

PUBLIC HEARING

February 8, 2017

At 7:51 p.m. Supervisor Schiliro stated that the Public Hearings that were adjourned on January 25, 2017 would reconvene in accordance with the Public Notice that follows:

NOTICE IS HEREBY GIVEN that the North Castle Town Board will hold public hearings on Wednesday, January 25, 2017, at 7:30 p.m., or as soon thereafter, at Town Hall, 15 Bedford Road, Armonk, New York, 10504, for the purpose of considering the Special Use Permit Application of Michael Fareri to: (1) allow for more than one residential unit per building; and (2) allow residential units on the first floor. The property is located at 470 Main Street, Armonk, NY, and known on the North Castle Tax Maps as 108.01-6-19, and located within the CB Zoning District.

The special use permit application is available in the Town Clerk's office during regular business hours. 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 6, 2017
Armonk, NY

The following letters and documents were noted as received since the Public Hearings were opened on January 25, 2017, and were marked Exhibit "F" for the record:

- Letter from the applicant Michael Fareri, dated February 1, 2017, with accompanying letter and exhibits from Nathaniel (Dan) Holt, PE, dated January 31, 2017.

Michael Fareri appeared before the Board regarding his Special Use Permit application pertaining to his proposed multifamily development at 470 Main Street. Mr. Fareri said when the public hearing opened on January 25, 2017, there was concern about potential traffic impacts and sewer impacts. He read aloud a letter, dated January 31, 2017, from Nathaniel (Dan) Holt, PE, his consultant on the application, regarding hydraulic (sewage) loading and peak hour traffic. Mr. Fareri referenced information in the accompanying exhibits to Mr. Holt's letter.

Mr. Fareri read aloud his cover letter to the Town Board, dated February 1, 2017, which included his request to consider an amendment to his original development plan application to change the project from sixteen fair and affordable (AFFH) units to seven AFFH units and nine market rate units. Mr. Fareri said that since that time, after conversation with Westchester County, he would like the Board to consider another change to four AFFH units and ten market rate units for a total of fourteen units at 470 Main Street.

Mr. Fareri referred to Westchester County's requirement that 10% of the units in a development of more than eight units be AFFH units. He said that the County is no longer subsidizing the differential in cost between the selling price of AFFH units (regulated by the County) and the cost to build AFFH units. He expressed his view that the differential in cost to developers will be paid by the buyers of market rate units.

Mr. Fareri said he is reducing the number of units at the Lumberyard property (known as 162 Bedford Road) from thirty-six units (thirty market rate units and six AFFH units) to thirty market rate units; and if he were to build ten market rate units at 470 Main Street, there would be a total of forty market rate units. He said if there were a 10% AFFH requirement for the Lumberyard property, he would be required to build four AFFH units which he would like to relocate to 470 Main Street. He asked if it were better for the Town to have thirty market rate units at the Lumberyard property, and ten market rate units and four AFFH units at the 470 Main Street property, as opposed to nine market rate units and seven AFFH units at this property.

Councilman D'Angelo said that the local law adopted by the Town Board regarding fair and affordable housing included a reduction in the AFFH unit requirement from a minimum of 35% to 20% at the Lumberyard property (which is the only property in the R-MF-SS Residential Multifamily-Single-Structure Zoning District).

In response to a query from Councilman D'Angelo, Mr. Fareri said that since the public hearing on January 25, 2017 he had a meeting with Westchester County and it was determined that the County is not going to subsidize the shortfall between the selling price and the cost of AFFH units. Mr. Baroni said that until tonight Mr. Fareri has not mentioned anything about a subsidy from the County with regard to his project.

In response to a query from Mr. D'Angelo, Town Attorney Roland Baroni said that if the Town Board were to change the AFFH unit requirement, it would have to justify changing the local law which lowered the requirement from 35% to 20% which would require a public hearing. Mr. Baroni said that a change to the local law regarding the AFFH requirement is a discretionary act by the Town Board and it would not have to deny it, the Board does not have to consider the petition.

Mr. Fareri requested that the Town Board close the public hearing and vote on his current application, and consider his proposal for four AFFH units and ten market rate units at 470 Main Street at a later date. In response to a query from Mr. Baroni, Mr. Fareri said that his application before the Board is for nine market rate units and seven AFFH units at the 470 Main Street, and also for the relocation of the six AFFH units from the Lumberyard property to 470 Main Street and the reduction from 36 units to 30 units at the Lumberyard. Mr. Baroni said if the Town Board were to approve the current application, and then agree to schedule a public hearing to consider the change in AFFH requirements, Mr. Fareri would be required to have new special use permit hearings because the approval would have been based on nine market rate units and seven AFFH units.

In response to query from Supervisor Schiliro, Mr. Fareri said he would like to relocate the AFFH units to 470 Main Street where he said there would not be common charges for interior expenses because there are no common interior areas. He said there would be common charges for interior expenses at the Lumberyard which has common interior areas, resulting in disparities between AFFH residents and market rate residents concerning interior maintenance and improvements. In response to queries from the Board, Mr. Fareri said that the exterior expenses at 470 Main Street would incur insignificant common charges.

In response to queries from Councilmen DiGiacinto and D'Angelo, Mr. Fareri said that the plan for the six AFFH units at the Lumberyard includes three one-bedroom units and three two-bedroom units; and the bedroom count would be the same at 470 Main Street.

In response to queries from Councilman D'Angelo, Mr. Fareri said he is anxious to start building the thirty market rate units at the Lumberyard, and if he were approved for only the nine market rate units and seven AFFH units, he would probably build the 470 Main Street project. He said he would not build thirty-six units at the Lumberyard.

Councilman DiGiacinto said a resolution is needed to spell out definitively and concretely what the Town Board is being asked to do. Ms. DiGiacinto recommended that the information provided by the applicant's consultant regarding sewer and traffic be reviewed by the Town Engineer.

Supervisor Schiliro said that he is not ready to make a decision. Town Board members indicated that they would like to keep the public hearing open.

After all persons were heard who desired to be heard, Councilman Berra moved, seconded by Councilman DiGiacinto, that the Public Hearings be adjourned at 9:21p.m and reconvened at the March 8, 2017 meeting.

The roll call vote was as follows:

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

Noes: None

Alison Simon, Town Clerk

Dated: March 1, 2017