

PUBLIC HEARING

August 8, 2018

At 8:11p.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 August 8, 2018, at 7:30 PM, or as soon thereafter, at Town Hall, 15 Bedford Road, Armonk, NY 10504, to consider a Local Law to amend Chapter 288 entitled "Taxation" of the Code of the Town of North Castle

The proposed local law is available in the Town Clerk's office during regular business hours and on the Town 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: July 28, 2018  
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.

Negative Declaration for consideration.

Proposed Local Law for consideration.

Supervisor Schiliro cited an excerpt from the Legislative Findings section of the proposed local law, and said the Town Board finds that residential condominium units incur a significant difference in property taxes compared to comparably priced single family homes under conventional forms of property ownership, and therefore the Board believes it is necessary to amend Chapter 288, Taxation of the Code to prevent residential property owners from converting to a condominium form of ownership that would result in a lower assessment, which, if permitted, would unfairly lower the property tax burden for the converted property while increasing the property tax burden to owners of properties in a conventional form of ownership.

In response to a query from Supervisor Schiliro, Town Attorney Roland Baroni said that property owners could convert to a condominium form of ownership, but the adoption of the local law would prevent the preferential tax treatment.

Mr. Baroni noted that the Byram Hills and the Valhalla School Districts, must each adopt a resolution supporting the assessment restriction as well, as the Town's local law only controls the Town's portion of the tax.

After all persons were heard who desired to be heard, Councilman D'Angelo moved, seconded by Councilman Berra, that the Public Hearing be closed at 8:16 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, 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.

Town Board Minutes  
August 8, 2018

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, the adoption of Local Law 4 of 2018 to amend Chapter 288 entitled "Taxation" of the Code of the Town of North Castle pursuant to the New York State Constitution Article IX and New York Municipal Home Rule Law §10, by creating a new Article X entitled "Real Property Assessment of Converted Condominiums," and related sections, as they pertain to real property assessment of dwelling units converted to condominiums. 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

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Alison Simon, Town Clerk

Dated: September 6, 2018

**TOWN OF NORTH CASTLE**  
**Local Law No. 4 of the Year 2018**  
**Adopted August 8, 2018**

A Local Law to amend Chapter 288 entitled “Taxation,” of the Code of the Town of North Castle pursuant to the New York State Constitution Article IX and New York Municipal Home Rule Law §10, by creating a new Article X entitled “Real Property Assessment of Converted Condominiums,” and related sections, as they pertain to real property assessment of dwelling units converted to condominiums.

Be It Enacted by the Town Board of the Town of North Castle as follows:

- §1. Title.
- §2. Legislative Findings.
- §3. Creation of Article X entitled “Real Property Assessment of Converted Condominiums,” in Chapter 288 of the Code of the Town of North Castle.
- §4. Creation of §288-50, “Definitions”.
- §5. Creation of §288-51, “Real Property Assessment of Converted Condominiums”
- §6. Severability.
- §7. Effective Date.

**§1. Title.**

This law shall be known as “A Local Law creating a new Article X entitled “Real Property Assessment of Converted Condominiums” and related sections in Chapter 288 of the Code of the Town of North Castle.

**§2. Legislative Findings.**

The Town Board of the Town of North Castle finds that residential condominium units incur a significant difference in property taxes compared to comparably priced single family homes under conventional forms of property ownership and, therefore, believes it is necessary to amend Chapter 288 of the Code of the Town of North Castle to prevent residential property owners from converting to a condominium form of ownership that would result in a lower assessment, which, if permitted, would unfairly lower the property tax burden for the converted property while increasing the property tax burden to owners of property in a conventional form of ownership.

**§3. Creation of Article X entitled “Real Property Assessment of Converted Condominiums” in Chapter 288 of the Code of the Town of North Castle.**

Pursuant to Chapter 293 of the Laws of the State of New York 1997, which enacted § 581, Subdivision 1-c of the Real Property Tax Law and §339-y, Subdivision 1(f) of the Real Property Tax Law for the purpose of preventing lower assessments of converted condominiums, Article X is added to Chapter 288 of the Code of the Town of North Castle as follows:

**ARTICLE X: Real Property Assessment of Converted Condominiums**

**§4. Addition of §288-50 “Definitions”.**

§288-50 of the Code of the Town of North Castle is hereby added to newly created Article X entitled “Real Property Assessment of Converted Condominiums,” as follows:

§288-50. Definitions. As used in this article, the following term shall have the meaning indicated:

CONVERTED CONDOMINIUM - A dwelling unit held in condominium form of ownership that has previously been on an assessment roll as a dwelling unit in other than condominium form of ownership and has not been previously subject to the provisions of §581, Subdivision 1(a) of the Real Property Tax Law or §339-y, Subdivision 1(b) of the Real Property Tax Law.

**§5. Creation of §288-51 “Real Property Assessment of Converted Condominiums”.**

§288-51 of the Code of the Town of North Castle is hereby added to newly created Article X entitled “Real Property Assessment of Converted Condominiums” as follows:

§288-51 Real Property Assessment of Converted Condominiums.

In accordance with §581 Subdivision 1-c of the Real Property Tax Law and §339-y, Subdivision 1(f) of the Real Property Tax Law, which otherwise permits condominium units to be valued for purposes of real property assessment by using a capitalization of income approach or a cost approach, neither §581, Subdivision 1(a) of the Real Property Tax Law nor §339-y, Subdivision 1(b) of the Real Property Tax Law shall apply to any converted condominium units in the Town of North Castle.

**§6. Severability.**

If any clause, sentence, paragraph, subdivision, section or part of this chapter or the application to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this chapter, or its application to the person or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

**§7. Effective Date.**

This Local Law shall take effect immediately upon filing with the Secretary of State and shall apply to assessment rolls based on the taxable status date occurring on or after such date.