

PUBLIC HEARING

January 25, 2023

At 8:17 p.m. Supervisor Schiliro stated that a Public Hearing which was opened and adjourned on January 11, 2023, would be reconvened in accordance with the Public Notice that follows:

NOTICE IS HEREBY GIVEN THAT the North Castle Town Board will hold a Public Hearing on January 11, 2023, at 7:30 PM, or as soon thereafter as practical, at Town Hall, 15 Bedford Road, Armonk, NY 10504, to consider a Local Law to amend Chapter 355, Zoning, of the Code of the Town of North Castle by amending Section 355-28. Additional R-MF-SS Residence District Regulations subsection C. AFFH units its entirety to read as follows:

AFFH Units. The single-structure building shall be provided with one AFFH unit for every five market-rate units or fraction thereof (20%).

In an effort to promote the type of housing envisioned in this zone, an applicant shall be permitted to reduce the AFFH requirement to one AFFH unit for every 10 market-rate units or fraction thereof (10%) provided that the single structure building has been granted a permanent Certificate of Occupancy no later than December 31, 2024 subject to a reasonable extension for good cause shown provided the project is at least 75% complete as determined by the Building Inspector.

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: December 28, 2022
Armonk, NY

Councilman DiGiacinto moved, seconded by Councilman Hussain, receipt of recommendation from Planning Board, dated January 18, 2023, and receipt of letter from County Planning Board, dated January 19, 2023.

The roll call vote was as follows:

Ayes: Councilmen DiGiacinto, Berra, Hussain, Milim, Supervisor Schiliro

Noes: None

The Supervisor explained that the Board is now tasked to consider an extension of the date for which the applicant must obtain a permanent certificate of occupancy in order to reduce the AFFH (Affordable Affirmatively Furthering Fair Housing) requirement to 10% contingent upon the applicant's completion of at least 75% of the project by a certain date. The property at 162 Bedford Road (formerly known as the Lumberyard) is the only property in the R-MF-SS Residence District.

Nicole Fareri, the property owner, appeared before the Board and indicated that she believes the Building Permit issuance is imminent and requested an extension of 36 months to December 31, 2025. The applicant originally requested an extension to December 31, 2024 or to a period no later than 18 months after the issuance of a Building Permit. Building Inspector Rob Melillo stated he believes the building permit will likely be issued by the end of February.

The Supervisor stated that he supports the project and wants it to be built and thinks an extension of 30 months is reasonable. Town Attorney Roland Baroni questioned when the 30 months would be measured from. The Board suggested a start date of March 1, 2023, thereby providing an extension to June 30, 2025.

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Councilman Milim questioned the length of time it would take to complete the project, but did agree to 30 months. He also recommended removal of the language “subject to a reasonable extension for good cause shown provided the project is at least 75% complete as determined by the Building Inspector.” Removing this language would eliminate the Town Board’s requirement to consider the applicant’s request for a further extension in the future. Mr. Milim expressed concern that keeping the language in would force a future Town Board to consider another extension and potentially expose the Town to litigation. Mr. Baroni explained that removing this requirement could impede the applicant’s ability to complete this project.

Discussion ensued regarding how 75% completion will be determined and Councilmen Milim, Hussain and Berra expressed concern that the definition may be subjective. Mr. Melillo stated that the Building Inspector will determine when 75% of the project is complete and that he will work with the applicant to define 75% completion of this project and submit a letter to the Town Board.

Councilman Berra reviewed the history of the applicant’s approvals from the Town Board for this project and stated he thinks the 20% requirement for AFFH units should remain in place.

Following further comments and discussion regarding the alternatives, the Board agreed to an extension to June 30, 2025, and that Mr. Melillo will work with the applicant to define 75% completion of this project and submit a letter indicating the agreed upon terms to the Town Board.

After all persons were heard who desired to be heard, Councilman DiGiacinto moved, seconded by Councilman Hussain, that the Public Hearing be closed at 9:13 p.m.

The roll call vote was as follows:

Ayes: Councilmen DiGiacinto, Berra, Hussain, Milim, Supervisor Schiliro

Noes: None

Councilman DiGiacinto moved, seconded by Councilman Hussain, the adoption of Local Law 1 of 2023, to amend Chapter 355, Zoning, of the Code of the Town of North Castle by amending Section 355-28. Additional R-MF-SS Residence District Regulations subsection C. AFFH units. The Local Law follows at the end of these minutes.

The roll call vote was as follows:

Ayes: Councilmen DiGiacinto, Hussain, Milim, Supervisor Schiliro

Noes: Councilmen Berra

Alison Simon, Town Clerk

Dated: January 31, 2023.

TOWN OF NORTH CASTLE

**Local Law No. 1 For the Year 2023
Adopted January 25, 2023**

A Local Law to amend the Code of the Town of North Castle by amending Chapter 355 entitled Zoning, Section 355-28.C with respect to the date required for a project to receive a permanent certificate of occupancy.

Section 1. Amend Section 355-28.C as follows:

AFFH units. The single-structure building shall be provided with one AFFH unit for every five market- rate units or fraction thereof (20%). In an effort to promote the type of housing envisioned in this zone, an applicant shall be permitted to reduce the AFFH requirement to one AFFH unit for every 10 market-rate units or fraction thereof (10%) provided that the single-structure building has been granted a permanent certificate of occupancy no later than June 30, 2025 subject to a reasonable extension for good cause shown provided the project is at least 75% complete as determined by the Building Inspector.

Section 2. Conflicting Standards.

Where the requirements of this Local Law impose a different restriction or requirement than imposed by other sections of the Code of the Town of North Castle, the Town Law of the State of New York or other applicable rules or regulations, the requirements of this Local Law shall prevail.

Section 3. Severability.

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this local law shall not affect the validity of any other part of this local law that can be given effect without such invalid part or parts.

Section 4. Effective Date.

This Local Law shall take effect immediately upon its adoption and filing with the Secretary of State.

Dated: January 25, 2023