

PUBLIC HEARING

March 8, 2017

At 7:58 p.m. Supervisor Schiliro stated that the Public Hearings that were adjourned on February 8, 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 were noted as received since the Public Hearings were adjourned on February 8, 2017, and were marked Exhibit "G" for the record:

- Letters to Town Attorney Roland Baroni, dated February 27, 2017 and March 2, 2017, from Darius Chafizadeh, Harris Beach PLLC, Attorneys for Michael Fareri regarding the 470 Main Street property and the Lumberyard property (known as 162 Bedford Road).

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, receipt of letters to Town Attorney Roland Baroni, dated February 27, 2017 and March 2, 2017, from Darius Chafizadeh, Harris Beach PLLC, Attorneys for Michael Fareri regarding the 470 Main Street property and the Lumberyard property (known as 162 Bedford Road).

The roll call vote was as follows:

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

Noes: None

Michael Fareri appeared before the Board with his attorney Darius Chafizadeh, Harris Beach PLLC, regarding Mr. Fareri's Special Use Permit application pertaining to his proposed multifamily development at 470 Main Street.

Jack Rosenthal, resident and high school student who is interning at Mr. Fareri's office, gave a presentation in favor of approval of the application.

A lengthy discussion ensued among the Board, Town Attorney Baroni and the applicant, Michael Fareri, and his attorney, Darius Chafizadeh, including the following comments.

In response to a query from Supervisor Schiliro, Mr. Chafizadeh said that the proposal is for sixteen units: seven fair and affordable (AFFH) units and nine market rate units at the 470 Main Street property, and the relocation of the six AFFH units from the Lumberyard property to 470 Main Street.

Mr. Fareri said that Supervisor Schiliro is a noticed neighbor with regard to the public hearing, and he thought there was a conflict of interest with the Supervisor presiding over the hearing. He asked that the Supervisor recuse himself from the application. Supervisor Schiliro said that he was not biased in any way and had no evidence of being biased towards any development or affordable housing. Mr. Schiliro confirmed that he has no financial interest in the application, and said if the project goes through with market or AFFH units it will not have any impact on his

investment in his property. Town Attorney Baroni said that Mr. Fareri's request and the Supervisor's response would be noted in the record.

In response to queries from Councilman D'Angelo, Mr. Fareri said that he did not know at this time whether the units at the 470 Main Street and Lumberyard properties would be condominiums or rentals. Mr. Baroni said the Town Board could indicate its preference for the type of ownership, but it could not dictate it. The Board indicated its preference for condominium units. Mr. Fareri said that if he could accommodate the Town Board's preference, he would do so.

Councilman Berra read aloud Section 355-24.I.(5)(c) of the Town's affordable housing ordinance, which was adopted by the Town Board in 2014, which states "... where the Town Board determines that the on-site location of AFFH units is not practical, the Town Board may permit the applicant to construct the AFFH units at another location within the Town. However, the Town shall place a strong preference for AFFH units provided on site". Mr. Berra said he did not see how it is not practical for the units to be provided at the Lumberyard site and referenced the "strong preference" for AFFH units on site. He questioned how the Board would get to the point of relocating the AFFH units and indicated that he was not in favor of moving forward with the relocation.

Referencing Councilman Berra's comments about the spirit of the law, Supervisor Schiliro said that other housing developments being built in Westchester County include on-site AFFH units.

Resident William Weaver said he would like to see the two properties reviewed individually and said he was not in favor of relocating the AFFH units from the Lumberyard property to 470 Main Street. He urged the Board to deny the applicant's request to relocate the AFFH units.

Resident Art Adelman, former Planning Board Chairman and Member, said he was very familiar with the project, and based on his own personal experience, he agreed with Mr. Fareri that it was a poor idea to mix market rate and less than market rate units, and this should be avoided whenever possible. Mr. Adelman said he thought the Town now has the best project and urged the Board to approve it.

Resident Fred Runne urged the Board to approve the proposal as has been presented in its most recent iteration which he said will generate revenue and will be of the best benefit to the Town.

In response to a query from Councilman DiGiacinto, Mr. Chafizadeh confirmed that the Victorian type house would remain as retail at the 470 Main Street location.

In response to a query from Councilman DiGiacinto, Mr. Baroni said that if the Town Board were to consider the two special use permits, there would be conditions in all the documents, including two special use permits and a resolution for the relocation of the AFFH units, stating that no temporary or permanent certificates of occupancy could be issued at the Lumberyard property until the six required AFFH units at 470 Main Street have been issued permanent certificates of occupancy. In response to a query from Councilman Reiter, Mr. Baroni said the documents would deed restrict the Lumberyard property to a maximum of thirty units. In response to a query from Councilman D'Angelo, Mr. Baroni confirmed that the resolutions would run with the land.

In response to query from Supervisor Schiliro, Mr. Fareri said that he will be the builder of thirty units at the Lumberyard property, and seven AFFH units and nine market rate units at 470 Main Street, as proposed, with no more changes.

Supervisor Schiliro recommended that the public hearing be closed and that the Board offer guidance to Director of Planning Adam Kaufman and Mr. Baroni regarding the special use permits. Mr. Baroni said that he and Mr. Kaufman would prepare a Negative Declaration, two resolutions of approval for the special use permits, and a resolution of the Town Board to relocate the six AFFH units from the Lumberyard to 470 Main Street.

Supervisor Schiliro said that the sidewalks in front of 470 Main Street and the adjoining sidewalks need to be replaced. Mr. Fareri agreed to do this.

In response to a query from Councilman Berra, Mr. Baroni said that the Planning Board would ensure that the applicant addresses the necessary wetland mitigation.

Town Board Minutes
March 8, 2017

After all persons were heard who desired to be heard, Councilman D'Angelo moved, seconded by Councilman DiGiacinto, that the Public Hearings be closed at 9:54 p.m.

The roll call vote was as follows:

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

Noes: None

Alison Simon, Town Clerk

Dated: March 16, 2017