

PUBLIC HEARING

May 24, 2023

At 7:52 p.m. Supervisor Schiliro stated that a Public Hearing which was reconvened and adjourned on April 26, 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 April 12, 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 Section 355-27, Zoning, of the Code of the Town of North Castle; Re property located at 113 King Street, Armonk, NY, to permit density at the discretion of the Town Board for office building to senior housing conversions in the R-MF-SCH (Multifamily-Senior Citizen Housing) Zoning District and reclassify the Airport Campus property from the DOB-20A (Designed Office Business 20A) Zoning District to the R-MF-A (Multifamily-A Residence) and R-MF-SCH Zoning Districts.

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: March 29, 2022  
Armonk, NY

Attorney for the applicant Tony Veneziano requested the Public Hearing be adjourned to June 28, 2023.

Town Planning Board and Airport Advisory Board (AAB) member Michael Pollack shared information regarding the proposed project's proximity to Westchester County Airport and provided statistical information regarding flight paths and airport usage that will likely impact potential residents' quality of life. He pointed out that the AAB fields many complaints from area residents pertaining to airport noise. Mr. Pollack said these are concerns the Board should take into consideration along with the positive impacts of the project.

Discussion ensued regarding the number and type of flights, which included comments regarding commercial or private planes, large or small planes, and times of travel into and out of the airport, and the potential impacts of this activity to residents of the proposed project.

Supervisor Michael Schiliro stated that, while the airport traffic and noise concerns are real, they should not impact the Board's determination regarding zoning of the property. He it would be government overreach to use potential complaints in zoning decisions and that this is a matter of what the market will bear.

Councilman José Berra stated that he cannot be sure buyers will know there is an airport nearby and the Town Board should address concerns of residents.

Councilman Matt Milim agreed that the market will reflect the purchase price of the housing units, and said that the applicant should notify potential buyers of the airport as a potential nuisance.

Councilman Saleem Hussain questioned if proximity to the airport is a material fact that the applicant would be legally required to disclose to potential buyers. He said, that if disclosure is not required, then he would want the Town Board to encourage the builder disclose this potential nuisance to buyers. He agrees the market principles work well as long as there is transparency of information.

Town Attorney Roland Baroni said there will be two documents; one from the Home Owners Association and the Condominium Offering Plan. He said that both documents must be approved by the Attorney General and there is a usual methodology upon which the surrounding area is geographically described in those documents.

Resident Ed Woodyard commented that many people knowingly live near airports and are still happy.

Councilman Barbara DiGiacinto said the applicant will have to meet with the Federal Aviation Administration (FAA) to address concerns regarding building height and equipment used in construction. She said that she does not want to begin a precedent of requiring builders to disclose potential nuisances.

Mr. Veneziano stated that these are noise issues and not safety concerns. He said these concerns will be reflected in the price. He stated that the Offering Plan will include a description of the area and noise concerns may be included in resolutions of approval for the project. He said he will discuss additional disclosure options with his client.

Town Clerk Alison Simon confirmed that the FAA is not an interested or involved agency in this project.

Councilman: Matt Milim moved, seconded by Councilman: Barbara DiGiacinto, receipt of email from Michael Pollack, Town liaison to the Airport Advisory Board (AAB), dated May 11, 2023.

The roll call vote was as follows:

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

Noes: None

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 9:05 p.m. and reconvene on June 28, 2023.

The roll call vote was as follows:

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

Noes: None

---

Alison Simon, Town Clerk

Dated: