

## PUBLIC HEARING

July 8, 2015

At 8:40 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 July 8, 2015, at 7:30 PM, or as soon thereafter, at North Castle Community Center, 10 Clove Road, North White Plains, 10603, for the purpose of considering the special event permit request to benefit the No Kid Hungry campaign special event and to hold approximately 100 people on Sunday, October 4, and Monday, October 5, 2015. The property is located at Restaurant North - 386 Main Street and known on the North Castle Tax Maps as 108.03-1-6 and located within the CB Zoning District.

The special event 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 North Castle Town Board  
Anne Curran, Town Clerk

Dated: June 24, 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.

The following were marked Exhibit "D" for the record:

- The application documents, including Short Environmental Assessment Form, dated June 23, 2015.
- Emails dated June 25, 2015 from Police Chief Peter Simonsen, Fire Inspector/Assistant Building Inspector William Richardson, and Armonk Fire Chief Carlos Cano regarding review of plans.
- Letter from the property owner dated May 23, 2015 permitting use of property for the special event.
- Cash Bond in amount of \$500 to guarantee cleanup.
- Certificates denoting mailing of Notice of hearing to adjacent property owners.
- Negative Declaration for consideration.
- Proposed Resolution for approval of Special Event for consideration.

Restaurant North owners Stephen Mancini and Eric Gabrynowicz appeared before the Board. Mr. Mancini spoke about the two events, a family oriented day with events for children on Sunday, October 4<sup>th</sup> and a dinner gala on Monday, October 5<sup>th</sup>, to benefit Share Our Strength, a national not-for-profit organization whose mission is to end childhood hunger in the United States. Mr. Mancini and Mr. Gabrynowicz described their affiliation with other not-for-profit organizations, including Wellness in the Schools, whose mission is to inspire healthy eating in public schools, and Chefs Collaborative, whose mission is to build a more sustainable food system. They thanked the community for their support.

In response to a query from Councilman Mezzancello, the applicants explained that the Child Nutrition Reauthorization Act, which they spoke about in Washington, D.C., would permit mobile food sites to provide meals to children over the summer.

After all persons were heard who desired to be heard, Councilman Reiter moved, seconded by Councilman D'Angelo, that the Public Hearing be closed at 8:49 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 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, Mezzancello, Supervisor Schiliro

Noes: None

Councilman D'Angelo, moved, seconded by Councilman Reiter, approval of the Special Event Permit application of Restaurant North to benefit the Share Our Strength No Kid Hungry campaign on Sunday, October 4, 2015 and Monday, October 5, 2015, subject to conditions in the resolution.

The roll call vote was as follows:

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

Noes: None

*Note: On September 30, 2015, the Town Clerk's Office was advised that the special event had been cancelled and would not be held.*

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Anne Curran, Town Clerk

Dated: July 20, 2015

## RESOLUTION

<b>Action:</b>	Special Event Permit
<b>Application Name:</b>	Restaurant North Share Our Strength
<b>Owner:</b>	Olive Branch Plaza Corp
<b>Applicant:</b>	Restaurant North
<b>Designation:</b>	Section 2, Block 14, Lot 10
<b>Zone:</b>	CB
<b>Acreage:</b>	Approx. 0.69-acres
<b>Location:</b>	386 Main Street
<b>Date of Approval:</b>	July 8, 2015
<b>Term of Special Event Permit:</b>	October 4, 2015 from 12 PM – 8 PM & October 5, 2015 from 5 PM to 10 PM

WHEREAS, an application dated May 28, 2015 was submitted by Restaurant North to operate a special event at 386 Main Street pursuant to Chapter 83 of the Town Code; and

WHEREAS, Restaurant North is requesting permission to conduct a special event that is not open to the public and will hold not more than 100 people at any one time; and

WHEREAS, seating for the event will occur within a tent that is to be erected on the parking lot; and

WHEREAS, all food preparation will occur within the Restaurant North kitchen within the building; and

WHEREAS, the restaurant space will be converted into an art gallery; and

WHEREAS, the operation of the special event would not require any permanent construction; and

WHEREAS, overflow parking for the event will be provided at Town Hall; and

WHEREAS, the site plan was forwarded to the Chief of Police and Building Department so that they may make any pertinent recommendations to the Town Board including, but not limited to, the designation of no-parking zones, emergency vehicle access or any other issues deemed important to providing emergency services; and

WHEREAS, the 0.69-acre property is located in the CB Zoning District and is designated on the Tax Maps of the Town of North Castle as Section 2, Block 14, Lot 10; and

WHEREAS, a duly advertised public hearing was held on said application before the Town Board on July 8, 2015 and closed on that date at which time all those wishing to be heard were given the opportunity to be heard; and

WHEREAS, the Town Board is familiar with the nature of the site and surrounding area;

WHEREAS, the Town Board has requested, received and considered comments from the Town Attorney, the Town Engineer and Town Planner regarding the proposed special event; and

WHEREAS, the proposed action is an Unlisted Action pursuant to the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Town Board determined to conduct an uncoordinated SEQRA Review; and

NOW, THEREFORE, BE IT RESOLVED, that in accordance with Article 8 of the New York State Environmental Quality Review Law and 6 NYCRR Part 617, the Town Board hereby makes 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

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BE IT FURTHER RESOLVED, that the special event permit is approved for October 4, 2015 from 12 PM – 8 PM & October 5, 2015 from 5 PM to 10 PM, subject to the conditions identified below; and

BE IT FURTHER RESOLVED, that this permit shall be deemed to authorize only the particular use or uses specified, and shall expire if the site is not maintained and if all conditions and standards are not complied with throughout the duration of the use; and

**Prior to the Issuance of the Special Event Permit:**

*(The Town Clerk's initials and date shall be placed in the space below to indicate that the condition has been satisfied.)*

- \_\_\_\_\_1. The property owner of 386 Main Street shall submit documentation authorizing the special event on the property.
- \_\_\_\_\_2. The Applicant shall obtain a tent permit from the Town of North Castle Building Department.
- \_\_\_\_\_3. Pursuant to Section 83-4.F of the Town Code, a certificate of insurance from an insurance company licensed to do business in New York State with the following minimum coverages to the satisfaction of the Town Clerk:
  - (1) Bodily injury: \$300,000, one person.
  - (2) Bodily injury: \$1,000,000, one accident.
  - (3) Property damage: \$100,000, one accident.

In addition, the Town shall be identified as additionally insured to the satisfaction of the Town Attorney.
- \_\_\_\_\_4. Pursuant to Section 83-4.I of the Town Code, the Applicant shall post a cash bond of \$500 to guarantee cleanup by the exhibitor after the special event, except where the special event is conducted on premises owned by the person making the application.
- \_\_\_\_\_5. A pre-permit site meeting shall be held with the Applicant and with the Building Inspector, Fire Marshal, Fire Department, and Police Department to discuss the operation of the special event. Once all issues have been adequately addressed to the satisfaction of the Building Inspector, Fire Marshal, Fire Department and Police Department, the Building Department shall transmit a letter stating such to the Town Clerk.

**Other Conditions:**

1. Overflow parking for the special event shall be provided at Town Hall.
2. Pursuant to Section 83-3.A of the Town Code, all special events shall require the provision of a "fire watch" by the local Fire Department and/or North Castle Fire Marshal, the cost of which shall be paid for by the applicant. The Fire Marshal may also approve other fire-protection measures to the satisfaction of the North Castle Fire Marshal, the cost of which shall be paid for by the applicant.
3. Pursuant to Section 83-3.B of the Town Code, all special events shall require the provision of security and/or traffic control by the Town of North Castle Police Department, the cost of which shall be paid for by the applicant. The Chief of Police may also approve other security and/or traffic control measures to the satisfaction of the Chief of Police, the cost of which shall be paid for by the applicant.
4. This special event permit is not assignable.
5. This special event permit is revocable for a violation of the Town Code or any other ordinance or law, pursuant to Chapter 83-6 of the Town Code.

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6. The Applicant shall observe all state, county and Town laws, rules and regulations as to health, safety and general welfare and shall be subject to reasonable regulations of the Building Department, Fire Marshal, Police Department and Highway Department of the Town of North Castle.
7. The special event shall not be conducted prior to 12 Noon or after 10:00 PM.
8. The tent shall only be erected on October 4<sup>th</sup> and 5<sup>th</sup>. Full use of the parking lot at 386 Main Street shall be available on October 6<sup>th</sup> after the special event conclusion.
4. All rubbish from the premises and from any parking area must be gathered and deposited in closed containers by no later than 6:00 p.m. of the day following and removed from the premises by 6:00 p.m. of the next day following.
6. The Applicant shall not permit any unnecessary or unreasonable noise by means of loudspeakers, power amplifier devices or any other means which would create or tend to create a public nuisance.