

PUBLIC HEARING

February 24, 2016

At 8:55 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 Public Hearings on Wednesday, February 24, 2016 at 7:30 p.m., or as soon thereafter, at Town Hall, 15 Bedford Road, Armonk, New York, 10504, to consider a Town Comprehensive Plan amendment to change the Comprehensive Plan Town Development Plan Map for lots 101.03-2-6 and 101.03-2-7 from Semi-Rural Density to Suburban Residential Density, and a local law to rezone an area of approximately 10 acres located along Route 128 (Mount Kisco Road), from its present R-2A One-Family Residence District classification to R-1A One-Family Residence District.

The zoning petition and proposed local law are available in the Town Clerk's Office during regular business hours and the proposed local law is available 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: February 9, 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.

Zoning Petition, including Full Environmental Assessment Form, dated September 15, 2015 was marked Exhibit "D" for the record.

Letters from Veneziano & Associates, dated September 15, 2015 and January 4, 2016, were marked Exhibit "E" for the record.

Letter from Kellard Sessions Consulting, P.C. to the Planning Board dated November 20, 2015 was marked Exhibit "F" for the record.

Letter from Director of Planning Adam Kaufman to the Planning Board dated November 20, 2015 was marked Exhibit "G" for the record.

Letter from Director Kaufman to the Town Board, dated November 24, 2015, regarding positive recommendation from the Planning Board was marked Exhibit "H" for the record.

Letter from Westchester County Planning Board dated October 26, 2015 was marked Exhibit "I" for the record.

Email from Francesca Ozdoba dated February 21, 2016 with request that it be read into the record.

Certificates denoting mailing of Notice of hearing to adjacent property owners.

Negative Declaration for consideration.

Proposed Resolution of approval

Proposed Local Law for consideration.

Kory Salomone, Veneziano & Associates, appeared before the Board with his client Frank Madonna in connection with the project along Route 128 (Mount Kisco Road) known as Wampus Mills. Also in attendance was Ralph Alfonzetti, project engineer. Mr. Salomone described the subject property of two adjacent parcels, lots 6 and 7, of approximately 10 acres along Route 128 between Leisure Farm and Sands Mill, currently zoned as R-2A, two acre zoning and said that, as of right, four homes can be built on the property at this time. The zoning petition requests that the property be rezoned to R-1A, one acre zoning which would allow the applicant to have 6 lots. One

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acre zoning is in keeping in character with the community as on two sides of the property there is one acre zoning. To the north there is two acre zoning, and across the street at Sands Mill there is two acre zoning, but it is a cluster subdivision with many parcels smaller than two acres. Pending approval of the aforementioned rezoning, the applicant, Mr. Madonna, will proceed with his Petition to extend the sewer district to this parcel, as well as to the second half of Old Mount Kisco Road. Mr. Madonna has agreed to pay for installation of the sewer main along Old Mount Kisco Road as well as the laterals and connecting all of the homes on that street.

Councilman D'Angelo requested the implementation of a limit of six homes to be built on this parcel. Mr. Salomone said only six homes could be built and he is willing to sign any agreement, deed restriction and to file a Note on the Plat that no further subdivision can be made. Director of Planning Adam Kaufman agreed with the implementation of a deed restriction to ensure a maximum density of six units.

Town Attorney Baroni stated that a Deed Restriction and a Note on the Plat may be changed in the future with the approval of the Town Board, but that is very unlikely as no one person will own all the land and be able to petition the Board. Additionally, it would be difficult to add another home to the land due to adverse topography.

Mr. Salomone said there will be two separate sewer extensions: One from Old Mount Kisco Road and one from Route 128. He said the Town Board referred the Wampus Mills project to the Planning Board which adopted a positive recommendation (5-0) in favor of the rezoning in November 2015.

Councilman Berra brought attention to the adjacent three acre lot, with one acre zoning, that is not owned by the developer.

Sands Mill resident, John Polera, said the rezoning amendment would change the character of the community, create more density and traffic on an area of Route 128 that is already dangerous. He continued that this development will violate the integrity and negatively affect the property value of the larger homes built across the street in Wrights Mill and Sands Mill and he also said this change sets a bad precedent for the Town.

In response to questions from Mr. Polera, Mr. Madonna said he intends to build as many of the six homes as possible and that the homes will be between 4,000 and 5,000 square feet.

In response to questions from Councilman D'Angelo, Mr. Madonna indicated that the size of the six lots in this subdivision will be between 1.1 and 2 acres. There will be 500 feet and sight distance from the access drive to the curb of Route 128 and this is plenty of space to see in both directions. Mr. Madonna also said the entrance to this subdivision will be 600 feet away from the curve on Route 128.

Armonk resident, Amy Swiss, read a letter into the record and stated that she likes this plan now that it has been scaled back from earlier versions, but expressed concern with the visual impact to her property, loss of open wooded space and the impact on septic and well water. She stated this will directly impact her property value and would like to keep the development as small as possible. Ms. Swiss is concerned that this rezoning opens potential for more development in the future. Members of the Town Board reiterated that future growth may be prevented by a deed restriction.

Armonk resident Frank LoBello expressed concerned that changing the zoning will lead to an increase in the number of homes. In response to Mr. LoBello's suggestion, Town Attorney Baroni stated that an effort to limit development on this property is not the proper subject of a variance.

Supervisor Schiliro stated that since the 1980's it has been recommended that sewers be brought to this area of Route 128 and it is consistent with the Town's Comprehensive Plan to bring sewers to the area. He said this development will allow for infrastructure improvements at the developer's expense and at no cost to the Town. He pointed out that the Town Board has denied prior proposals with much greater density and that this zoning change is fairly consistent with the surrounding neighborhood. He also stated that increasing the subdivision from four to six lots is not that big of an increase and it will also increase assessables for the Town.

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Michael Gould, a representative of Armonk residents Frederick and Francesca Ozdoba, read Ms. Ozdoba's letter into the record asking the Board not to change the zoning in question.

Armonk residents Barbara Walsh, Amy Swiss and Anna Escobar expressed concerns that this new development will negatively affect the capability of their wells and deplete their water supply and stated that their wells have lost pressure as the result of past neighborhood development.

Mr. Alfonzetti stated that new development should have no bearing on the wells for Sunrise Drive and Townsend Court and that prior to the approval of the construction of new wells, Department of Health Approval is required.

Supervisor Schiliro pointed out that close to 80 percent of the homes in North Castle are on wells and even with continued development, there will be enough water for all of the residents.

Director of Water and Sewer Operations Sal Misiti stated that over irrigation is the culprit in depleting water supply.

Councilman DiGiacinto sympathized with the neighboring homeowners stating that she too lived on a dead end road that had been opened to include several large homes and it all worked out okay. She is confident that the size of the development will be limited to six homes with the aforementioned deed restriction and signing of the Plat.

Councilmen D'Angelo and Reiter like the project and noted that its size has been reduced considerably.

Councilman Berra suggested that a conservation easement may be useful to prevent further building. Mr. Madonna said he planned to give a lot line change to neighbor Ozdoba which will enhance their property setbacks. Mr. Baroni stated that such an easement would negatively impact the homeowners' ability to build pools, patios and extensions and negatively impact their property value.

Supervisor Schiliro noted in response to several neighbors' complaints regarding public notice, that this project has been a very public process for a few years and Town Law was followed in notifying neighbors.

Councilman DiGiacinto said the Board has not had the opportunity to explore the sewer capacity study to which Councilman D'Angelo noted that a public hearing regarding a sewer district extension pertaining to this development will follow only after the zoning changes are put in place. Supervisor Schiliro also responded that failure to increase sewer capacity in Town is not an option as increased sewer capacity is necessary for continued development.

After all persons were heard who desired to be heard, Councilman DiGiacinto moved, seconded by Councilman D'Angelo, that the Public Hearing be closed at 9:47 p.m.

The roll call vote was as follows:

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

Noes: None

Councilman D'Angelo moved, seconded by Councilman Reiter, 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 D'Angelo, DiGiacinto, Reiter, Berra, Supervisor Schiliro

Noes: None

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, adoption of the Resolution to amend the Town Comprehensive Plan to change the Comprehensive Plan Town Development Plan Map for lots 101.03-2-6 and 101.03-2-7 from Semi-Rural Density to Suburban Residential Density, with the further amendment to include a six unit Deed Restriction and Note on the Plat that no further subdivision can be made; and further moved the adoption of Local Law 1 of 2016 of the

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Town of North Castle, to amend Chapter 355, Zoning, of the Code of the Town of North Castle, New York, to rezone an area of approximately 10 acres located along Route 128 (Mount Kisco Road), from its present R-2A One-Family Residence District classification to R-1A One-Family Residence District.

The roll call vote was as follows:

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

Noes: None

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

Alison Simon, Town Clerk

Dated: March 7, 2016

TOWN OF NORTH CASTLE

Local Law No. 1 For the Year 2016
Adopted February 24, 2016

A Local Law to amend Chapter 355, Zoning, of the Code of the Town of North Castle, New York, so as to rezone an area of approximately 10 acres located along Route 128 (Mount Kisco Road), from its present R-2A One-Family Residence District classification to R-1A One-Family Residence District

Section 1. 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 all of the following listed properties, as shown on the attached map, from R-2A One-Family Residence District to R-1A One-Family Residence District:

<u>Section</u>	<u>Block</u>	<u>Lot(s)</u>
101.03	2	6 & 7

Section 2. 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 which can be given effect without such invalid part of parts.

Section 3. Effective Date.

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



RESOLUTION

Action: Town Comprehensive Plan amendment to change the Comprehensive Plan Town Development Plan Map for lots 101.03-2-6 and 101.03-2-7 from Semi-Rural Density to Suburban Residential Density, the rezoning of lots 101.03-2-6 and 101.03-2-7 from the R-2A to the R-1A Zoning District

Application Name: Madonna – 805-809 Mt. Kisco Road

Date of Approval: February 24, 2016

WHEREAS, an application dated September 14, 2015 for Zoning Text Amendment was submitted to the Town Board by Frank Madonna 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 expand and modify the R-1A Zoning District so that the district includes Lots 101.03-2-6 and 101.03-2-7; and

WHEREAS, the Applicant's petition also includes extending Sewer District #2 to include Lots 101.03-2-6 and 101.03-2-7; and

WHEREAS, the Town Comprehensive Plan Update 1996 – Town Development Map identifies the subject site as within the "Semi-Rural Density" (<1 DU/AC) category; and

WHEREAS, the Town Development Map would need to be revised to place Lots 101.03-2-6 and 101.03-2-7 within a denser residential category; and

WHEREAS, the most appropriate residential category included within the Town Comprehensive Plan is the "Suburban Residential Density (1-2 DU/AC)" category; and

WHEREAS, the proposed rezoning of the property from the R-2A to the R-1A Zoning District 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, the plan 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 plan also 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 Town Board finds that the proposed rezoning would be in keeping with the recommendations of the Comprehensive Plan; and

WHEREAS, the proposed action would ultimately result in the development of six building lots on Lots 101.03-2-6 and 101.03-2-7; 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 Full Environmental Assessment Form (EAF) dated September 15, 2015 in connection with the application; and

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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 February 24, 2016 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 November 24, 2015 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 February 24, 2016 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 lots 101.03-2-6 and 101.03-2-7 as within the “Suburban Residential Density (1-2 DU/AC)” category from the “Semi-Rural Density” (<1 DU/AC) category; and

BE IT FURTHER RESOLVED, that the Town of North Castle Town Board hereby amends Section 355-6 of the Town Code to rezone lots 101.03-2-6 and 101.03-2-7 from the R-2A Zoning District to the R-1A Zoning District.