statement made in the letter from the Westchester County Planning Board that there is no need for this parking garage to be built.

Resident Daren Tolz asked if there were a study which evaluated whether the parking garage at the Airport was full or empty on an hour by hour basis. Mr. Null provided details on how the study was conducted and said that it addressed both parking capacity and traffic volume.

Supervisor Schiliro said that the Town Board has to complete its Findings and the applicant has to revise the local law. The Supervisor said he anticipated having this matter on the June 28, 2017 agenda.

After all persons were heard who desired to be heard, Councilman D'Angelo moved, seconded by Councilman Reiter, that there would be a ten day comment period and the Public Hearing be closed at 10:02 p.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 Berra, receipt of the following:

- Statement of Environmental Findings adopted by the Planning Board on June 5, 2017
- Letters from Cuddy & Feder dated September 1, 2016, April 26, 2017 and June 12, 2017
- Letter from Cleary Consulting dated June 6, 2017
- Letter from Westchester County Planning Board to Alison Simon, Town Clerk, dated June 6, 2017, with attached letter from Westchester County Planning Board to Adam Kaufman, Director of Planning, dated May 23, 2017

The roll call vote was as follows:

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

Noes: None

Alison Simon, Town Clerk

Dated: June 26, 2017

Town Board Minutes
June 14, 2017

Following is a list of documents that have been received by the Town Board since receipt of the initial Application from 11 New King Street, LLC for Amendment to Zoning Ordinance and Site Development Plan Approval, dated June 26, 2009.

2011

Notice of Completion of Draft Environmental Impact Statement (DEIS) dated March 28, 2011 and Notice of SEQRA Hearing scheduled for May 2, 2011.

Letter from US Department of Transportation, Federal Aviation Administration dated May 19, 2011

Letter from Westchester County Planning Board dated May 31, 2011

Letter from Zarin & Steinmetz dated June 1, 2011

2015

Final Environmental Impact Statement (FEIS) dated January 2015

Letter from Westchester County Planning Board to Adam Kaufman dated February 11, 2015 with copy of Federal Aviation Administration Memo dated September 27, 2012

State Environmental Quality Review (SEQR) Positive Declaration dated March 9, 2015

2016

Notice of Completion of Draft Supplemental Environmental Impact Statement dated March 21, 2016 and Notice of SEQRA Hearing scheduled for April 11, 2016

Draft Supplemental Environmental Impact Statement (DSEIS) dated March 2016

Comments from resident Thomas D'Agostino dated April 11, 2016

Letter from AvPorts at Westchester County Airport to the Planning Board dated April 11, 2016

Transcript of Public Hearing held by the Planning Board on April 11, 2016

Letter from Westchester County Planning Board dated April 18, 2016

Letter from Westchester County Airport Advisory Board to the Planning Board dated April 22, 2016

Letter from Sierra Club dated April 24, 2016

Letter from Cleary Consulting dated April 25, 2016

Letter from Attorneys Lippes & Lippes on behalf of the Sierra Club dated April 25, 2016

Letter from Attorney Albert J. Pirro, Jr. dated April 26, 2016

Letter from New York City Department of Environmental Protection dated April 26, 2016

Comments from the New York City Watershed Office of Inspector General dated April 26, 2016

Letter from Riverkeeper dated April 26, 2016

2017

Notice of Completion of Final Supplemental Environmental Impact Statement (FSEIS) dated April 24, 2017.

Final Supplemental Environmental Impact Statement dated April 2017