

PUBLIC HEARING
September 25, 2019

At 8:14 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 Wednesday, September 25, 2019, at 7:30 p.m., or as soon thereafter, at Town Hall, 15 Bedford Road, Armonk, New York, 10504, to consider the Special Use Permit Application of 45 Bedford Road LLC (site of Mariani Gardens Nursery). The proposed use of the premises is multi-family residential. The property is located at 45 Bedford Road, Armonk, NY, and known on the North Castle Tax Maps as 108.03-1-65, and located within the R-MF-DA Zoning District.

The special use permit application 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: September 10, 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 Director of Planning Adam Kaufman, dated September 10, 2019, regarding positive recommendation from the Planning Board was marked Exhibit "E" for the record.

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

The Town Clerk noted there was a proposed Resolution of approval for consideration.

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, receipt of the letter from Director of Planning Adam Kaufman on behalf of the Planning Board, dated September 10, 2019.

Town Attorney Roland Baroni said that, in a previous decision, the Town Board had rezoned the 45 Bedford Road property to Residential - Multifamily - Downtown Armonk Zoning District. Mr. Baroni explained that the public hearing opened tonight by the Board is for the special use permit criteria required in the Local Law adopted by the Town Board on June 12, 2019. He said the resolution, provided by Adam Kaufman, Director of Planning, lists each of the criteria that the Board has to consider and the standards that must be met in order for the Board to grant the special use permit. He noted that the Town Board had studied all six standards during the environmental review and concluded that a Negative Declaration was in order. Mr. Baroni said that assuming that the Board reaches the same conclusion as it did previously, then the rendering of this permit is administrative only, not the same as a zoning designation which is discretionary.

Mark Miller, Veneziano & Associates, appeared before the Board representing 45 Bedford Road LLC, the Applicant and owner of the property located at 45 Bedford Road, the site of Mariani Gardens Nursery. Also in attendance were Rob Aiello, JMC Planning Engineering Landscape Architecture & Land Surveying, PLLC (JMC), project engineer, and John Halper, Halper Architects LLC, project architect.

Mr. Miller displayed and described the site plan and architectural drawings of the proposed project of 43 residential units in four buildings. The two buildings closest to Bedford Road comprise the 4 four bedroom 'A' units, 2 units in each building. Mr. Miller said that following various iterations and discussions, a consensus was reached regarding the orientation of the 'A' buildings where the fronts of the units face Bedford Road and the attached garages are in the rear. The 'B' building is behind the 'A' units, along the western side of the property, and contains 16 units, including 10 one-bedroom units, 2 two-bedroom units, and 4 three-bedroom units, with at grade parking under the building. The 'C' building contains 23 units and is at the rear of the site, closet to Route 22, with parking underneath the building, as well as at grade parking around the building. Mr. Miller noted that, in accordance with the Zoning Code, five of the units will be AFFH units, and added that the plan meets the Zoning Code with respect to parking.

Mr. Miller displayed a drawing of comparative heights of the four buildings, and explained that the special permit requirement establishes a height of 30 feet for the R-MF-DA Zoning District, but it allows for up to 40 feet in the event that the Town Board finds, due to various factors, including adjacency of an arterial road, topography, and screening, that more height is appropriate. Mr. Miller clarified that this pertains to zoning height, and noted that the high point for zoning purposes for a pitched roof is the midpoint between the eaves and the peak. He provided the zoning heights of the buildings as follows: 'A' buildings are just under 30 feet; 'B' building is 29 feet, 9 inches; and 'C' building is 35 feet, 4^{1/2} inches. He added that the 'C' building is set back 376 feet Bedford Road; and from the Bedford Road perspective it is screened in a large part by the 'A' buildings, and by a significant portion of the 'B' building. The topography of the 'C' building along Route 22 has about a thirteen to fourteen-foot grade difference between the base of the building and Route 22 which he said effectively screens more than one story of the building. Approximately two stories of the three story building will be seen from Route 22 which is an arterial road. Mr. Miller submitted that given the significant setback, the topography, the presence of the arterial road, and the screening that will be installed along Maple Avenue that the criteria for the additional height has been satisfied. In response to a question from Councilman Berra, Mr. Halpern provided the actual heights of the buildings to the peak as follows: 'A' buildings are slightly less than under 36 feet; 'B' building is slightly less than 37 feet; and 'C' building is 39 feet, 4 inches.

Mr. Miller and Mr. Aiello displayed the landscaping plans which were revised at the direction of the Planning Board.

Mr. Miller noted that they had provided a traffic impact study associated with one of their earlier 50 unit plans to the Town, and that the Town's traffic consultant Michael Galante, of F.P. Clarke Associates, determined, that at 50 units, the traffic would not cause any adverse environmental impacts. Mr. Miller referenced a letter to Director of Planning Adam Kaufman, dated May 30, 2019, from Mr. Galante in which he indicated that the traffic did not need to be restudied because at 43 units, the plan was a reduction from the previous plan.

Mr. Miller quoted from Mr. Galante's letter, with regard to the intersection of Bedford Road and Maple Avenue, which stated "... it is important to note that it is our opinion that these improvements are not needed at this time and the intersection should continue to be monitored, as it is now, by the Town, including the Police Department, your office and our office".

Mr. Miller noted that Mr. Galante suggested that in consideration of potential future developments, namely Airport Campus and Eagle Ridge, there may be a need, in the future, for the Town to make intersection improvements for Bedford Road and Maple Avenue, and for Route 22 and Maple Avenue. Mr. Miller displayed a sketch of potential improvements to the intersection. He said that one of the improvements that Mr. Galante thought the Town Board should review, and that the Planning Board specifically discussed in its recommendation to the Town Board, is providing for a right hand turn lane on Bedford Road, in front of their property just past their driveway, on to Maple Avenue. Mr. Miller said the Applicant is willing to provide an easement for a right of way for the right turn lane, should it become necessary in the future.

In response to a question from Councilman Berra, Mr. Miller said the traffic consultant did find there are some traffic issues at the Bedford Road and Maple Avenue intersection when the school buses are there.

Mr. Miller noted that the Planning Board recommended that the Applicant provide a sidewalk along Bedford Road on their side of the property, and also explore providing a crosswalk across Bedford Road, and a sidewalk into the Armonk Square project. Mr. Miller said that a portion of the potential sidewalk into Armonk Square ends on the 40 Bedford Road property. He reported that that he, Town Attorney Roland Baroni, and Mr. Kaufman recently met with the owner of the 40 Bedford Road property who said he would review the plans for a sidewalk with his attorney. It was noted that the Applicant is not in control of this property; and the property owner would have to permit the installation of a sidewalk.

Councilman DiGiacinto introduced the addition of a condition to the special use permit regarding improvements to the Bedford Road, Maple Avenue and Route 22 area. Ms. DiGiacinto noted that she understood that the Town traffic consultant does not feel that this project will cause the need for any immediate changes in terms of those intersections and roads, but in her opinion, there will be an impact and the Town may need to address some improvements in the intersections or roadways. She said she would like the Board to consider creating a fund for traffic, road and intersection improvements that would not only be for the Mariani property, but a fund for any future project in downtown Armonk or the surrounding area that would impact roadways, so the financial burden would not fall completely on the Town.

Councilman DiGiacinto read aloud from the Planning Board letter, dated September 10, 2019, which stated that “The Planning Board believes that it is imperative that the Town Board have a firm grasp on how operations at the Maple/Bedford intersection will be impacted by this project, as well as currently approved, but unbuilt, projects and potential future projects that may utilize this intersection (lumberyard, Eagle Ridge, Airport Campus, etc).” Ms. DiGiacinto read aloud from the resolution being considered by the Board which stated “the Town should plan for future roadway improvements to this (Maple Avenue/Bedford Road) intersection, as needed, as traffic increases in the area and other developments come online generally along the NYS Route 22 Corridor and NYS Route 120, with some of this development having an indirect impact on the Armonk Hamlet”.

Councilman Reiter and Councilman D’Angelo expressed agreement that this concept should be considered and discussed.

Mr. Miller noted that they have entered into a Community Benefits Agreement with the Town which provides funding for various items; additional funding was not contemplated. He noted that the SEQRA process in terms of the impacts of this project was concluded with a Negative Declaration.

Supervisor Schiliro commented that this intersection has been a sensitive part of the project from the beginning; and there may be an opportunity to plan for improvements in the traffic flow. He said the Town Board now has the firm comments of the Planning Board which has highlighted this intersection. The Supervisor added that there is interest in the Town and the Board is sensitive to this. He said that the comments made by the Councilman DiGiacinto should be considered.

Councilman Berra said that he is not sure that he agrees with the conclusion of the Town traffic consultant that this project does not worsen the traffic. Mr. Berra said that the Town Board has to determine what is acceptable, noting that the location of the project is at the entrance to the Town. He commented that the sketch of potential improvements on Bedford Road shows a more major roadway. Councilman D’Angelo said that there have been discussions regarding other solutions which may be less intrusive and costly. Mr. Miller expressed an interest for his client to participate in the discussions.

Councilman Berra referenced the comment in the resolution which stated that “The Planning Board recommends that the Town Board exercise full discretion when evaluating Building Height”. Mr. Berra said he has concerns regarding the building height.

Residents Ann Rabinowitz Dantzig, Susan Shimer, Ed Woodyard, Linda Fernberg, and Sharon Tomback expressed their continued opposition to the size of the project citing concerns regarding costs associated with the project, impacts on traffic and parking, height of the buildings, number of units, water and sewer capacity, the proposed location of a potential sidewalk on Bedford Road, and impacts on the historic district.

Town Board Minutes
September 25, 2019

After all persons were heard who desired to be heard, Councilman D'Angelo moved, seconded by Councilman DiGiacinto, that the Public Hearing be adjourned at 11:13 at p.m., and reconvened at the October 16, 2019 Town Board Meeting.

The roll call vote was as follows:

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

Noes: None

Alison Simon, Town Clerk

Dated: October 10, 2019