

From: [Michael Fareri](#)
To: [Michael Schiliro](#)
Cc: [Alison Simon](#); [Barbara DiGiacinto](#); breiter@northcastleny.com; [José Berra](#); [Kevin Hay](#); [Matt Milim](#); [Supervisor External Account](#); [Mindy Berard](#); [Saleem Hussain](#); [rbaroni](#)
Subject: 162 Bedford Road
Date: Monday, December 5, 2022 11:47:11 AM

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Dear Supervisor Schiliro and Members of the Town Board,

On September 23, 2020, your Honorable Board adopted a resolution regarding the above development project amending Chapter 355, Zoning, Section 355-28, Subsection C. The amendment applied only to my property at 162 Bedford Road and is as follows:

AFFH units. The single-structure building shall be provided with one AFFH unit for every five market-rate units or fraction thereof (20%). In an effort to promote the type of housing envisioned in this zone, an applicant shall be permitted to reduce the AFFH requirement to one AFFH unit for every 10 market-rate units or fraction thereof (10%) provided that the single-structure building has been granted a permanent certificate of occupancy no later than December 31, 2022 subject to a reasonable extension for good cause shown provided the project is at least 75% complete as determined by the Building Inspector.

I write to request your Honorable Board amend Section 355-28 to revise Subsection C to receive a permanent certificate of occupancy by December 31, 2024.

I briefly note in this email the impediments that have occurred that has delayed this project. With the COVID pandemic, need to coordinate with the County Planning Department and Health Department, and the requirements of the Town, it took two years since the Board Resolution of September 23, 2020 to submit the Final Plat for approval to the Westchester County Department of Health. The Final Plat was submitted in August 2022 and I am still awaiting the signature of the County Engineer so I can file the Plat and obtain a Building Permit.

If there is a formal process to proceed with this request, please advise. I am available to present this request at a Town Board meeting, if appropriate.

Thank you for your consideration of this request.

Best,

Michael Fareri

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County
City
of
Town
Village

North Castle-----

Local Law No. 1 of the year 2023

A Local Law to amend the Code of the Town of North Castle by amending Chapter 355 entitled Zoning.

1. Section 355-28. Additional R-MF-SS Residence District Regulations subsection C. AFFH units is hereby amended in its entirety to read as follows:

C. AFFH Units. The single-structure building shall be provided with one AFFH unit for every five market-rate units or fraction thereof (20%).

In an effort to promote the type of housing envisioned in this zone, an applicant shall be permitted to reduce the AFFH requirement to one AFFH unit for every 10 market-rate units or fraction thereof (10%) provided that the single structure building has been granted a permanent Certificate of Occupancy no later than December 31, 2024 subject to a reasonable extension for good cause shown provided the project is at least 75% complete as determined by the Building Inspector.

Be it enacted by the Town Board
of the

(Name of Legislative Body)

County

City

of North Castle As follows:
Town

Village

(Complete the certification in the paragraph that applies to the filing of this local law and strikeout that which is not applicable).

1. (Final adoption by local legislative body only).

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2023 of the Town of North Castle was duly passed by the North Castle Town Board on January 11, 2023, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*).

I hereby certify that the local law annexed hereto, designated as local law No. _____ of _____ of the Town of North Castle was duly passed by the North Castle Town Board on _____ 2023, and was (approved) (not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 2023, in accordance with the applicable provisions of law.

3. (Final adoption by referendum).

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2023 of the Town of North Castle was duly passed by the _____ on _____ 2023,
(Name of Legislative Body)
and was (approved) (not approved) (repassed after disapproval) by the _____ on _____ 2023. Such local law was submitted
(Elective Chief Executive Officer*)
to the people by reason of a (mandatory) (permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special) (annual) election held on _____ 2023, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum).

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2023 of the Town of North Castle was duly passed by the _____ on _____ 2023,
(Name of Legislative Body)
and was (approved) (not approved) (repassed after disapproval) by the _____ on _____ 2023. Such local law was subject to
(Elective Chief Executive Officer*)
permissive referendum and no valid petition requesting such referendum was filed as of _____ 2023, in accordance with the applicable provisions of law.

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition).

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2023 of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 2023, became operative.

6. (County local law concerning adoption of Charter).

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2023 of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 2023, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification).

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript there from and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____1_____, above.

Alison Simon, Town Clerk of the Town of North Castle

(Seal)

Date:

(Certification to be executed by Town Attorney).

STATE OF NEW YORK
COUNTY OF WESTCHESTER

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature

Roland Baroni, Town Attorney

Title

STEPHENS, BARONI, REILLY, & LEWIS, ESQS.

Town of North Castle

Date:

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information				
Name of Action or Project:				
Project Location (describe, and attach a location map):				
Brief Description of Proposed Action:				
Name of Applicant or Sponsor:		Telephone:		
		E-Mail:		
Address:				
City/PO:		State:	Zip Code:	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO	YES
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO	YES
3.a. Total acreage of the site of the proposed action? _____ acres				
b. Total acreage to be physically disturbed? _____ acres				
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres				
4. Check all land uses that occur on, adjoining and near the proposed action.				
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)				
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____				
<input type="checkbox"/> Parkland				

5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation service(s) available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	NO	YES	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO	YES	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO	YES	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO	YES	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places? b. Is the proposed action located in an archeological sensitive area?	NO	YES	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	NO	YES	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
16. Is the project site located in the 100 year flood plain?	NO	YES	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input type="checkbox"/> YES _____ _____	NO	YES	

<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____ _____</p>	<p>NO</p>	<p>YES</p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____ _____</p>	<p>NO</p>	<p>YES</p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____ _____</p>	<p>NO</p>	<p>YES</p>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor name: _____ Date: _____</p> <p>Signature: _____</p>		

Project:

Date:

***Short Environmental Assessment Form
Part 2 - Impact Assessment***

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept “Have my responses been reasonable considering the scale and context of the proposed action?”

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?		
2. Will the proposed action result in a change in the use or intensity of use of land?		
3. Will the proposed action impair the character or quality of the existing community?		
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?		
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?		
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?		
7. Will the proposed action impact existing: a. public / private water supplies?		
b. public / private wastewater treatment utilities?		
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?		
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?		
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?		
11. Will the proposed action create a hazard to environmental resources or human health?		

Project:

Date:

Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Name of Lead Agency

Date

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

State Environmental Quality Review
NEGATIVE DECLARATION
Notice of Determination of Non-Significance

Project Number: NA

Date: January 11, 2023

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of North Castle Town Board, as lead agency, has determined that the proposed action described below will not have a significant adverse effect on the environment and a Draft Environmental Impact Statement will not be prepared.

Name of Action: A Local Law to amend the Code of the Town of North Castle by amending Chapter 355 entitled Zoning to modify the AFFH requirements in the RMF-SS Zoning District.

SEQR Status: Type I

Unlisted

Conditioned Negative Declaration: Yes

No

Description of Action: A Local Law to amend the Code of the Town of North Castle by amending Chapter 355 entitled Zoning to modify the AFFH requirements in the RMF-SS Zoning District.

Location: (Include street address and the name of the municipality/county. A location map of appropriate scale is also recommended).

RMF-SS Zoning District - Town of North Castle, NY

Reasons Supporting This Determination:

(See 617.7(c) for requirements of this determination; see 617.7(d) for Conditioned Negative Declaration)

SEE ATTACHED REASONS

If Conditioned Negative Declaration, provide on attachment the specific mitigation measures imposed.

For Further Information:

Contact Person: **Adam R. Kaufman, AICP, Director of Planning**

Address: Planning Department, Town Hall Annex, 17 Bedford Road, Armonk, NY 10504

Telephone Number: (914) 273-3542

For Type I Actions and Conditioned Negative Declarations, a copy of this notice sent to:

Office of the Chief Executive Officer of the political subdivision in which the action will be principally located.

The lead agency

All involved agencies (if any)

Any person who has requested a copy (if any)

Applicant (if any)

Publication in the in the Environmental Notice Bulletin (ENB) is also required.

**ATTACHMENT TO NEGATIVE DECLARATION
REASONS SUPPORTING DETERMINATION**

**A LOCAL LAW TO AMEND THE CODE OF THE TOWN OF NORTH CASTLE
BY AMENDING CHAPTER 355 ENTITLED ZONING TO MODIFY THE AFFH
REQUIREMENTS IN THE RMF-SS ZONING DISTRICT.**

The Town Board cites the following reasons supporting this Negative Declaration:

- The Proposed Action will not have a significant adverse environmental impact on any CEA.
- The Proposed Action will not have a significant adverse environmental impact on any unique or unusual land forms.
- The Proposed Action will not have a significant adverse environmental impact on any water body designated as protected.
- The Proposed Action will not have a significant adverse environmental impact on any non-protected existing or new body of water.
- The Proposed Action will not have a significant adverse environmental impact on surface or groundwater quality or quantity.
- The Proposed Action will not have a significant adverse environmental impact on or alter drainage flow or patterns, or surface water runoff.
- The Proposed Action will not have a significant adverse environmental impact on air quality.
- The Proposed Action will not have a significant adverse environmental impact on any threatened or endangered species.
- The Proposed Action will not have a significant adverse environmental impact on agricultural land resources.
- The Proposed Action will not have a significant adverse environmental impact on aesthetic resources.
- The Proposed Action will not have a significant adverse environmental impact on any site or structure of historic, prehistoric or paleontological importance.

- The Proposed Action will not have a significant adverse environmental impact on the quantity or quality of existing or future open spaces or recreational opportunities.
- The Proposed Action will adequately mitigate any impact on existing transportation systems.
- The Proposed Action will not have a significant adverse environmental impact on the community's sources of fuel or energy supply.
- The Proposed Action will not have a significant adverse environmental impact as a result of objectionable odors, noise or vibration.
- The Proposed Action will not have a significant adverse environmental impact on the public health and safety.
- The Proposed Action will not have a significant adverse environmental impact on the character of the existing community.