

PUBLIC HEARING

May 10, 2023

At 9:17 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 May 10, 2023, at 7:30 p.m., or as soon thereafter as practical, at Town Hall, 15 Bedford Road, Armonk, NY 10504, to consider a Local Law to amend Chapter 355-6, Zoning Map, of the Town of North Castle, to reclassify approximately 81.6 acres from the OBH (Office Business Hotel) and R-MF-SCH (Multifamily-Senior Citizen Housing) Zoning Districts to the R-MF-A (Multifamily-A Residence) Zoning District. The applicant, Eagle Ridge, is proposing an 88 unit multi-family development located at 3 North Castle Drive, Armonk and known on the North Castle tax maps as lot 108.03-1-62.1.

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: April 30, 2023
Armonk, NY

Councilman Saleem Hussain recused himself from the discussion and the vote citing a potential conflict of interest due to the fact that his employer IBM is an adjacent property owner to the subject property. He left the dais for the hearing.

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.

Certificate of Mailing of Notice of Hearing to adjacent property was marked Exhibit "D" for the record.

The Amended Zoning Petition, dated March 15, 2023 was marked Exhibit "E" for the record.

Full Environmental Assessment Form (EAF) was marked Exhibit "F" for the record.

The following correspondence was marked Exhibit "G" for the record:

1. Report from Director of Planning Adam Kaufman, dated March 17, 2023.
2. Planning Board Recommendation, dated March 28, 2023.
3. County Planning Board response, dated March 31, 2023.
4. Letter from Zarin & Steinmetz LLP, dated April 4, 2023.
5. Letter from Hardesty & Hanover, LLC, Traffic Engineer Re Peer Review, dated April 6, 2023.
6. Memo from Director of Planning Adam Kaufman, Substantive Review of Technical Memo regarding Revised Eagle Ridge Plan, dated March 27, 2023.
7. Memo from Kellard Sessions regarding Eagle Ridge Subdivision, dated April 25, 2023.

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

Councilman Barbara DiGiacinto moved, seconded by Councilman Matt Milim, receipt of revised Full Environmental Assessment Form (EAF) Part 1; and memo from Director of Planning Adam Kaufman regarding Second Substantive Review of EAF, dated May 4, 2023.

The roll call vote was as follows:

Ayes: Councilmen DiGiacinto, Berra, Milim, Supervisor Schiliro
Noes: None

Abstained: Councilman Hussain

Attorney for the applicant David Cooper indicated the applicant is requesting a zone text amendment to rezone the property to Residential Multifamily-A (R-MF-A) in order to develop an 88 unit town home development with fee-simple ownership. The development will include two attached townhomes per building.

Mr. Cooper stated the applicant has proposed a modification to the Community Benefits Agreement (CBA) to add \$248,000 in recreation fees. The recreation fee is calculated by adding the recreation fee of \$3,000 for each of the 80 market rate units and the \$1,000 recreation fee for each of the 8 AFFH units. Mr. Cooper stated that the recreation fees are not required for this project due to a restrictive covenant imposed on the property when IBM developed Community Park.

Councilman Barbara DiGiacinto provided a history of the project and indicated that the 32 acre parcel was originally zoned as an Office Business District (OB) and was changed to Office Business Hotel (OBH). The property was subdivided into 2 parcels: 1 parcel remained OBH and the second smaller parcel was zoned for Residential Multifamily Senior Citizen Housing Floating District (R-MF-SCH). The local law in consideration will change the zoning on both parcels to Residential Multifamily-A (R-MF-A).

Ms. DiGiacinto and Councilman Berra requested the applicant consider rezoning the property to Residential Multifamily (R-MF) zoning instead of R-MF-A, which would result in less density. Mr. Cooper stated that the applicant would not consider R-MF zoning because it is not financially feasible to the developer.

The R-MF-A zone differs from the R-MF zone in that it allows for greater density as it requires smaller building lots and smaller set-backs than the R-MF zone. With respect to this project, the R-MF-A zone will allow 88 units to be built, while the R-MF zone would limit the number of units to 75. Developer Frank Madonna stated R-MF-A zoning is age targeted fee simple housing which provides a different type of housing than the larger units allowed in the R-MF zone.

Councilman José Berra noted the change in development from hotel, and age restricted to age targeted and discussion ensued regarding the economic feasibility of R-MF zoning as opposed to R-MF-A zoning. Mr. Berra indicated his support for R-MF zoning and the possibility of a portion of the property remaining age restricted zoning. Mr. Berra stated concerns with density and impacts to the volunteer Fire Department. Mr. Berra stated that he does not think the inclusion of recreation fees to the CBA will result in a significant impact to the Town.

Ms. DiGiacinto stated concerns regarding irrigation and water usage and requested the applicant review water and sewer components of the Environmental Assessment Form (EAF) with Director of Water and Sewer Operations Sal Misiti. At the request of Ms. DiGiacinto, project engineer Ralph Alfonzetti stated he would continue to explore rain water harvesting for the irrigation system along with the green infrastructure and stormwater practices throughout the site.

Supervisor Michael Schiliro stated that he supports the plan and would like the applicant to address the pedestrian connection to the Town. In response to a question from Mr. Schiliro as to the Byram Hills Central School District concerns regarding the project's impacts to the school district, Director of Planning Adam Kaufman suggested further conversation with the school district to understand their concerns. Mr. Schiliro asked the applicant to reach out to the school district.

Councilman Matt Milim stated his appreciation to inclusion of recreation fees in the CBA which helps to mitigate his concerns regarding adequate amenities on site and the potential strain to parks and recreation facilities in Town. Mr. Milim also stated his support of the projects fee simple taxation.

Mr. Kaufman stated that he and the Planning Board both agree that the proposed plan, without the hotel, is a significant and substantial improvement to the previous plan. Mr. Kaufman stated his concern is the impact of the proposed lot layout and what the neighborhood will look like.

Town Board Minutes
May 10, 2023

Mr. Kaufman advised that if the Board agreed that this project would not negatively impact the environment, he should be directed to submit a Negative Declaration that will essentially be an updated Findings Statement for adoption. Town Attorney Roland Baroni stated that an Environmental Impact Statement had previously been completed for the more impactful project.

Director of Water and Sewer Sal Misiti expressed concerns regarding projections and plans regarding water usage and sewer capacity.

Residents Ed Woodyard and Linda Fernberg expressed concerns with the density of the project and the impacts it will have on the community.

The Board agreed not to require the applicant to further study the impacts of age restricted or R-MF zoning. Mr. Berra expressed dissent.

The Board directed the applicant to revise the EAF to include comments from Byram Hills Central School District, address the Net Lot Area error, provide for rainwater harvesting for irrigation, and address Mr. Misiti's comments regarding water and sewer. The Board directed Mr. Kaufman to draft a Negative Declaration and a resolution adopting the local law.

After all persons were heard who desired to be heard, Councilman Barbara DiGiacinto moved, seconded by Councilman Matt Milim, that the Public Hearing be adjourned at 10:31 p.m.

The roll call vote was as follows:

Ayes: Councilmen DiGiacinto, Berra, Milim, Supervisor Schiliro

Noes: None

Abstained: Councilman Hussain

Alison Simon, Town Clerk

Dated: May 19, 2023