

PUBLIC HEARING

February 27, 2019

At 10:28 p.m. Supervisor Schiliro 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 February 27, 2019, at 7:30 PM, or as soon thereafter, 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 add the R-MF-DA (Residential – Multifamily – Downtown Armonk) Zoning District and to map said 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: February 11, 2019
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 Anthony Veneziano, Veneziano & Associates, dated June 19, 2018, with Zoning Petition and exhibits, including Full Environmental Assessment Form (EAF), Part 1, was marked Exhibit "D" for the record.

Deed Restriction Map, dated 6/27/18, was marked Exhibit "E" for the record.

Amended Zoning Petitions, dated 9/4/18, 11/13/18, 12/6/18, 12/17/18, were marked Exhibit "F" for the record.

Letters from Veneziano & Associates, dated 10/3/18, 1/15/19, 2/20/19, were marked Exhibit "G" for the record.

Traffic Study, revised 2/21/19, and Traffic Tables, prepared by JMC Planning Engineering Landscape Architecture & Land Surveying, PLLC, were marked Exhibit "H" for the record.

Mariani Gardens Project Animation was marked Exhibit "I" for the record.

Letters from Director of Planning Kaufman, dated 7/27/18, 9/21/18, 10/3/18, 12/7/18, 1/12/19, and letter dated 1/15/19 regarding positive recommendation from the Planning Board were marked Exhibit "J" for the record.

Letters from Westchester County Planning Board, dated 7/30/18, 11/20/18, 12/21/18, were marked Exhibit "K" for the record.

Memos from Town Engineer Kellard Sessions, dated 1/9/19, 2/11/19, were marked Exhibit "L" for the record.

Letter from Architectural Review Board, dated 1/22/19, was marked Exhibit "M" for the record.

Letter from Westchester County Historical Society, dated 2/25/19, was marked Exhibit "N" for the record.

Letter from Kerri Kazak, dated 2/27/19, was marked Exhibit "O" 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.

Councilman D'Angelo moved, seconded by Councilman Berra, receipt of memo from Kellard Sessions, dated February 11, 2019 and letter from Veneziano & Associates, dated February 20, 2019.

The roll call vote was as follows:

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

Noes: None

Mark Miller, Veneziano & Associates, appeared before the Board representing 45 Bedford Road LLC, the Petitioner and owner of an approximately 4.1 acre parcel located at 45 Bedford Road which is currently the site of Mariani Gardens Nursery. Also in attendance were Rob Aiello, project engineer and Marc Petraro, traffic engineer, both of JMC Planning Engineering Landscape Architecture & Land Surveying, PLLC (JMC), and John Halper, project architect.

Mr. Miller presented an overview of the proposed project. The project site is bordered by Route 22 on the South, Maple Avenue on the East, and Bedford Road on the North. Mr. Miller noted that it is the only property in the entire Town that is zoned NB (Nursery Business. The proposal is for an all residential development. He noted that there have been a number of previous proposals for retail and related uses on the site. He said that since the Zoning Petition was submitted in June 2018, there have been a number of iterations to the Petition all of which have been for residential development. One of the major initial changes was to address the deed restricted area which is approximately the eastern one acre of the site; the project was redesigned to remove all the residential units from this area which was not met with success; and the applicant has revised the design to the current proposal which is similar to the original proposal.

Mr. Miller said that some of the changes from the original proposal in terms of the zoning local law is a current FAR of .50, down from .60. The current building coverage is 25%, down from 30%. The project as currently constituted is 50 units yielding a total bedroom count of 93: One three story apartment building would contain: 18 one-bedroom units, 8 two-bedroom units, and 1 three-bedroom unit; six two story townhouse buildings would contain: 5 four-bedroom units, 6 three-bedroom units, 6 two-bedroom units, and 6 one-bedroom units. The five (10%) AFFH units would be located on the site. All units in the multifamily development would be rental units.

Mr. Miller noted that the revised Traffic Study prepared by JMC, dated February 21, 2019, incorporates the traffic count information from the proposed Eagle Ridge project, the 32 acres formerly part of the IBM, and the counts reflect the influx of IBM employees to the Armonk facility from the Somers facility. Mr. Miller read from the Executive Summary of the Traffic Study which stated that "It is the professional opinion of JMC that the redevelopment of the site will not have a significant impact of traffic operations in the study area."

Mr. Miller said that they are working with the Town Attorney to negotiate a Community Benefits Agreement which would address the release of the deed restriction on the property and also provide some funding for the upgrade of the Sewer District Treatment Plant for Sewer District No. 2 and some upgrades to Water District No 4.

John Halper, project architect, displayed a revised, slower video simulation of the project site; and displayed the architectural features and floor plans of the project.

Rob Aiello, JMC, gave a lengthy presentation and spoke about the engineering issues regarding the proposed project, including those concerning the flood plain and stormwater management which were raised in the memo from Kellard Sessions, dated February 11, 2019. Mr. Aiello also provided information from the revised Traffic Study prepared by JMC. He presented information regarding proposed building heights, setbacks, and the Bedford Road frontage.

Councilman DiGiacinto expressed concerns regarding density and traffic impact of 50 residential units at the intersection at Bedford Road and Route 128/Kent Place, in addition to the traffic signals at the intersection at Bedford Road and Maple Avenue, and the intersection of Maple Avenue and Route 22. Ms. DiGiacinto added that she would like the Town Board to consider the addition of a special use permit to the zoning amendment to have control over the building heights of all the buildings. In response to a query from Councilman DiGiacinto, Town Attorney Baroni said that the licensing agreement for the property may need to be modified.

Several residents provided comments.

Sharon Tomback, speaking as Co-Historian for the North Castle Historical Society, read aloud a statement expressing opposition to the proposed project stating that the project is too dense, that it is incompatible with the neighboring North Castle Historic Preservation District Number 1, and that it contradicts the recommendation of the newly adopted Comprehensive Plan.

Christine Eggleton, President of the North Castle Historical Society and Chairman of the Landmarks Preservation Committee, read aloud letters expressing opposition to the project on behalf of each organization stating that the project is incompatible with the bordering Historic Preservation District and that the project is too dense.

Linda Fernberg noted that the project proposes the first apartment building in North Castle. She expressed opposition to building heights and density, and commented that the appearance of the project was out of character with the others buildings in the district. She commented that several organizations, the Architectural Review Board, and the Landmarks Preservation Committee are opposed to the project.

Susan Shimer read from the Comprehensive Plan and said that the proposed project does not further the goals of the Plan. She expressed opposition to the proposed density of the project in the historic district, and compared the density of the project of 50 units on four acres to the Cider Mill development with 27 units on seven acres. Ms. Shimer commented that the Traffic Study by the applicant's consultant showed that the traffic at the intersection of Route 22 and Maple Avenue with Business Park Drive sometimes operates at a failing level.

In response to comments made by Ms. Shimer, Town Attorney Baroni confirmed that the Comprehensive Plan must be modified prior to the adoption of the proposed Local Law to amend the R-MF-DA Zoning District.

Ed Woodyard read aloud the letter from the Architectural Review Board, dated January 22, 2019, expressing its opposition to the project. Mr. Woodyard said the uses in the NB Zoning District were reviewed by the Comprehensive Plan Steering Committee and the wording put into Plan regarding the uses was done with effort and thought, and should not be disregarded. He said he would like to see another plan proposed which reduces the density and honors the historic district. He urged the Board to take time to review the project.

Reverend Nils Chitterden, Rector of St. Stephen's Church, Armonk read aloud a statement on behalf of the Church which stated it would support a residential redevelopment plan only with a design acceptable to the Architectural Review Board and the Town Board.

John Bernson commented that the plan is unsatisfactory and should be sent back to the applicant for revision.

Michael Galante, Frederick P. Clark Associates, Town Traffic Consultants, said that his firm will be providing comments on the revised Traffic Study prepared by JMC.

It was noted that a joint site walk of the Town Board and the Planning Board has been scheduled and a joint Work Session will be held.

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, that the Public Hearing be adjourned at 12:28 a.m.

The roll call vote was as follows:

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

Noes: None

Alison Simon, Town Clerk

Dated: March 11, 2019