

Town Board Minutes  
Town of North Castle  
15 Bedford Road  
Armonk, New York 10504  
on  
June 9, 2010

Supervisor Weaver called the meeting to order at 5:30 p.m. and the following persons were present:

Supervisor	William R. Weaver
Councilmen	Rebecca A. Kittredge
	Michael J. Schiliro
	Diane Roth
	John J. Cronin
Town Clerk	Anne Curran
Town Counsel	Roland A. Baroni

The meeting was immediately adjourned into executive session, which was then closed at 7:25 p.m. The regular meeting was reconvened at 7:30 p.m.

The minutes of the Public Hearings which commenced at 8:00 p.m. follow at the end of these minutes.

Councilman Kittredge moved, seconded by Councilman Schiliro, approval of the minutes of May 25, 2010.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver

Noes: None

Councilman Schiliro moved, seconded by Councilman Roth, receipt of a Negative Declaration from the New York City Department of Environmental Protection with regard to the Armonk Bowling Alley demolition.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver

Noes: None.

Councilman Schiliro moved, seconded by Councilman Roth, receipt of a Notice of Completion of the Draft Environmental Impact Statement (DEIS) with regard to the Extended New York City Watershed Land Acquisition Program project.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver

Noes: None

Ryan Coyne, Kellard Sessions Consulting, P.C., presented the annual MS4 Report, explaining that New York State requires municipalities to increase implementation of stormwater management. The program calls for public education and outreach on stormwater impacts; public involvement/participation; illicit discharge detection and elimination; construction site stormwater runoff control; and pollution prevention/good housekeeping for municipal operations. Mr. Coyne added that the report is also required.

Councilman Kittredge moved, seconded by Councilman Schiliro, authorization for the Town Attorneys to execute Consent Judgments in the following Matters:

1. Saw Mill Pharmacy, Inc. – Index No. 2480/09 et al.
2. RAN Oil Company – Index No. 2475/09 et al.
3. 122 Lafayette Avenue Assoc. – Index No. 20242/07 et al.

The roll call vote was as follows:

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Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver  
Noes: None

Councilman Kittredge moved, seconded by Councilman Schiliro, receipt of letters from Tax Receiver Colombo regarding Small Claims Assessment Review Settlements and the Board approved refunds as follows:

Mr. and Mrs. Jonathan Pinsky	\$ 402.37
Mr. and Mrs. Gavin Wolfe	\$5,079.25
Mr. and Mrs. Gregg Lorberbaum	\$ 999.95
Mrs. Toni Ann Rufeh & Mr. James Dunn	\$ 47.56
Mr. and Mrs. Greg Brooks	\$ 564.27
Mrs. Susan Clark	\$ 596.10
Mr. and Mrs. Alain Sasson	\$ 207.92
Mr. and Mrs. William Holmes	\$ 876.81
Mr. and Mrs. William Tamis	\$ 847.68
Mr. and Mrs. Thomas Rosenthal	\$ 143.94
Mr. and Mrs. Louis Martino	\$ 399.86
Mr. and Mrs. Nicholas Alpino	\$ 143.94
Mr. and Mrs. Thomas Savoca	\$ 143.94
Mrs. Ann Marie Papa	\$ 143.94
Mr. and Mrs. Gilbert Goldman	\$ 127.95
Mr. and Mrs. Nicola Criniti	\$ 347.80

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver  
Noes: None

Councilman Kittredge moved, seconded by Councilman Schiliro, receipt of a revised Purchase Order and Procurement Policy from Comptroller Donovan. The change eliminates the requirement for a written Request for Proposals for public works contract that are less than \$20,000 but greater than \$12,000.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver  
Noes: None

Councilman Schiliro moved, seconded by Councilman Kittredge, receipt of a Notice of Claim: Westwood Organic Recycling, LLC v. Town of North Castle, Town of North Castle Town Board, individually (except Member Kittredge) and in their official capacity (except Member Kittredge), Town of North Castle Organic Recycling Study Group, Individual members of the Organic Recycling Group (except Members Fon and Fava), and as yet unidentified representatives, agents, and professionals of the Town of North Castle liable for the actions and events herein alleged; and the matter was referred to the Town Attorneys.

The roll call vote was as follows:

Ayes: Councilmen Schiliro, Kittredge, Roth, Cronin, Supervisor Weaver  
Noes: None

Councilman Kittredge moved, seconded by Councilman Schiliro, authorization for Comptroller Donovan to make payments in connection with the Wastewater Treatment Plant Nitrogen Removal Project as follows:

1. Payment No. 9 to B.M.J. Construction, in the amount of \$133,304.00
2. Payment No. 3 to D. J. Heating & Air Conditioning, Inc., in the amount of \$16,197.50

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver  
Noes: None

Councilman Kittredge moved, seconded by Councilman Schiliro, receipt of the Town Clerk's report for the month of May, 2010.

The roll call vote was as follows:

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Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver  
Noes: None

Councilman Roth moved, seconded by Councilman Schiliro, the appointment of Joseph DiMauro as a member of the Recreation and Parks Advisory Board, for a term to expire on December 31, 2012.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver  
Noes: None

Councilman Schiliro moved, seconded by Councilman Kittredge, receipt, with regret, of a letter of resignation from Louise Gantress Hiromura as a member of the Conservation Board, effective April 8, 2010.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver  
Noes: None

Councilman Kittredge moved, seconded by Councilman Schiliro, receipt, with regret, of a letter of resignation from Kate Hohl, as a member of the Landmarks Preservation Committee, effective June 2, 2010.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver  
Noes: None

Councilman Kittredge moved, seconded by Councilman Schiliro, the following:

Receipt of a Workers Compensation Report for Antonio Sanchez, Highway Department.

Ratification of the approval of the request of the Armonk Baseball League to place a sign under the “eagle” to publicize the Grand Slam Celebration on June 18, 2010.

Approval of the request for the Armonk Independent Fire Company to host a parade on June 26, 2010 to celebrate its 80<sup>th</sup> Anniversary.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver  
Noes: None

Michael Giaccio, a 22 year employee of the Highway Department, addressed the Town Board in response to public criticism of the Highway Department’s efforts in clearing brush left over since winter storms and general job performance. Mr. Giaccio clarified that clean-up efforts are being done on regular, not overtime hours. He said the work is progressing despite very difficult conditions and that the public needs to know that Highway workers take their responsibilities seriously and perform duties according to standard practices.

Sheila Tyler, CSEA Labor Specialist, representing local Units #1, 2, and 3 told the Board that she is tired of the public bashing, abuse and untruths, spread by a minority of the public, attempting to discredit workers. She provided her telephone number 800-757-2732 ext. 5907 and offered to schedule a meeting with anyone who has an issue to discuss.

Ira Schulman, long-time member and past president of the Byram Hills Board of Education, recalled that the Town Board and the Byram Hills Board of Education have enjoyed a collaborative and supportive relationship over many years, strengthened by regular monthly meetings and open communication. Mr. Schulman called attention to a recent incident and suggested that Councilman Cronin had provided inappropriate direction to Frank Benish, a write-in candidate for Board of Education, concerning e-mail communications that were widely circulated just before the district’s election. Mr. Cronin objected to the accusation.

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Pursuant to discussion by Michael Fareri, regarding Lewis Tree Company trucks being parked in the Highway yard, Town Attorney Baroni explained that the arrangement is part of the dangerous tree program whereby Lewis Tree has taken down hundreds of trees in exchange for truck parking. Mr. Baroni emphasized that the reciprocal arrangement is of great value to the Town and it is nothing new. Explaining that since the program will be ending soon, Mr. Baroni said that Lewis Tree will move on to another municipality. Supervisor Weaver criticized Mr. Fareri's use of the word "scam" at the previous Board meeting when he commented on the Town's arrangement with Lewis Tree.

Referring to a recent grievance by Highway workers regarding removing dangerous trees from roadways, Sewer & Water Superintendent Futia suggested that the Town Board finish a policy manual begun by former Superintendent Berman so that procedures such as this would be documented. Supervisor Weaver replied that the policy manual is being completed.

Resident Mario Ruggiero expressed concern about a tree that was removed from his property and the condition and appearance of the downtown area and said that Armonk had lost "eye appeal".

The Town Board audited and approved payments totaling \$428,730.46 as indicated on Warrant #11.

After all persons were heard, who desired to be heard, the Supervisor closed the meeting at 10:20 p.m. in memory of Frank Candrea, Robert Candrea's father and resident Edna Delago.

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Anne Curran, Town Clerk

June 21, 2010

## PUBLIC HEARING

June 9, 2010

At 8:00 p.m. Supervisor Weaver 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 June 9, 2010 at 7:30 p.m., or as soon thereafter, at North Castle Town Hall, 15 Bedford Road, Armonk, New York for the purpose of considering the amended Special Use Permit application of Fordham University: Louis Calder Center Biological Field Station, 31 Whippoorwill Road, Armonk, New York 10504, (Section 2, Block 1, Lot 8), for student housing in scientific research centers.

By Order of the Town Board  
Anne Curran, Town Clerk

Dated: May 21, 2010  
Armonk, New York

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.

The green cards denoting receipt of certified mail by adjoining property owners were received and marked Exhibit "D" for the record.

A letter of positive recommendation from the Planning Board dated April 27, 2010, and an application for the Amended Special Use Permit dated May 6, 2010 were marked Exhibit "E" for the record.

David Rigney, attorney for the applicant, provided background information regarding the special use permit which was approved by the Town Board on June 8, 2008 and gave permission to Fordham University to construct three cabins, each having four bedrooms to house a total of 12 students, a greenhouse, septic systems, storm water management facilities and off-street parking. Mr. Rigney said that on June 8, 2009 the applicant had received site plan, tree removal permit and wetlands permit approvals for a total of two log cabins, each containing six bedrooms to house the same total of 12 students. Mr. Rigney said due to construction costs the cabins were not built and Fordham is now proposing an amended plan seeking approval for one two-story log cabin to house all 12 students. Mr. Rigney added that the project has evolved and improved over time, its impact has stayed the same in some areas and improved in others, and it has maintained its commitment to strict environmental protection.

Joe Modafferri, John Meyer Consulting, P.C., reviewed highlights of the current application and said that the 12-person single cabin maintains the same 3,800 s.f. footprint as the previously approved 6-person two cabin plan with the addition of a second story. The project includes proposed reductions in the amount of pavement area, impervious area, wetland buffer disturbance and fewer trees will need to be removed.

No other correspondence or comments were entered for the record.

After all persons were heard who desired to be heard, Councilman Kittredge moved, seconded by Councilman Schiliro, that the Public Hearing be adjourned at 8:08 p.m.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver.

Noes: None.

Councilman Kittredge moved, seconded by Councilman Schiliro, that based upon review of the Environmental Assessment Form and all other materials, it has been determined that there will be no significant adverse environmental impact and the Town Board hereby adopts a Negative Declaration.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver.

Noes: None.

Councilman Kittredge moved, seconded by Councilman Schiliro, approval of the amended Special Use Permit application of Fordham University: Louis Calder Center Biological Field Station, 31 Whippoorwill Road, Armonk, New York 10504, (Section 2, Block 1, Lot 8), for student housing in scientific research centers. The Resolution follows at the end of these minutes.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver.

Noes: None.

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Anne Curran, Town Clerk

Dated: June 21, 2010

## RESOLUTION

**Action:** Amended Special Use Permit Approval for Scientific Research Center  
**Application Name:** Calder Center  
**Owner/Applicant:** Fordham University  
**Designation:** Section 2, Block 1, Lot 8 (107.02-1-10)  
**Zone:** R-2A Zoning District  
**Location:** 53 Whippoorwill Road  
**Original Date of Approval:** June 10, 2008  
**Amended Date of Approval:** June 9, 2010  
**Expiration Date:** June 9, 2011 (1 year)

WHEREAS, an application dated May 7, 2010 for Special Use Permit approval was submitted to the Town Board and referred to the Planning Board for its review and recommendation; and

WHEREAS, the application consists of the following drawings:

- Plan labeled “SP-1,” entitled “Cover Sheet,” dated February 9, 2009, last revised March 26, 2010, prepared by John Meyer Consulting, P.C.
- Plan labeled “SP-2,” entitled “Overall Existing Conditions Map,” dated February 9, 2009, last revised March 26, 2010, prepared by John Meyer Consulting, P.C.
- Plan labeled “SP-3,” entitled “Overall Site/Parking Compliance Plan,” dated February 9, 2009, last revised March 26, 2010, prepared by John Meyer Consulting, P.C.
- Plan labeled “SP-4,” entitled “Existing Conditions Plan,” dated February 9, 2009, last revised March 26, 2010, prepared by John Meyer Consulting, P.C.
- Plan labeled “SP-5,” entitled “Layout Plan,” dated February 9, 2009, last revised March 26, 2010, prepared by John Meyer Consulting, P.C.
- Plan labeled “SP-6,” entitled “Grading and Utilities Plan,” dated February 9, 2009, last revised March 26, 2010, prepared by John Meyer Consulting, P.C.
- Plan labeled “SP-7,” entitled “Erosion and Sediment Control Plan,” dated February 9, 2009, last revised March 26, 2010, prepared by John Meyer Consulting, P.C.
- Plan labeled “SP-8,” entitled “Tree Preservation and Landscaping Plan,” dated February 9, 2009, last revised March 26, 2010, prepared by John Meyer Consulting, P.C.
- Plan labeled “SP-9,” entitled “Landscaping Plan,” dated February 9, 2009, last revised March 26, 2010, prepared by John Meyer Consulting, P.C.
- Plan labeled “SP-10,” entitled “Wetland Buffer Mitigation Compliance Plan,” dated February 9, 2009, last revised March 26, 2010, prepared by John Meyer Consulting, P.C.
- Plan labeled “SP-11,” entitled “Details,” dated February 9, 2009, last revised March 26, 2010, prepared by John Meyer Consulting, P.C.
- Plan labeled “SP-12,” entitled “Details,” dated February 9, 2009, last revised March 26, 2010, prepared by John Meyer Consulting, P.C.
- Plan labeled “SP-13,” entitled “Details,” dated February 9, 2009, last revised March 26, 2010, prepared by John Meyer Consulting, P.C.
- Plan labeled “SP-14,” entitled “Details,” dated February 9, 2009, last revised March 26, 2010, prepared by John Meyer Consulting, P.C.
- Plan labeled “SP-15,” entitled “Details,” dated April 24, 2009, prepared by John Meyer Consulting, P.C.
- Plan labeled “SP-16,” entitled “Temporary and Permanent Erosion and Sediment Control Maintenance/Inspection Checklists,” dated October 30, 2009, last revised March 26, 2010, prepared by John Meyer Consulting, P.C.
- Plan labeled “A-05,” entitled “Residential Cabin Floor Plans,” dated May 18, 2009, last revised March 29, 2010, prepared by Kouzmanoff Bainton Architects.

- Plan labeled “A-06,” entitled “Residential Cabin Floor Elevations,” dated May 18, 2009, last revised March 29, 2010, prepared by Kouzmanoff Bainton Architects.
- Plan labeled “A-07,” entitled “Premanufact’d Greenhouse Structure,” dated June 15, 2009, prepared by Kouzmanoff Bainton Architects.

WHEREAS, the Applicant previously received approval for the construction of three cabins, new greenhouse, septic systems, stormwater management facilities and off-street parking; and

WHEREAS, the Applicant is now seeking amended approval to construct one two-story cabin that would house all 12 students in place of the three one-story cabins previously approved; and

WHEREAS, the Applicant is still proposing to house a total of 12 students in the proposed cabin; and

WHEREAS, the application remains substantially the same as the previous approval except that one cabin will be constructed in place of three; and

WHEREAS, proposed site disturbance, steep slope disturbance, tree removal and wetland buffer impacts are remain the same or are reduced as compared to the previous approval; and

WHEREAS, the property is located in the R-2A Zoning District and is designated on the Tax Maps of the Town of North Castles as Section 2, Block 1, Lot 8; and

WHEREAS, the proposed action is an Unlisted Action under the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Town Board determined to conduct an uncoordinated SEQRA Review; and

WHEREAS, the Town Board is familiar with the nature of the site and surrounding area; and

WHEREAS, the Town Board has determined that the proposed location and size of the use is in harmony with the appropriate and orderly development of the R-2A Zoning District; and

WHEREAS, the Town Board has determined that the location, nature and height of buildings, walls, fences and the nature and extent of existing or proposed plantings on the site are such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings; and

WHEREAS, the Town Board has determined that operations in connection with the special use will not be more objectionable to nearby properties by reason of noise, fumes, vibration or other characteristics than would be the operations of any permitted uses not requiring a special permit; and

WHEREAS, the Town Board has determined that parking areas are of adequate size for the particular use, properly located and suitably screened from adjoining residential uses, and the entrance and exit drives are laid out so as to achieve maximum convenience and safety; and

WHEREAS, the Town Board has determined that the provisions of the Town Flood Hazard Ordinance have been met; and

WHEREAS, the Town Board has determined that the proposed special permit use will not have a significant adverse effect on the environment; and

WHEREAS, the Planning Board on April 27, 2010 favorably recommended this application to the Town Board; and

WHEREAS, a duly advertised public hearing was held on said application before the Town Board on June 9, 2010 and closed on that date at which time all those wishing to be heard were given the opportunity to be heard; and



WHEREAS, the application for special use permit was previously referred to the Westchester County Planning Board pursuant to Section 239 L, M and N of the New York State General Municipal Law and Section 277.61 of the County Administrative Code on May 9, 2008; and

WHEREAS, the referral was made to the County on May 9, 2008; and

WHEREAS, the Town Board has requested, received and considered comments from the Town Attorney, the Consulting Town Engineer and Town Planner regarding the proposed development; and

NOW, THEREFORE, BE IT RESOLVED, that in accordance with Article 8 of the New York State Environmental Quality Review Law and 6 NYCRR Part 617 and the North Castle Environmental Quality Review Law, the Town Board hereby makes a determination that the proposed action will not have a significant adverse impact on the environment and that a draft environmental impact statement will not be prepared; and

BE IT FURTHER RESOLVED, that the special permit is approved, subject to the conditions identified below; and

BE IT FURTHER RESOLVED, that the special permit shall be deemed to authorize only the particular use or uses specified in the permit, and shall expire if work is not initiated within one year, or if said use or uses shall cease for more than one year for any reasons or if all required improvements are not completed within two years from the date of issue or if all such required improvements are not maintained and all conditions and standards complied with throughout the duration of the use.

**Conditions:**

1. The Applicant shall be required to receive Planning Board site plan approval.
2. Use of the scientific research center site shall be limited to research in the natural sciences by a nonprofit organization, plus incidental educational activities including seminars, lectures, biological laboratory study, group discussions and field study, with residence on a permanent basis limited to only those employees and their families necessary for the operation and maintenance of the facility.
3. The maximum number of persons permitted to occupy, attend, or be present at the scientific research center at any one time shall not exceed more than two persons for each one acre of site area, except that gatherings lasting not longer than one day, of no more than four persons for each acre of site area, may be held four times in any calendar year.
4. Temporary guests shall be permitted to reside on the site, provided that they are participating in the activities of the center, provided that the density standards in Condition 3 are not exceeded and further provided that such guests are not in residence on the site for a period exceeding 10 days, except that scientific institute participants may reside on the premises of the institute for a period which shall not exceed six weeks in any calendar year. In addition, up to 12 students duly enrolled in academic programs conducted at the research center may reside on the property during the period of their academic study.
5. Compliance with all applicable local laws and ordinances of the Town of North Castle and any conditions attached to permits issued thereunder.

## PUBLIC HEARING

June 9, 2010

At 8:10 p.m. Supervisor Weaver 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 June 9, 2010 at 7:30 p.m., or as soon thereafter, at North Castle Town Hall, 15 Bedford Road, Armonk, New York for the purpose of considering the adoption of a local law to amend Section 213-5 to create a new Zoning District to be known as Residential Multifamily – Single Structure (R-MF-SS); and to create a new Section 213.22.4 of the Town Code to create standards for the R-MF-SS.

By Order of the Town Board  
Anne Curran, Town Clerk

Dated: May 21, 2010  
Armonk, New York

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.

The green cards denoting receipt of certified mail by adjoining property owners were received and marked Exhibit “D” for the record.

The petition to amend the Zoning Ordinance dated January 7, 2010 was marked Exhibit “E” for the record.

The following correspondence was marked Exhibit "F" for the record.

Letter from Giocondo DiPietro, property owner, dated December 23, 2009.

Notification of Intent to Act as Lead Agency from the Planning Board dated February 11, 2010.

Letter of positive recommendation from Planning Board dated April 13, 2010.

Letter and Negative Declaration from Planning Board dated May 24, 2010.

The applicant, Michael Fareri, 170 Bedford Road, LLC, addressed the Board and displayed plans for the proposed three story, 16 unit structure on the .9 acre property. Mr. Fareri said that six of the units would be middle income units, which would meet the 35% requirement, and the third story would have two penthouses. The structure would have 19 underground parking spaces and 13 garages, two elevators, and would be handicapped accessible. Commenting on the draft legislation, Mr. Fareri requested that the detached accessory garages not require a rear yard setback because they would be adjacent to the school district property. He also requested that that the legislation not require private outdoor space through the used of decks, terraces or patios for each unit as he expressed concerns about design and the limitations of constructing a patio for each unit.

The Board agreed with the applicant’s request that accessory garages shall not require a rear yard setback since they are adjacent to public land. Discussion ensued among the Board, Director of Planning Adam Kaufman and Mr. Fareri regarding the outdoor space requirement. The Board agreed to revise the text of the law to state that private outdoor space shall be provided, if deemed appropriate by the Planning Board. Mr. Kaufman said that a Section 213.4 should be amended to add R-MF-SS below the R-MF-A entry.

Linda Trummer, Agnew Farm Road, asked if the proposed legislation would apply to the Smith Cochran property. Mr. Kaufman said the legislation would apply to the R-MF-SS Zoning District only and that the Smith Cochran property is in the R-MF-A Zoning District.

In response to an inquiry from Lydia Rippstein, School Street, regarding how the units would be taxed, Town Attorney Baroni responded that the Town would follow the NYS Real Property Tax Law and they would be taxed as condos or rental units.

Mario Ruggiero, Limestone Road, questioned the need for outdoor space next to Interstate 684 and the dog grooming business.

Roddy Green, Bedford Road, said he was in support of improving the location and while it would be agreeable to have outdoor space, he did not think it should be necessary.

No other correspondence or comments were entered for the record.

After all persons were heard who desired to be heard, Councilman Kittredge moved, seconded by Councilman Schiliro, that the Public Hearing be closed at 9:28 p.m.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver.

Noes: None.

Supervisor Weaver moved, seconded by Councilman Kittredge, adoption of Local Law 4 of the year 2010 to amend Section 213-5 to create a new Zoning District to be known as Residential Multifamily – Single Structure (R-MF-SS); and to create a new Section 213.22.4 of the Town Code to create standards for the R-MF-SS.

The roll call vote was as follows:

Ayes: Councilmen Kittredge, Schiliro, Roth, Cronin, Supervisor Weaver.

Noes: None.

The resolution and Local Law follow at the end of these minutes.

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Anne Curran, Town Clerk

Dated: June 21, 2010

## R E S O L U T I O N

**Action:** Town Comprehensive Plan Amendment, amendment to Section 213-5 to create a new Zoning District to be known as Residential Multifamily – Single Structure (R-MF-SS); and amendment to create a new Section 213.22.4 of the Town Code to create standards for the R-MF-SS

**Application Name:** R-MF-SS Zoning District Establishment

**Date of Approval:** June 9, 2010

WHEREAS, an application dated January 7, 2010 for Zoning Text Amendment was submitted to the Town Board by 170 Bedford Road, LLC to amend the Town Code as described above; and

WHEREAS, the Applicant’s petition to the Town Board is to amend the Zoning chapter to create a new Residential Multifamily – Single Structure Zoning District on the former lumber yard site; and

WHEREAS, the Town Comprehensive Plan Update 1996 – Town Development Map identifies the subject site as within the “Retail and Service Business” category; and

WHEREAS, the Town Development Map would need to be revised to place the lumber yard within a residential category; and

WHEREAS, the most dense residential category included within the Town Comprehensive Plan is the “Semi-Urban Residential (5-10 DU/AC)” category; and

WHEREAS, the proposed rezoning of the property from commercial zoning to multifamily zoning is in conformance with the Town Comprehensive Plan; and

WHEREAS, the Comprehensive Plan includes several recommendations that would relate to the rezoning of the property; and

WHEREAS, page III-3 lists several goals from the last comprehensive plan that should remain valid and states that the Town should permit “...more diverse development to accommodate all types of lifestyles;” and

WHEREAS, the provision of apartments in the hamlet area is in keeping with this policy; and

WHEREAS, page III-30 contains an analysis of existing and potential retail and service business development within the Town; and

WHEREAS, this section concludes that the existing amount of business development is more than adequate to serve the existing and future population of the Town and concludes that “the Town’s business development potential under existing zoning appears to far exceed estimated local convenience shopping needs;” and

WHEREAS, removing the lumber yard from the retail and service business classification and placing the property into a multi-family zone would be consistent with the policies of the Town Comprehensive Plan; and

WHEREAS, page IV-5 identifies several goals with respect to residential development within the Town; and

WHEREAS, the first goal in that section states that “the Town should continue to provide the opportunity for a variety of housing types and densities as necessary to meet the needs of people of various income levels, ages and lifestyles, and consistent with the character of the community, environmental constraints, and the capacity of the infrastructure to absorb the impacts of development;” and

WHEREAS, the creation of the proposed multifamily zoning district is consistent with the comprehensive plan goals; and

WHEREAS, the second goal in that section states that “the Town should permit only residential development which is compatible in scale, density and character with its neighborhood and natural environment;” and

WHEREAS, the proposed local law would permit an FAR of 0.9 which is significantly higher than other residential, commercial or industrial districts within the Town of North Castle; and

WHEREAS, however, the Town has determined that the proposed density is appropriate since more than 35% of the proposed units would be Town-regulated Middle Income Units and the provision of additional Middle Income Units would be beneficial to the Town of North Castle; and

WHEREAS, the fourth goal in that section states that “Housing, as provided for under current zoning, should be maintained in the hamlet centers;” and

WHEREAS, since the subject multifamily zoning district is proposed to be mapped in the Armonk Hamlet, the proposed action is consistent with this residential goal; and

WHEREAS, the fifth goal in that section states that “requests for zoning of additional sites for multi-family use should be limited to: need, including consideration of the currently built and unbuilt multi-family inventories; consideration of and mitigation of environmental impacts, particularly traffic; and, adequate infrastructure resources;” and

WHEREAS, given the generally recognized need for various types of housing to accommodate different ages, incomes and lifestyles, the proposed multifamily zoning district would be consistent with the Comprehensive Plan; and

WHEREAS, the proposed action would ultimately result in the development of an approximately 25,000 square foot building with 16 units, 6 of which are Town-regulated Middle Income Units; and

WHEREAS, the Planning Board, in a communication to the Town Board, determined that the proposed action is appropriate; and

WHEREAS, the applicant submitted a Short Environmental Assessment Form (EAF) dated January 8, 2010 in connection with the application; and

WHEREAS, the Planning Board declared its intent to act as Lead Agency in connection with the proposed action and circulated such Notice of Intent and the EAF to all involved and interested agencies as required under SEQRA; and

WHEREAS, in accordance with Article 8 of the New York State Environmental Quality Review Law and 6 NYCRR Part 617 and the North Castle Environmental Quality Review Law, the Planning Board on May 24, 2010 made a determination that the proposed action will not have a significant adverse impact on the environment and that a draft environmental impact statement will not be prepared; and

WHEREAS, the Planning Board adopted a motion at its April 12, 2010 meeting by a vote of 5 to 0 recommending that the Town Board approve the above-referenced actions; and

WHEREAS, the Town Board conducted a public hearing on June 9, 2010 to receive comments regarding the proposed amendments to the Comprehensive Plan amendment and the Town of North Castle Zoning Code; and

WHEREAS, the Town Board has requested, received and considered comments from the Town attorney, the Consulting Town Engineer and Consulting Town Planner regarding the proposed development.

NOW, THEREFORE, BE IT RESOLVED, that the Town of North Castle Town Board hereby amends the Town Comprehensive Plan Update 1996 – Town Development Map to identify the former lumber yard site as within the “Semi-Urban Residential (5-10 DU/AC)” category from the “Retail and Service Business” category; and

BE IT FURTHER RESOLVED, that the Town of North Castle Town Board hereby adopts the proposed local law entitled “A local law to amend Section 213-5 to create a new Zoning District to be known as Residential Multifamily – Single Structure (R-MF-SS); and to create a new Section 213.22.4 of the Town Code to create standards for the R-MF-SS.”

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**TOWN OF NORTH CASTLE**  
**Local Law 4 For the Year 2010**  
**(Adopted June 9, 2010)**

A **local law** to amend Section 213-5 to create a new Zoning District to be known as Residential Multifamily – Single Structure (R-MF-SS); and to create a new Section 213.22.4 of the Town Code to create standards for the R-MF-SS.

**Section 1.** Amend Section 213-4 of the Town Code to add R-MF-SS Residential Multifamily – Single Structure below the R-MF-A entry.

**Section 2.** Amend Section 213-5 of the Town Code to create a new Zoning District to be known as Residential Multifamily – Single Structure (R-MF-SS) and place lot 2/13/27 (108.03-1-42) within the R-MF-SS District.

**Section 3.** Amend Section 213-19 Schedule of Residence District Regulations to include the following new Zoning District information:

District	Permitted Principal Uses	Permitted Accessory Uses	Minimum Lot Size				Minimum Yards			Maximum Building Height		Maximum Building Coverage	Minimum Dwelling Unit Size	Refer also to these pertinent sections
			Area	Frontage	Width (feet)	Depth	Front (feet)	Side (feet)	Rear (feet)	Stories	Feet	Lot Area (percent)	In square feet	
R-MF-SS	Same as R-MF	Same as R-MF	30,000 square feet	150 feet	150	150 feet	50	20	50	3	30	40	As required by §213-22	Articles IV through X

**Section 4.** Create the following new Section 213-22.4:

Residential Multifamily Single Structure (R-MF-SS). In an R-MF-SS District, all such uses shall be subject to site plan approval in accordance with Article VIII of this chapter.

- A. Intent. This district is established in order to increase the supply of dwelling units suitable for smaller families or individuals, to secure superior land planning and to increase the supply of moderate-cost housing. In addition, this district shall promote the creation of middle-income dwelling units in proximity to the downtown area in order to mitigate existing parking conditions and to promote business activity within the hamlet area.
- B. Allowable density. An FAR of 0.9, computed in accordance with the Net Density requirements of Section 213-22.B(2) of this chapter, all within the same single structure.
- C. Middle Income Units. A minimum of 35% of all units within the single structure shall be Town-regulated Middle Income Units and shall be provided according to the provisions of Section 213-22.I of the Town Code.
- D. Water and sewage facilities. All single structure multifamily dwellings shall be served by public water and sewerage treatment facilities only, and no certificate of occupancy shall be issued until all dwelling units are connected to approved and functioning public water and sewerage treatment systems.
- E. Antenna system. A central television antenna, a dish antenna or cable service shall be provided.
- F. Parkland Reservations. Compliance with the requirements of Chapter 143 of the Town Code entitled "Parkland Reservations."
- G. Design considerations. In order that multifamily developments will be properly planned in relation to the community and personal needs of people, the following design elements shall be considered by the Planning Board and the Architectural Board of Review in addition to the normal factors examined in site plan review:
  - (1) Visual privacy shall be preserved for residents through the proper design of rear yards, terraces, decks or patio spaces. Proper screening through the use of vegetation and fencing shall be provided.
  - (2) Audio privacy shall be maintained by requiring proper standards for party walls that will satisfactorily limit sound transmission between adjoining dwelling units.
  - (3) Private outdoor space shall be provided through the use of decks, terraces or patios for each unit within the single structure, if deemed appropriate by the Planning Board.

- H. Required parking. Parking spaces shall be provided in number and design according to the provisions of Article IX of this chapter.
- I. Detached accessory garages shall not require a rear yard setback if the subject parcel and detached accessory garages are directly adjacent to public land and the location of such garages is deemed appropriate by the Planning Board.

**Section 5.** 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 6.** 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 7.** Effective Date.

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

Dated: June 9, 2010