

PUBLIC HEARING

May 27, 2015

At 8:15 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 May 27, 2015, at 7:30 PM, or as soon thereafter, at the Hergenhan Recreation Center, 40 Maple Avenue, Armonk, NY 10504, for the purpose of considering the Special Use Permit Amendment of St. Nersess Armenian Seminary, Inc., involving a modification to the existing special use permit to allow the construction of one additional one-bedroom apartment in an existing structure and increase the maximum permitted on-site population accordingly. The property is located at 486 Bedford Road, Armonk, NY in the Town of North Castle, and known on the North Castle Tax Maps as 108.02-1-16 and located within the R2-A Zoning District.

The special use permit application is available in the Town Clerk's office during regular business hours. ALL PERSONS HAVING AN INTEREST IN THE MATTER ARE INVITED TO ATTEND AND BE HEARD.

By Order of the Town Board  
Anne Curran, Town Clerk

Dated: May 15, 2015  
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 Robert Stanziale, Architect, PC dated February 19, 2015 was marked Exhibit "D" for the record.

Application for Special Use Permit from Robert Stanziale, Architect, including Short Environmental Assessment Form, dated March 27, 2015 was marked Exhibit "E" for the record.

Letter from Director of Planning, Adam Kaufman dated April 17, 2015 regarding a positive recommendation from the Planning Board was marked Exhibit "F" for the record.

Certificates confirming mailing of Notice of Hearing to adjacent property owners.

Negative Declaration for consideration.

Proposed Resolution of Approval.

Robert Stanziale, Architect for St. Nersess Seminary, appeared before the Board regarding the request for an amendment to the special use permit to allow the construction of one additional one-bedroom apartment. Mr. Stanziale referenced the July 2012 special use permit approval granted by the Town Board which allowed the development of the St. Nersess Armenian Seminary comprised of four structures: Single students' residence, Married students' residence, Dean's residence, and new Theological Center with a chapel. He said that during the approval process St. Nersess was asked to eliminate one of three single bedroom units due to concerns with over population of the site. He explained that as the program is developing it is becoming apparent that it is essential to have the single bedroom unit restored to provide proper accommodation, rather than a studio unit, for visiting faculty, which is sometimes a bishop staying for two to three weeks at a time. He added that the single bedroom units are not occupied on a full time basis.

After all persons were heard who desired to be heard, Councilman DiGiacinto moved, seconded by Councilman Reiter, that the Public Hearing be closed at 8:19 p.m.

The roll call vote was as follows:

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

Noes: None

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Councilman DiGiacinto moved, seconded by Councilman D'Angelo, 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, Mezzancello, Supervisor Schiliro

Noes: None

Councilman DiGiacinto moved, seconded by Councilman D'Angelo, approval of the Special Use Permit Amendment application of St. Nersess Armenian Seminary, Inc., involving a modification to the existing special use permit to allow the construction of one additional one-bedroom apartment in an existing structure and increase the maximum permitted on-site population accordingly.

The roll call vote was as follows:

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

Noes: None

The Resolution follows at the end of these minutes.

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Anne Curran, Town Clerk

Dated: June 10, 2015

## RESOLUTION

<b>Action:</b>	Special Use Permit Approval for a Religious or Charitable Institution
<b>Application Name:</b>	St Nersess Armenian Seminary
<b>Applicant/Owner:</b>	St. Nersess Armenian Seminary, Inc.
<b>Zone:</b>	R-2A Zoning District
<b>Location:</b>	486 Bedford Road
<b>Original Date of Approval:</b>	July 11, 2012
<b>Amended Date of Approval:</b>	May 27, 2015
<b>Expiration Date:</b>	May 27, 2016 (1 year)

WHEREAS, the Town of North Castle Town Board received an application to amend the previously approved special use permit to permit the construction of one additional one-bedroom apartment and increase the maximum permitted on-site population accordingly.

WHEREAS, the proposed one-bedroom apartment would be created in an existing building and will not result in any new building footprint construction; and

WHEREAS, the Town of North Castle Town Board previously approved a special use permit for the renovation and adaptive reuse of the existing buildings and the construction of a new 8,400 square foot, one-story theological center which includes a library and private chapel on the 5.55 acre property known as Promise Farm and located within the R-2A Zoning District; and

WHEREAS, activities associated with the Seminary would include academic instruction and residence of seminarians, religious workshops, religious lectures, fundraising events and summer religious conferences; and

WHEREAS, a religious or charitable institution use requires the issuance of a special use permit by the Town Board; and

WHEREAS, on April 16, 2015, the Planning Board reviewed and discussed the requested amendment and positively recommended that the Town Board consider the proposed amended special use permit (3-0 vote); and

WHEREAS, the application for special use permit was referred to the Westchester County Planning Board pursuant to Section 239 L, M and N of the New York State General Municipal Law and Section 277.61 of the County Administrative Code on April 20, 2015; and

WHEREAS, a duly advertised public hearing on said application was opened and closed on May 27, 2015, at which time all those wishing to be heard were given the opportunity to be heard; and

WHEREAS, the proposed seminary expansion may have impacts upon the recreational infrastructure of the Town; and

WHEREAS, the Applicant previously offered to provide the Town a \$19,000 payment toward meeting the recreational needs of the on-site residents; and

WHEREAS, the \$19,000 payment represents a full \$10,000 recreation fee for the Dean's residence and a \$9,000 fee for the proposed seminarians; and

WHEREAS, § 213-30 of the North Castle Code establishes certain general standards for all special permit uses; and

WHEREAS, in order for the Town Board to approve a special use permit, the Town Board must find that all of the conditions and standards have been met; and

WHEREAS, pursuant to § 213-30(A) of the Town Code, in order to grant a special permit, the Town Board must find that "the location and size of the use, the nature and intensity of the operations involved in it or conducted in connection with it, the size of the site in relation to it and

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the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located and that it complies with all special requirements for such use established in” the Town Code; and

WHEREAS, the subject property is located within the R-2A Zoning District; and

WHEREAS, within close proximity are several institutional uses also located within the R-2A Zoning District including a church, a temple, the historical society campus as well as a High School; and

WHEREAS, the proposed use would be compatible with surrounding residential uses as well as other permitted uses in the R-2A Zoning District; and

WHEREAS, the Town Board, based upon its review of the entire record, finds that the location and size of the use, the nature and intensity of the operations involved in it or conducted in connection with it, the size of the site in relation to it and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located and that it complies with all requirements for such use established in the Town Code; and

WHEREAS, pursuant to § 213-30(B) of the Town Code, the second criteria for the issuance of a special permit is that “the location, nature and height of buildings, walls, fences and the nature and extent of existing or proposed plantings on the site are such that the use will not hinder or discourage the appropriate development and use of the adjacent land and buildings;” and

WHEREAS, the proposed building height complies with the requirements of the zoning code and the Planning Board will require the implementation of a landscaping plan during site plan review; and

WHEREAS, the location, nature and height of buildings, walls, fences and the nature and extent of existing or proposed plantings on the site are such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings since the proposed buildings comply with the R-2A district height and setback requirements and an extensive landscaping plan and six (6') foot tall forest green vinyl privacy fence are proposed, and that the construction of this project will promote appropriate development and use of adjacent land and buildings; and

WHEREAS, the Town Board, based upon its review of the entire record finds that the location, nature and height of buildings, walls, fences and the nature and extent of existing or proposed plantings on the site are such that the use will not hinder or discourage the appropriate development and use of the adjacent land and buildings; and

WHEREAS, pursuant to § 213-30(C), the third requirement for the issuance of a special permit is that “operations in connection with any special permit use will not be more objectionable to nearby properties by reason of noise, fumes, vibration or other characteristics than would be the operations of any permitted uses not requiring a special permit;” and

WHEREAS, the proposed seminary will not generate any noise, fumes or vibrations; and

WHEREAS, the Town Board, based upon its review of the entire record finds that the operations in connection with any special permit use will not be more objectionable to nearby properties by reason of noise, fumes, vibration or other characteristics than would be the operations of any permitted uses not requiring a special permit; and

WHEREAS, pursuant to § 213-30(D) of the Town Code, the Town Board, in order to grant a special permit, must find that “parking areas will be of adequate size for the particular use, properly located and suitably screened from adjoining residential uses, and the entrance and exit drives shall be laid out so as to achieve maximum convenience and safety;” and

WHEREAS, the Town Code does not provide an off-street parking requirement for the proposed seminary use; and

WHEREAS, pursuant to Section 213-34.B of the Town Code, the Planning Board is required to

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determine reasonable and appropriate off-street parking requirements for uses which do not fall within the categories listed in the Town Code based upon consideration of all factors entering into the parking needs of each such use; and

WHEREAS, the Planning Board previously discussed setting the off-street parking requirement for the seminary use as one off-street parking space for each 1,000 square feet of floor area; and

WHEREAS, the proposed number of off-street parking spaces would comply with the Planning Board's recommended off-street parking requirement and the Planning Board previously required the implementation of an appropriate landscape plan; and

WHEREAS, the Applicant has agreed to enter into a reciprocal agreement with Congregation B'Nai Yisrael to provide overflow parking at each other's property when vehicular parking demand exceeds the number of spaces at the seminary or temple; and

WHEREAS, the Town Board, based upon its review of the entire record finds that the proposed parking areas are of adequate size for the proposed use, properly located and suitably screened from adjoining residential uses, and the entrance and exit driveways are laid out so as to achieve maximum convenience and safety; and

WHEREAS, pursuant to § 213-30(E) of the Town Code, the fourth criteria for the issuance of a special permit is compliance "where required, [with] the provisions of the Town Flood Hazard Ordinance;" and

WHEREAS, no development is proposed within the floodplain; and

WHEREAS, the Town Board, based upon its review of the entire record finds that development is not proposed within the floodplain; and

WHEREAS, pursuant to § 213-30(F), it is required that "the Town Board finds that the proposed special permit use will not have a significant adverse effect on the environment;" and

WHEREAS, on April 8, 2015, the Town Board declared its intent to act as Lead Agency with respect to the environmental review of the proposed action pursuant to the State Environmental Quality Review Act (SEQRA) and adopted a resolution authorizing circulation of a Lead Agency Determination Notice and a copy of the application materials, including a copy of the Environmental Assessment Form, to all involved agencies for the project, and no agencies objected to the Town Board becoming the Lead Agency; and

WHEREAS, the Town Board has found that the proposed action is an Unlisted Action pursuant to SEQRA; and

WHEREAS, the Town Board, based upon its review of the entire record, finds that the proposed special permit use will not have a significant adverse effect on the environment; and

NOW THEREFORE BE IT RESOLVED, that based upon its review of the full environmental record, the Town Board finds that the proposed action will not result in any significant adverse environmental impacts and hereby adopts a Negative Declaration pursuant to the requirements of Article 8 of the New York State Environmental Quality Review Law and 6 NYCRR Part 617; and

BE IT FURTHER RESOLVED, that the foregoing "WHEREAS" clauses and the findings contained in the Negative Declaration are incorporated herein by reference and fully adopted as part of this approval; and

BE IT FURTHER RESOLVED, that this special permit shall be deemed to authorize only the particular use of uses specified in the permit and shall expire if work is not initiated within one year from the date of issue, or if said use or uses shall cease for more than one year for any reason or if all required improvements are not completed within two years from the date of issue or if all such required improvements are not maintained and all conditions and standards complied with throughout the duration of the use; and

BE IT FURTHER RESOLVED, that, except as otherwise expressly amended herein, all other terms, provisions and conditions of the Town Board resolution of approval adopted by the Town

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Board on July 11, 2012 are incorporated herein by reference and shall remain in full force and effect.

BE IT FURTHER RESOLVED, that the special permit be, and it hereby is, approved, subject to the conditions set forth below:

**Conditions:**

1. The site shall be utilized only as follows:
  - During the normal academic year (late August through late May, or approximately 300 days per year), operation of a seminary to include the academic instruction and residence of seminarians limited to a maximum resident occupancy of 17 people, plus the Dean and his immediate family. The resident occupancy would consist of:
    - (i) residences for approximately 8 single residents in separate rooms (in the renovated and expanded main house);
    - (ii) 3 one bedroom small apartments (for married residents) in the renovated main barn;
    - (iii) 4 studios for resident and visiting faculty (in the rear of the renovated barn);
    - (iv) an on-site Dean's residence (in the renovated secondary house) for the Dean and his immediate family.
  - A maximum of six summer religious conferences per year, held between late June and mid-August, limited to 10 additional residents (exclusive of the Dean and his immediate family) and a maximum daytime occupancy of 50 people. The Town Board has been informed by the Applicant that the summer conferences range from approximately 4-8 days each (with one conference lasting 10 days), are closely supervised by clergy and adult volunteers, and that the attendance varies by session for young people who are interested in bible study and learning more about their faith, and possibly pursuing a career in the clergy.
  - A variety of events such as religious lectures and four-day religious workshops, not to exceed 10 events per year, limited to a maximum daily on-site occupancy of 50 people.
  - A maximum of two fundraising events per year that exceed a maximum daily on-site occupancy of 50 people, with overflow parking provided at Congregation B'Nai Yisrael.
  - A maximum of one graduation event per year that exceeds a maximum daily on-site occupancy of 50 people, with overflow parking provided at Congregation B'Nai Yisrael.
  - One-time events, such as a groundbreaking ceremony and a dedication event for the seminary, that exceed a maximum daily on-site occupancy of 50 people, with overflow parking provided at Congregation B'Nai Yisrael.
  - Any increase in the foregoing limits shall require amended special use permit approval from the Town.
2. All delivery vehicles and other vehicles (including staff vehicles and seminarian vehicles/vans) shall not enter or leave the site between 7:15-8:15AM on weekdays during the regular school year.
3. Compliance with all applicable local laws and ordinances of the Town of North Castle.