

Town Board Minutes  
Town of North Castle  
15 Bedford Road  
Armonk, New York  
on  
August 11, 2021

The Town Board meeting was called to order at 5:00 p.m. at the Town Hall and immediately adjourned to an Executive Session on the duly adopted motion of Councilman DiGiacinto. All Town Board members, the Town Attorney and the Town Administrator were present for the Executive Session. The Executive Session adjourned to a Work Session at 6:51 p.m. All Town Board members, the Town Attorney, the Town Administrator and the Town Clerk were present for the Work Session. The Work Session closed at 7:39 p.m. The regular meeting reconvened at 7:47 p.m. and the following persons were present:

Present: Supervisor: Michael Schiliro  
Councilman: Barbara DiGiacinto  
Councilman: Barry Reiter  
Councilman: José Berra  
Town Clerk: Alison Simon  
Town Attorney: Roland A. Baroni  
Town Administrator: Kevin Hay

Absent: Councilman: Saleem Hussain

A Public Hearing was reconvened to consider a Local Law to repeal Chapter 292 of the Town of North Castle Town Code entitled Telecommunication Facilities and create a new Chapter 292 entitled Wireless Communication Facilities.

The Minutes of the Public Hearing which reconvened at 8:17 p.m. follow at the end of these Minutes.

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Barry Reiter, approval of Town Board Minutes: July 28, 2021. Due to his absence from the July 28, 2021 meeting, Supervisor abstained from the vote.

The roll call vote was as follows:

Ayes: Councilman: Barbara DiGiacinto, Councilman: Barry Reiter, Councilman: José Berra

Noes: None

Abstained: Supervisor: Michael Schiliro

Absent: Councilman: Saleem Hussain

Councilman: Barry Reiter moved, seconded by Councilman: José Berra, approval of Town Board Public Hearing Minutes of July 28, 2021, to consider the proposed Airport Campus development, 113 King Street, Armonk. Due to his absence from the July 28, 2021 meeting, Supervisor abstained from the vote.

The roll call vote was as follows:

Ayes: Councilman: Barbara DiGiacinto, Councilman: Barry Reiter, Councilman: José Berra

Noes: None

Abstained: Supervisor: Michael Schiliro

Absent: Councilman: Saleem Hussain

Councilman: José Berra moved, seconded by Councilman: Barbara DiGiacinto, receipt of letter from Director of Planning Adam Kaufman, dated August 2, 2021, regarding State Environmental Quality Review Act (SEQRA) Review for proposed new water line on New King Street in connection with the establishment of Water District No. 8; and further moved receipt of the Environmental Assessment Form (EAF).

Vote- Unanimous

In regard to the proposed new water line on New King Street in connection with the establishment of Water District No. 8, Councilman: Barbara DiGiacinto moved, seconded by Councilman: Barry Reiter, receipt of Westchester County Department of Health Engineer's



Report for Public Water Supply Improvement, dated July 2021, prepared by D&B Engineers and Architects.  
Vote- Unanimous

In regard to the proposed new water line on New King Street in connection with the establishment of Water District No.8, Councilman: Barbara DiGiacinto moved, seconded by Councilman: Barry Reiter, adoption of an Order calling a Public Hearing on September 9, 2021 to establish Water District No. 8 (New King Street).

The roll call vote was as follows:

Ayes: Councilman: Barbara DiGiacinto, Councilman: Barry Reiter, Councilman: José Berra, Supervisor: Michael Schiliro.

Noes: None

Absent: Councilman: Saleem Hussain

Supervisor Schiliro noted that Councilman Saleem Hussain is absent from this meeting and has recused himself in matters pertaining to the proposed Eagle Ridge development at 3 North Castle Drive, Armonk because he is an employee of IBM.

In regard to the proposed Eagle Ridge development at 3 North Castle Drive, Armonk, Councilman: Barbara DiGiacinto moved, seconded by Councilman: Barry Reiter, receipt of a memo from the Conservation Board, dated August 3, 2021; and further moved receipt of a letter from Director of Planning Adam Kaufman, dated August 4, 2021, in response to the memo from the Conservation Board, dated August 3, 2021.

Vote- Unanimous

Councilman: Barry Reiter moved, seconded by Councilman: Barbara DiGiacinto, adoption of State Environmental Quality Review Act (SEQRA) Findings Statement dated August 11, 2021, regarding the proposed Eagle Ridge development at 3 North Castle Drive, Armonk, with additional language regarding the Visual Resources and Community Character section, and with a recommendation to the Planning Board to consider the Conservation Board comments when reviewing the project.

The roll call vote was as follows:

Ayes: Councilman: Barbara DiGiacinto, Councilman: Barry Reiter, Supervisor: Michael Schiliro.

Noes: Councilman: José Berra

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Barry Reiter, receipt of letter from Rosen Law LLC, date August 11, 2021, in regard to the proposed Eagle Ridge development at 3 North Castle Drive, Armonk.

Vote- Unanimous

In regard to the proposed Eagle Ridge development at 3 North Castle Drive, Armonk, Councilman: Barbara DiGiacinto moved, seconded by Councilman: Barry Reiter, approval of Community Benefits Agreement with Madd Madonna Armonk LLC (MADDD) with the changes agreed to at this meeting; and authorized the Supervisor to sign the agreement.

The roll call vote was as follows:

Ayes: Councilman: Barbara DiGiacinto, Councilman: Barry Reiter, Councilman: José Berra, Supervisor: Michael Schiliro.

Noes: None

In regard to the proposed Eagle Ridge development at 3 North Castle Drive, Armonk, Councilman: Barry Reiter moved, seconded by Councilman: Barbara DiGiacinto, approval of Escrow Agreement with Madd Madonna Armonk LLC (MADDD) with the changes agreed to at this meeting; and authorized the Supervisor to sign the agreement.

The roll call vote was as follows:

Ayes: Councilman: Barbara DiGiacinto, Councilman: Barry Reiter, Supervisor: Michael Schiliro.

Abstained: Councilman: José Berra

In regard to the proposed Eagle Ridge development at 3 North Castle Drive, Armonk, Councilman: Barry Reiter moved, seconded by Councilman: Barbara DiGiacinto, adoption of a



Resolution to adopt the following Local Laws. The Resolution and Local Laws follow at the end of these minutes.

1. Local Law No. 6 to amend Section 355-23, Attachment 3 Schedule of Office and Industrial District Regulations, by amending Permitted Principal Use # 1 in the OBH Office Business Hotel Zoning District, and by modifying requirements in the OBH Zoning District.
2. Local Law No. 7 to amend Town Zoning Map to reclassify a 21.89-acre portion of Parcel ID 108.03-1-62.1 from the OBH Office Business Hotel Zoning District to R-MF-SCH Residential Multifamily Senior Citizen Housing Zoning District, and establishing requirements for that 21.89-acre portion of the property.

The roll call vote was as follows:

Ayes: Councilman: Barbara DiGiacinto, Councilman: Barry Reiter,  
Supervisor: Michael Schiliro.

Noes: Councilman: José Berra

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Barry Reiter, to award the bids for guiderails to Yaboo Fence Co. and Chemung Supply Corp.; and authorization for the Supervisor to sign the agreements, as follows:

Vote- Unanimous

Yaboo Fence Co.:

Galvanized corrugated beam rail, Material only	\$10.00 per linear foot
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Galvanized corrugated beam rail w/post, Material only	\$18.40 per linear foot
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Chemung Supply Corp.:

Galvanized 6 in. x 6 in box beam rail, including all splice plates, hardware, etc.

Installed to NYSDOT specifications.

Using type one end sections	\$64.74 per linear foot
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Using type two end sections	\$75.80 per linear foot
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6 in x 6 in box beam rail shop cut and metered curve	\$90.12 per linear foot
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Councilman: José Berra moved, seconded by Councilman: Barbara DiGiacinto, approval of Payment Requisition No. 4 to AFL General Construction Inc. in the amount of \$66,414.50 regarding North White Plains Community Center Renovation project.

Vote- Unanimous

Councilman: José Berra moved, seconded by Councilman: Barbara DiGiacinto, receipt of proposed local law to revise the Accessory Apartment provisions in the Town Code to encourage additional accessory apartment development within the Town of North Castle; and scheduled a Public Hearing on October 13, 2021.

Vote- Unanimous

Councilman: José Berra moved, seconded by Councilman: Barbara DiGiacinto, receipt of proposed local law to Establish Home-Based Business Regulations and Repeal Home Occupation Regulations; and scheduled a Public Hearing on October 13, 2021.

Vote- Unanimous



Councilman: Barbara DiGiacinto moved, seconded by Councilman: Barry Reiter, authorization for the Supervisor to sign agreement with CAI for Tax Map Maintenance and Internet Service for 2022 at a cost of \$8,000.

Vote- Unanimous

Councilman: José Berra moved, seconded by Councilman: Barbara DiGiacinto, approval of the provisional appointment of Paula Widell-Pugliese to position of Recreation Supervisor, effective September 20, 2021.

Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Barry Reiter, approval of the Consensus Agenda as follows:

- Audit and approval of payments of \$1,540,957.28 as indicated on Warrant No.15 dated August 11, 2021.
- Town Clerk's Report: July 2021.
- Release of Highway Bonds:
  - Arrow Blacktop – Permit 1101 for driveway alteration at 71 Nethermont Avenue in the amount of \$1,200.

Vote- Unanimous

After all persons were heard who desired to be heard, the Supervisor closed the regular meeting at 11:55 p.m. in memory of resident Renee Gonzalez.

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Alison Simon, Town Clerk

Dated: August 30, 2021



## RESOLUTION

**Action:** Amend Section 355-23 of the Town of North Castle Town Code, 355 Attachment 3 (Schedule of Office and Industrial District Regulations); Amend Section 355-30(G) (Additional office and industrial district regulations – Hotels); amend the “Zoning Map of the Town of North Castle, New York,” as established in Section 355-6 of the Town Zoning Code, so as to reclassify a 21.89-acre portion of Parcel Id. 108.03-1-62.1 from the OBH Office Business Hotel District to the R-MF-SCH Residential Multifamily Senior Citizen Housing district, and establish minimum zoning requirements for that 21.89-acre portion of the property

**Application Name:** Eagle Ridge

**Date of Approval:** August 11, 2021

WHEREAS, an application dated March 20, 2018 for Zoning Text Amendment was submitted to the Town Board by Maddd Madonna Armonk LLC to amend the Town Code as described above; and

WHEREAS, the subject property is 32-acres located at 3 North Castle Drive; and

WHEREAS, the Applicant is currently proposing to develop the site with a mixed-use development which includes a 115 key hotel, with 135 seat restaurant, 45 seat bar, and meeting space for up to 100 people on approximately 10.6 acres of the Subject Property and a 72 unit age restricted townhouse development on the remaining approximately 21.89 acres; and

WHEREAS, to address comments raised during the review of the project the proposed amendments to the Zoning Ordinance were revised on May 13, 2020 and May 6, 2021; and

WHEREAS, the Subject Property is located in the Office Business Hotel (OBH) zoning District; and

WHEREAS, in order to accommodate the proposed development, amendments to the North Castle Zoning Code are required to modify certain bulk and area regulations in the OBH zoning district; and

WHEREAS, the Applicant is also requesting that the Residential Multi-Family Senior Citizen Housing floating zone (R-MF-SCH) be placed on 21.89 acres of the Subject Property to accommodate the age-restricted townhouse development; and

WHEREAS, placement of the R-MF-SCH zoning district requires an amendment to the Town's zoning map, as well as the adoption of certain bulk and area requirements; and

WHEREAS, the Proposed Action is consistent with the recommendations of the various land use plans governing the Site. Section 9.3 of the Town of North Castle Comprehensive Plan reads:

“Thus sufficient demand appears to exist for at least two small hotels or one large hotel in North Castle.”

WHEREAS, in addressing the potential for an additional hotel, the Comprehensive Plan also states:

“Adding a hotel together with limited new residential uses, would increase downtown



Armonk’s potential customer base....”

WHEREAS, this provision references several recommendations in the Comprehensive Plan that speak to creating more varied housing choices throughout the Town. This policy is summarized in the Housing section of the Plan:

“While North Castle today is mostly defined by its attractive low-density residential neighborhoods, offering a greater variety of housing types could help the Town to retain Baby Boomers in retirement and attract younger people who wish to stay but cannot afford a single-family home. An efficient approach to greater variety of housing would prioritize attractive multi-family options in locations that maximize access to the community assets that make the Town so attractive, with a focus on targeted infill development in appropriate locations.”

WHEREAS, additionally, the Proposed Action is consistent with the land use recommendations of Westchester County’s “Westchester 2025” and “Patterns” plans, The Regional Plan Association’s 4th Regional Plan, The Bronx River Watershed Management Plan and the Hudson River Greenway; and

WHEREAS, the Planning Board, in an April 26, 2021 communication to the Town Board, determined that the proposed action is appropriate; and

WHEREAS, the Town 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, the Town Board on August 11, 2021 adopted environmental findings; and

WHEREAS, the Town Board opened a public hearing on June 26, 2019, continued the hearing on July 10, 2019, May 26, 2021, June 9, 2021 and June 23, 2021 and closed the public hearing on July 14, 2021, regarding the proposed amendments to the Town of North Castle Town 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 Section 355-23 of the Town of North Castle Town Code, 355 Attachment 3 (Schedule of Office and Industrial District Regulations); Amend Section 355-30(G) (Additional office and industrial district regulations – Hotels); amend the “Zoning Map of the Town of North Castle, New York,” as established in Section 355-6 of the Town Zoning Code, so as to reclassify a 21.89-acre portion of Parcel Id. 108.03-1-62.1 from the OBH Office Business Hotel District to the R-MF-SCH Residential Multifamily Senior Citizen Housing district, and establish minimum zoning requirements for that 21.89-acre portion of the property as described in Local Law #6 of 2021 and Local Law #7 of 2021.



## TOWN OF NORTH CASTLE

### Local Law No. 6 For the Year 2021 Adopted August 11, 2021

A Local Law to amend Chapter 355 of the Town of North Castle Town Code with respect to the OBH Zoning District.

**Section 1.** Amend Section 355-23 of the Town of North Castle Town Code, 355 Attachment 3 (Schedule of Office and Industrial District Regulations) by amending Permitted Principal Use #1 in the OBH Zoning District as follows:

“1. Hotels, on a lot with not less than 3,250 square feet of lot area for each guest sleeping room.”

**Section 2.** Amend Section 355-23 of the Town of North Castle Town Code, 355 Attachment 3 (Schedule of Office and Industrial District Regulations) by modifying the following requirements in the OBH Zoning District:

Maximum Floor Area Ratio:	0.20
Minimum Lot Area:	9.0 acres
Minimum Lot Frontage:	500 feet
Minimum Lot Depth:	400feet
Minimum Front Yard:	80 feet
Minimum Side Yard:	80 feet
Minimum Rear Yard:	300 feet

Maximum Building Coverage:	10 %
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Maximum Building Height:	
Stories	3
Feet	45

No structure, specifically excluding pergolas, canopies, porches, patios, terraces, decks, carports, swimming pools, swimming pool filter pads, driveways, and parking areas, shall be located closer than 100 feet from a private road.

No structure, specifically excluding pergolas, canopies, porches, patios, terraces, decks, carports, swimming pools, swimming pool filter pads, driveways, and parking areas, shall be located closer than 300 feet to a public park.

No structure shall be located closer than 300 feet from a State Road.

**Section 4.** Amend Section 355-30(G) (Additional office and industrial district regulations – Hotels) as follows:

**G. Hotels.** Hotels are subject to the following standards and conditions:

- (1) Use. Use of a hotel site and any buildings thereon shall be limited to the usual hotel activities, as defined herein, and accessory uses incidental to the operation of a hotel, and of the same general character, including but not necessarily limited the following, provided that all accessory uses shall be planned as an integral part of the hotel and located on the same site therewith:
  - (a) One house or apartment with or without kitchen facilities for the use of the hotel manager and caretaker and his family.
  - (b) Restaurants, cafes, bars, and lounges, serving either hotel guests exclusively or the general public, provided that no music or other sound shall be audible beyond the boundaries of the lot on which the use is conducted.



- (c) Fitness and sport facilities, including swimming pools, children's playgrounds, tennis or other game courts and game recreation rooms.
  - (d) Automobile parking garages or carports and off-street parking spaces.
  - (e) Office and lobby.
  - (f) Banquet/Conference Rooms
  - (g) Business center
- (2) Hotel Room
- (a) Hotel sleeping rooms shall not be interconnected by interior doors in groups of more than two.
  - (b) Each sleeping room shall have an area, inclusive of bathroom and closet space, of at least 225 square feet.
- (3) Access and service roads. Access and service roads shall be properly related to easement driveways or streets, public or private streets, and highways so as to avoid unsafe conditions and traffic congestions. Points of ingress and egress shall be limited to a total of two on any street. No backing of cars into any highways shall be permitted.
- (4) Off-street parking: as required by Article IX. Where a hotel includes a restaurant, lounge, or other eating and drinking facilities, required parking space shall be provided for such facilities, in addition to required parking spaces for sleeping rooms and other floor space
- (5) Signs. Signs shall be subject to the same provisions as are applicable to motels as contained in § 355-16(F)(9).

**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: August 11, 2021



**TOWN OF NORTH CASTLE**

**Local Law No. 7 For the Year 2021**  
**Adopted August 11, 2021**

A Local Law to amend Chapter 355 of the Town of North Castle Town Code with respect to the R-MF-SCH Zoning District.

**Section 1.** In accordance with Section 355-80, amend the “Zoning Map of the Town of North Castle, New York,” as established in Section 355-6 of the Town Zoning Code, so as to reclassify a 21.89-acre portion of Parcel Id. 108.03-1-62.1 from the OBH Office Business Hotel District to the R-MF-SCH Residential Multifamily Senior Citizen Housing district, and establishing the following requirements for that 21.89-acre portion of the property known as Parcel Id. 108.03-1-62.1:

Maximum Floor Area Ratio:	0.30
Minimum Lot Area:	15.0 acres
Minimum Lot Frontage:	500 feet
Minimum Lot Width:	500 feet
Minimum Lot Depth:	500 feet
Minimum Perimeter Front Yard:	30 feet
Minimum Perimeter Side Yard:	30 feet
Minimum Perimeter Rear Yard:	175 feet
Minimum Dwelling Unit Size:	1 bedroom unit – 800 s.f. 2 bedroom unit – 1,000 s.f. AFFH Units – in accordance with Section 355-24(I)
Maximum Building Coverage:	25%
Maximum Building Height:	Stories        2.5 Feet            30

No structure shall be located closer than 80 feet from a private road.

No structure shall be located closer than 175 feet to a public park.

No structure shall be located closer than 300 feet from a State Road.

**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: August 11, 2021