

PUBLIC HEARING

September 27, 2017

At 8:29 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, September 27, 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 Section 355-22 of the Town of North Castle Town Code to eliminate multifamily dwellings located on the first floor within the CB-A Zoning District and to prohibit residential units in the CB-B Zoning District on the first floor.

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: September 12, 2017
Armonk, NY

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:

Short EAF.

Letter from Westchester County Planning Board, dated July 7, 2017, stating that the action is a matter for local determination.

Letter from Director of Planning, Adam Kaufman, to the Town Board, dated September 12, 2017, regarding negative recommendation from the Planning Board concerning the proposed local law.

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

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

Director of Planning Adam Kaufman explained that, in the existing Zoning Code, Section 355-22, CB-A Zoning District, Permitted Principal Use #13 states "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 that the Town Board has expressed concern that the type of development that could be proposed under this current law may not be acceptable. The draft law would prohibit any first floor residential units in the CB-A District and in any Districts which refer to that permitted use in the CB-A.

Councilman D'Angelo moved, seconded by Councilman Berra, receipt of Planning Board letter dated September 12, 2017.

Supervisor Schiliro said that the Planning Board adopted a negative recommendation (4-0), as read aloud from their letter which stated "The Planning Board recommends that the proposed legislation not be considered until after the Comprehensive Plan update has been completed. Additionally, the Planning Board believes that the current law regulating first floor residential in commercial districts provides maximum flexibility with respect to permitted uses in the

commercial districts by allowing property owners the ability to provide commercial uses with limited residential opportunities (on the first floor under certain circumstances). The Board believes that the proposed legislation may be too restrictive and could result in the construction of additional first floor retail and office space that can't be supported by the local market (and may remain vacant) in order to construct new second floor apartments that are currently in high demand within the hamlets". In response to a query from Supervisor Schiliro, Mr. Kaufman said he believed that the Planning Board was indicating that owners may potentially create first floor empty space so they could build apartments upstairs. Mr. Schiliro said he has not seen this in any development, but maybe the Planning Board has had some experience with this. Councilman Berra said he agreed with the Supervisor's comments that an owner would not put retail on the first floor, leave it vacant, and put residential on the second floor.

Councilman DiGiacinto said that she sits in on Comprehensive Plan Steering Committee meetings, and she thinks that the Committee wants to see flexibility in the CB Zoning District, as well as in other Districts, and may see the proposed law as too restrictive. Ms. DiGiacinto said that Main Street, with the exception of Framings, Sheep Shack, and the barber shop which do have apartments on the second floor, is all commercial business. Referencing the proposed plan for 470 Main Street, she said that the development is proportionally more residential than commercial business. She said she felt that the proposed 16,000 square foot residential building at 470 Main Street, which was approved under the existing Code, is too large. She expressed concern that the potential exists for this type of development at other locations all along Main Street, as well as on parts of North Broadway in North White Plains. Ms. DiGiacinto said she does support mixed use, but does not want see residential use become greater than business use. She said her proposal is to retain retail facing a main street, allow first floor apartments, and residential not to exceed 50% of the gross floor area in the CB-A Zoning District. Mr. Kaufman noted the reason why 470 Main Street, as an example, was able to have that amount of residential use was because multifamily dwellings are a permitted principal use in that District. In response to a query from Councilman Berra, Mr. Kaufman confirmed that 470 Main Street required a special use permit.

Councilman Reiter said he thought Councilman DiGiacinto has a good point. Mr. Reiter said he was not sure that the percentage should be 50% and this could be discussed. He said he has heard comments from Town residents and others that there is a shortage of apartments. Supervisor Schiliro said he was concerned with limiting the residential use to 50%.

Mr. Berra said he agreed with Councilman DiGiacinto's comments regarding proportionality. Mr. Berra suggested that the special use permit requirements could be revised, and projects could be reviewed by the Town Board on a case by case basis to provide the Board with more discretion. Councilman DiGiacinto expressed concern that this could make special use permits very subjective and her preference was for the use of a formula. Supervisor Schiliro said he thought as many obstacles as possible should be eliminated to incentivize developers to build in Town, and the appropriate balance needs to be reached.

Mr. Kaufman said that the draft Comprehensive Plan study has seen an overabundance of retail and office space. He said he thought that it is the view of the Planning Board, and it is his view, that there is an opportunity to have additional development in the downtown and not acerbate the overabundance issues and to have people in the downtown who are going to utilize the existing office and retail space.

Resident Robert (Bob) Greene said that generally speaking downtown retail in towns like North Castle is dying today; and towns are attracting development by keeping the ground floor of the main street retail, not residential, and having as much residential as can possibly be provided, above and behind the retail, while meeting town codes and environmental requirements. Mr. Greene recommended that no additional requirements should be added which would limit residential development. Mr. Kaufman said there are the same issues on North Broadway in North White Plains which has older office buildings that have reached or are reaching the end of their useful lives, and it is very doubtful that there will be redevelopment of the same uses. Councilman DiGiacinto said North White Plains residents are very concerned about the impact of additional schoolchildren on the Valhalla School District. Councilman D'Angelo noted that the North White Plains commercial district is different from that in Armonk, and the law, as currently proposed, would apply to the entire Town. Mr. Kaufman said that different commercial business zoning districts could be created for North White Plains and for Armonk.

Town Board Minutes
September 27, 2017

After all persons were heard who desired to be heard, Councilman D'Angelo moved, seconded by Councilman DiGiacinto, at 9:30 p.m. that the Public Hearing be adjourned and recommended that the Comprehensive Plan Steering Committee take this matter under advisement and view the video of the public hearing to understand the Town Board's thinking.

The roll call vote was as follows:

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

Noes: None

Alison Simon, Town Clerk

Dated: October 10, 2017