

PUBLIC HEARING

March 23, 2016

At 8:22 p.m. Supervisor Schiliro said that a Public Hearing would take place in accordance with the Public Notice that follows:

NOTICE IS HEREBY GIVEN that the North Castle Town Board will hold a Public Hearing on Wednesday, March 23, 2016, at 7:30 p.m., or as soon thereafter, at Town Hall, 15 Bedford Road, Armonk, New York, 10504, to consider a local law to amend Section 355-22 of the Town of North Castle Town Code to add additional clarifying language regarding multifamily dwellings located on the first floor within the CB-A Zoning District as well as multifamily dwellings located on the second floor within the CB-A Zoning District.

The proposed Local Law is available in the Town Clerk's Office during regular business hours and on the Town's 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 12, 2016
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 following letters and documents were noted as received:

Letters from Michael Fareri, dated September 15, 2015, October 14, 2015, December 10, 2015, and March 14, 2016; Full Environmental Assessment Form dated March 11, 2016; and Floor Plans last modified February 24, 2016 were marked Exhibit "D" for the record.

Letters from Director of Planning, Adam Kaufman, dated September 4, 2015 and September 25, 2015 were marked Exhibit "E" for the record.

The Town Clerk noted that the Board received an email from Director of Planning, Adam Kaufman, dated March 22, 2016, stating that the Planning Board has no objection to the Town Board being Lead Agency for the review of the Maple Avenue action was marked Exhibit "F" for the record.

The Town Clerk noted that the Board received a letter from Westchester County Planning Board, dated March 22, 2016, stating that it has no objection to the North Castle Town Board assuming Lead Agency status for the review of the Zoning Text Amendment and that the action is a matter for local determination was marked Exhibit "G" for the record.

The Town Clerk noted that certificates denoting mailing of Notice of hearing to adjacent property owners were in order.

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

Michael Fareri appeared before the Board with regard to the proposed local law to amend Chapter 355 Zoning, Section 355-22 to add additional clarifying language regarding the CB-A Zoning District.

Supervisor Schiliro explained that the proposed zoning amendments are connected to the 37 and 41 Maple Avenue property and the Lumberyard property located at 156 and 170 Bedford Road, both of which are owned by Mr. Fareri. Mr. Schiliro said that the Town Board is also considering permitting Mr. Fareri to reduce the density at the Lumberyard property from 36 to 30

units and to move the 6 Affordable Housing (AFFH) units which were supposed to be built at the Lumberyard property to the 37 and 41 Maple Avenue property.

Supervisor Schiliro stated that at the February 24, 2016 Town Board meeting, Mr. Fareri committed to building both the Lumberyard development and the 37 and 41 Maple Avenue development.

Director of Planning Adam Kaufman said that to accomplish the goal of the redevelopment of the 37 and 41 Maple Avenue property, he and Town Attorney, Roland Baroni, determined there was a need for clarification in the Zoning Code, specifically with respect to the CB-A District.

Mr. Kaufman stated that while 37 and 41 Maple Avenue are located within the CB Zoning District, uses permitted within that district are governed, by reference, by uses permitted in other districts. He said that permitted principal uses within the CB Zoning District require one to look up permitted uses in the CB-A Zoning District, and permitted accessory uses within the CB Zoning District require one to look up permitted uses in the CB-B Zoning District.

Mr. Kaufman noted that the Town Board is contemplating to amend CB-A permitted Principal Use 3 to clearly state that Use 3 pertains only to property physically located within the CB-A District. In addition, Mr. Kaufman noted that permitted Principal Use 13 is proposed to be amended to provide additional restrictions as to when multifamily dwelling located on the first floor can be permitted.

Mr. Kaufman continued and noted that redevelopment of the property proposes first floor residential units as well as more than one unit within the proposed building. Pursuant to Section 355-22 of the Town Code, two Town Board special permits would need to be secured by the Applicant.

1. Permission via Special Use Permit for first floor multifamily units, which will be located behind the proposed retail at the street.
2. Permission via Special Use Permit for more than one dwelling in the building.

Mr. Fareri said the zoning change clears up the ambiguity between what is permitted in the CB District and in the CB-A District, and will allow for more than one residential unit on the first floor and allow the entire second floor to be residential at the Maple Avenue property. He said there will be a total of six residential units, two on the first floor and four on the second floor and approximately 1,000 square feet of retail which will be brought forward to align in aesthetics and conformity with the streetscape of Fortina and Armonk Square.

Town Attorney Baroni said the Town Board cannot act at this meeting because it is waiting for a letter from the NYS Historic Preservation Office in response to the Town Board's notification of intent to act as Lead Agency, and the Board should adjourn the hearing. Mr. Baroni said if the NYS Historic Preservation Office does not respond to this notification within thirty days, the Board may act. He said if the Board adopts the local law when it is able to take an action, the law will be filed in Albany and become effective. Mr. Baroni said that Mr. Fareri's next step is to file a Special Use Permit Application. Mr. Kaufman advised that the Planning Board responded to the Town Board's Lead Agency request, but the Planning Board has not yet reviewed the local law. Mr. Baroni advised that the Town Board adjourn the public hearing and refer the local law to the Planning Board.

In response to a query from Supervisor Schiliro, Mr. Fareri confirmed that the Maple Avenue property would have retail space of approximately 1,000 square feet on the first floor only, with frontage on Maple Avenue.

In response to a query from Councilman DiGiacinto, Mr. Fareri said that the current square footage of Cocobolo (located at 37 Maple Avenue) is 2,500 square feet.

After all persons were heard who desired to be heard, Councilman Reiter moved, seconded by Councilman DiGiacinto, that the Public Hearing be adjourned at 8:34 p.m.

The roll call vote was as follows:

Ayes: Councilmen D'Angelo, DiGiacinto, Reiter, Berra, Supervisor Schiliro

Noes: None

Town Board Minutes
March 23, 2016

Councilman DiGiacinto moved, seconded by Councilman D'Angelo, that the Local Law be referred to the Planning Board.

The roll call vote was as follows:

Ayes: Councilmen D'Angelo, DiGiacinto, Reiter, Berra, Supervisor Schiliro

Noes: None

Alison Simon, Town Clerk

Dated: April 7, 2016