

PUBLIC HEARING

April 27, 2022

At 8:23 p.m. Supervisor Schiliro stated that a Public Hearing would be opened 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 27, 2022, 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 to convert the R-MF-SCH (Residential Multifamily Senior Citizen Housing) Zoning District from a floating zone to a mapped district.

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 13, 2022
Armonk, NY

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.

Letter from Westchester County Planning Board, dated March 18, 2022, stating that the action is a matter for local determination was marked Exhibit "D" for the record.

Letter from Director of Planning Adam Kaufman, dated March 29, 2022, regarding a positive recommendation from the Planning Board was marked Exhibit "E" for the record.

Full Environmental Assessment Form (EAF), Parts 1, 2, and 3, was marked Exhibit "F" for the record.

The Town Clerk noted there was a Negative Declaration for consideration.

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

Councilman DiGiacinto moved, seconded by Councilman Hussain, receipt of letter from Westchester County Planning Board, dated March 18, 2022; and receipt of letter from the Planning Board, dated, March 29, 2022.

The roll call vote was as follows:

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

Noes: None

Director of Planning Adam Kaufman explained the distinction between a floating zone and a mapped district. He said that several years ago (in 2006) the Town Board adopted a senior citizen floating zone with specific language in the local law which stated that every time the Town Board placed a floating zone on a piece of property it is a unique legislative act. He noted that the existing law in the Code does not include language which would allow the Town Board to return a petition to map that zone. The intent of the law was to treat the senior floating district like a mapped district.

Mr. Kaufman said that Town Attorney Roland Baroni has reviewed that law and he felt more protection and discretion would be given to the Town Board if the language regarding the floating zone was removed and changed it back to a traditional mapped district. This change

would give the Town Board the ability to return a petition to apply the senior floating zone if the Board felt that was the best course of action.

In a response to a question from Councilman DiGiacinto, Mr. Kaufman explained the criteria for the senior citizen housing is spelled out in the Code, and summarized that the criteria includes any property that is served by sewer and water, and then there is a range of densities that can be applied by the Town Board depending on the location of the property. For instance, a higher floor area ratio if it is a smaller lot and it is an infill town development versus a larger lot that has more open space.

Resident Christine Eggleton questioned why the change is being considered at this time and how this change affects the ongoing Madonna Senior Housing development located at 125 Old Mount Kisco Road, Armonk. Mr. Baroni responded that once the floating zone is applied to a specific property, then it is no longer floating and instead is mapped. For future properties the zone will no longer be floating, but can still be applied in appropriate circumstances. Mr. Baroni indicated that this is a technical change that allows the Town Board greater discretion as to where the floating zone is applied to future projects and whether an application within the floating zone should be received. Mr. Baroni reiterated that the existing floating zone legislation requires the Town Board to receive every application and vote on it, but with this amendment where there is not a floating zone and just an application to be mapped, the Town Board maintains the discretion not to receive such an application.

After all persons were heard who desired to be heard, Councilman DiGiacinto moved, seconded by Councilman Hussain, that the Public Hearing be closed at 8:43 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, 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 impacts and the Town Board hereby adopts a Negative Declaration.

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 4 of 2022, to amend Chapter 355, Zoning, of the Code of the Town of North Castle to convert the R-MF-SCH (Residential Multifamily Senior Citizen Housing) Zoning District from a floating zone to a mapped district. The Local Law follows at the end of these minutes.

The roll call vote was as follows:

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

Noes: None

Alison Simon, Town Clerk

Dated: May 5, 2022

TOWN OF NORTH CASTLE

**Local Law No. 4 for the Year 2022
Adopted April 27, 2022**

A local law amending Chapter 355 Zoning to convert the R-MF-SCH (Residential Multifamily Senior Citizen Housing) Zoning District from a floating zone to a mapped district.

Section 1. Amend Section 355-27.A as follows:

- A. Legislative intent. This district is established for the purpose of furthering the goals of the North Castle Comprehensive Plan by providing a multifamily residence district specifically designed for, and limited in occupancy to, senior citizens. It is intended that this zoning district will be a mapped district whose implementation will require a legislative determination and rezoning by the Town Board on a case-by-case basis after consideration of the specific site, the specific development plan and the specific housing program.

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: April 27, 2022