

## PUBLIC HEARING

April 11, 2018

At 9:38 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 April 11, 2018, at 7:30 PM, or as soon thereafter, at Town Hall, 15 Bedford Road, Armonk, NY, 10504, for the purpose of considering the special event permit requests for the following Armonk Chamber of Commerce events to be open to the public: Sidewalk Sale from May 17 through May 20, 2018; and 3<sup>rd</sup> Thursday events on May 17, June 21, July 19, and August 16, 2018. The property for the Sidewalk Sale is located from 377 Main Street to 419 Main Street; from 378 Main Street to 480 Main Street; and 575 Main Street and within the CB Zoning District. The property for the 3<sup>rd</sup> Thursday events is located at Armonk Square - 402 Main Street and within the CB Zoning District.

The special event 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: March 28, 2018  
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.

Application documents, dated February 22, 2108, and Short Environmental Assessment Form Part 1, dated March 19, 2018, were marked Exhibit "D" for the record.

Letter from property owner, dated March 23, 2018, permitting use of property for the 3<sup>rd</sup> Thursday events was marked Exhibit "E" for the record.

Emails, regarding review of application documents, dated March 29, 2018 through April 9, 2018, were received from Adam Kaufman, Director of Planning, William Richardson, Fire Inspector, Lieutenant Geoffrey Harisch, North Castle Police Department, Chief Peter Simonsen, North Castle Police Department, and Phil Goulet, Chief North Castle Fire District No. 2, were marked Exhibit "E" for the record.

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

The Town Clerk noted there were Negative Declarations for consideration.

The Town Clerk noted there were Proposed Resolutions of approval for consideration.

Neal Schwartz, President, Armonk Chamber of Commerce, and Stacy Wilder, Executive Director, Armonk Chamber of Commerce appeared before the Board. Mr. Schwartz said this will be the first time that the Chamber will have a four day Sidewalk Sale with about forty merchants and businesses participating. The Sidewalk Sale will coincide with the first 3<sup>rd</sup> Thursday event. Mr. Schwartz said the 3<sup>rd</sup> Thursday events will include live music, chalk art, a chili cook off, a classic car show, and circus arts. He said the Chamber's goals are to bring fun to the community and connect the businesses to the community.

In response to a query from Town Clerk Alison Simon, the Board was in agreement that the special event permit will include the Classic Car Show. Ms. Wilder said the Car Show will likely take place partially in Armonk Square and at St. Stephen's Church where cars will be parked, with probably a loop around the street, and she said that no streets will need to be closed.

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After all persons were heard who desired to be heard, Councilman D'Angelo moved, seconded by Councilman Berra, 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 Berra, 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 the Negative Declarations.

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 Berra, approval of the Special Event Permit application of the Armonk Chamber of Commerce events: Sidewalk Sale from May 17 through May 20, 2018; and 3<sup>rd</sup> Thursday events on May 17, June 21, July 19, and August 16, 2018. The property for the Sidewalk Sale is located from 377 Main Street to 419 Main Street; from 378 Main Street to 480 Main Street; and 575 Main Street. The property for the 3<sup>rd</sup> Thursday events is located at Armonk Square - 402 Main Street. The Resolutions follow at the end of these minutes.

The roll call vote was as follows:

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

Noes: None

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Alison Simon, Town Clerk

Dated: April 20, 2018

R E S O L U T I O N

Action:	Special Event Permit
Application Name:	Armonk Chamber of Commerce Sidewalk Sale
Applicant:	Armonk Chamber of Commerce
Location:	Armonk Hamlet
Date of Approval:	April 11, 2018
Term of Special Event Permit:	May 17, 2018 from 9 AM – 5 PM May 18, 2018 from 9 AM – 5 PM May 19, 2018 from 9 AM – 5 PM May 20, 2018 from 9 AM – 5 PM

WHEREAS, an application dated February 22, 2018 was submitted by Armonk Chamber of Commerce to operate a special event in the Armonk Hamlet pursuant to Chapter 263 of the Town Code; and

WHEREAS, the Armonk Chamber of Commerce is requesting permission to conduct a special event that is open to the public and will accommodate approximately 250 people at any one time; and

WHEREAS, store owners will place items out on the sidewalk or will promote items in their stores; and

WHEREAS, musical entertainment will be provided; and

WHEREAS, outside vendors will not be permitted to operate in the sale and the sidewalk sale will only be made available to Armonk Chamber of Commerce members; and

WHEREAS, the operation of the special event would not require any permanent construction; 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, a duly advertised public hearing was held on said application before the Town Board on April 11, 2018 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

BE IT FURTHER RESOLVED, that the special event permit is approved for May 17-May 20, 2018 from 9 AM – 5 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

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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. Pursuant to Section 263-4.F of the Town Code, the Applicant shall maintain insurance on its own behalf and furnish to the Town of North Castle certificates of insurance from an insurance company licensed to do business in New York State, in accordance with the Town's minimum insurance requirements, together with an indemnification and hold harmless agreement. Should it be determined that the extent of the operations in any particular case require insurance coverage in greater amounts than the Town's minimum insurance requirements, the sponsor shall provide certificates of insurance in the requested amounts.

\_\_\_\_\_2. Pursuant to Section 263-4.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.

\_\_\_\_\_3. 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. No furnishings shall be permanently affixed to the sidewalk or any building.
2. Store owners shall dispose of all refuse and recycle appropriate materials in accordance with its designated and customary place of disposal.
3. The Chamber shall obtain the consent of all owners of any premises on which the sidewalk sale is to be conducted.
4. The Chamber shall ensure that at all times a four-foot walking area is provided on all sidewalks. Furnishings or other objects must not be allowed to intrude upon the four-foot walking area.
5. The Chamber shall at all times maintain free and clear from all obstruction an aisle not less than four feet in width, providing access to any establishment fronting on a sidewalk.
6. Pursuant to Section 263-3.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.
7. This special event permit is not assignable.
8. This special event permit is revocable for a violation of the Town Code or any other ordinance or law, pursuant to Chapter 263-6 of the Town Code.
9. 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.
10. The special event shall not be conducted prior to 9 AM or after 5 PM.
11. 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.

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12. 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.

## RESOLUTION

<b>Action:</b>	Special Event Permit
<b>Application Name:</b>	Armonk Chamber of Commerce Third Thursday
<b>Applicant:</b>	Armonk Chamber of Commerce
<b>Location:</b>	Armonk Square - Armonk Hamlet
<b>Date of Approval:</b>	April 11, 2018
<b>Term of Special Event Permit:</b>	May 17, 2018 from 5 PM – 8:30 PM June 21, 2018 from 5 PM – 8:30 PM July 19, 2018 from 5 PM – 8:30 PM August 16, 2018 from 5 PM – 8:30 PM

WHEREAS, an application dated February 22, 2018 was submitted by Armonk Chamber of Commerce to operate a special event in the Armonk Hamlet pursuant to Chapter 263 of the Town Code; and

WHEREAS, the Armonk Chamber of Commerce is requesting permission to conduct a special event that is open to the public and will accommodate approximately 250 people at any one time; and

WHEREAS, Third Thursday is a community celebration that provides art, in-store deals, music, dining, wine tastings and more; and

WHEREAS, musical entertainment will be provided; and

WHEREAS, the operation of the special event would not require any permanent construction; 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, a duly advertised public hearing was held on said application before the Town Board on April 11, 2018 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

BE IT FURTHER RESOLVED, that the special event permit is approved for May 17, June 21, July 19, and August 16, 2018 from 5 PM – 8:30 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. Pursuant to Section 263-4.F of the Town Code, the Applicant shall maintain insurance on its own behalf and furnish to the Town of North Castle certificates of insurance from an insurance company licensed to do business in New York State, in accordance with the Town's minimum insurance requirements, together with an indemnification and hold harmless agreement. Should it be determined that the extent of the operations in any particular case require insurance coverage in greater amounts than the Town's minimum insurance requirements, the sponsor shall provide certificates of insurance in the requested amounts.
- \_\_\_\_\_2. Pursuant to Section 263-4.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.
- \_\_\_\_\_3. 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. Store owners shall dispose of all refuse and recycle appropriate materials in accordance with its designated and customary place of disposal.
2. The Chamber shall obtain the consent of all owners of any premises on which the event is to be conducted.
3. The Chamber shall ensure that at all times a four-foot walking area is provided on all sidewalks. Furnishings or other objects must not be allowed to intrude upon the four-foot walking area.
4. The Chamber shall at all times maintain free and clear from all obstruction an aisle not less than four feet in width, providing access to any establishment fronting on a sidewalk.
5. Pursuant to Section 263-3.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.
6. Pursuant to Section 263-3.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.
7. This special event permit is not assignable.
8. This special event permit is revocable for a violation of the Town Code or any other ordinance or law, pursuant to Chapter 263-6 of the Town Code.
9. 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.

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10. The special event shall not be conducted prior to 5 PM or after 8:30 PM.
11. 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.
12. 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.