

EDWARD L. WOODYARD

ONE SPRUCE HOLLOW
ARMONK, NEW YORK 10504

March 13, 2019

Mr. Michael Schiliro
Supervisor
Town of North Castle
15 Bedford Road
Armonk, New York 10504

Re: Items IV-D and IV-E on Tonight's Town Board Meeting Agenda

Dear Mike:

At tonight's Town Board meeting, the members of the Town Board will be asked: one, to consider receipt of an amendment to the Town's Comprehensive Plan regarding the residential use of property in the NB (Nursery Business) Zoning District; and two, to consider receipt of Revised Local Law to amend Chapter 355, Zoning, to add the R-MF-DA (Residential – Multifamily – Downtown Armonk) Zoning District and to map said district, to incorporate Special Use Permit requirements; and reconvene the Public Hearing on March 27, 2019.

I ask that the Town Board consider instead a postponement of these two items until such time that the applicant who seeks these proposed plan and zone changes, 45 Bedford Road LLC, returns to the Town Board and the Planning Board with its revised site density and architectural plans for the property, as requested by both groups after your joint work session yesterday morning, March 12, 2019.

With regard to the proposed amendment to the Comprehensive Plan, please note the following:

1. Elimination of the adjective "limited" from "limited residential" could be construed as now allowing "unlimited" residential and lead to an interpretation by the Board or future Boards that the number of residential units be left to the whim of any applicant or developer. The Town Board might be relinquishing its control over an appropriate or "limited" number.
2. The removal of the wording "to maintain the low scale context that serves to buffer the Bedford Road Historic District, the density of the NB district should not be increased" opens the BRHD to potential assaults on its integrity and sanctity. The wording was put there specifically by the Comprehensive Plan Steering Committee to protect the BRHD, ergo the use of the term "buffer" which means to lessen or moderate adverse impact. It was not put there indiscriminately, but purposefully.
3. At the Work Session on Tuesday morning, March 12, 2019, Planning Board Chairman Christopher Carthy read a statement from the group which said that it did not oppose changes "in some way" to the Comprehensive Plan, despite it being recently adopted by the Town Board. Please note that the changes Mr. Carthy mentioned were general in nature and intent, and were not an endorsement of any change specific to the current Mariani's project.
4. The proposed change in the Comprehensive Plan with this amendment is the thin edge of a wedge. It is meant to placate one applicant. What is to stop other such developers and applicants to demand similar changes to satisfy the needs and requirements of their proposals and projects? Does this Town Board want to set such a dangerous precedent?

With regard to the change of the present NB zoning to a proposed R-MF-DA zone custom-designed to the specifications of the currently proposed Mariani's project in terms of density, setbacks, square footage, height restrictions, etc. and eliminates the possibility of one- and two-family structures on the parcel, I would strongly encourage the Town Board not to receive this zoning change at this time and to wait until such time that the applicant has satisfied requests of several civic organizations (North Castle Town Board, Planning Board, Architectural Review Board, Conservation Board and Landmark Preservation Committee) regarding this property, as per requests made at yesterday's Work Session.

Instead, would it behoove the Town Attorney to draw up the requirements for this zoning change after those terms are agreed to, instead of the applicant's legal counsel? Is it not the purview of the Town to set the standards for what it wants and not demure to the wishes of this or any applicant?

To give this applicant what is being considered tonight with the receipt of these two items does two things:

1. It strongly suggests that the applicant should continue to put forward the current plan without restrictions, adjustments or alterations and without consideration of the comments of the North Castle Town Board, Planning Board, Architectural Review Board, Conservation Board and Landmark Preservation Committee; and
2. If the Comprehensive Plan and the zoning are changed as the applicant requests, and the applicant is unable to get necessary financing or funding guarantees, it could sell or flip the property to the highest bidder. The value of this property potentially would increase proportionately with these zoning and Comprehensive Plan changes.

Subsequently, these changes in the plan and zoning enrich only one person or entity: the applicant.

I implore the Town Board to postpone its vote on these two considerations – as well as reopening the public hearing on this project on March 27, 2019 – until such time that the applicant has returned to the Town Board with a revised proposal for a residential project for the NB site that is within those suggestions and specifications asked of the applicant at the Work Session yesterday. Only when a revised and modified plan that addresses the concerns expressed, as put forth by both the Town Board and the Planning Board at that Work Session, can the Town Board continue to move forward with a revised proposed amendment to the Comprehensive Plan and a revised zoning change. Such a postponement would allow time for all interested parties and organizations to consider and scrutinize those revisions, and possible potential consequences, to the best advantage of all concerned, including the applicant.

Thank you for your consideration of these requests.

Respectfully submitted,

Cc: Members, North Castle Town Board (Ms. DiGiacinto, Messrs. Berra, D'Angelo, Reiter)
Alison Simon, North Castle Town Clerk
Roland A. Baroni, North Castle Town Attorney