

## PUBLIC HEARING

April 11, 2018

At 9:12 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, April 11, 2018, at 7:30 p.m., or as soon thereafter, at Town Hall, 15 Bedford Road, Armonk, New York, 10504, for the purpose of considering the Special Use Permit Application of Chappaqua Cares, Chappaqua Shares, Inc. a/k/a 914 Cares. The proposed uses of the premises are professional offices, a permitted principal use in the CB District; and storage and distribution of donated clothing as part of the operation a charitable institution, a permitted special permit use in the CB District. The property is located at 901 North Broadway, North White Plains, NY, and known on the North Castle Tax Maps as 122.12-4-51, and located within the CB 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  
Alison Simon, Town Clerk

Dated: March 29, 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.

The following letters and documents were noted as received and marked Exhibit "D" for the record:

- Special Use Permit Application, dated March 1, 2018
- Letter and supporting documents from McCullough, Goldberger & Staudt, LLP, dated March 5, 2018
- Short EAF, Part 1, dated March 5, 2018

The following memos and letters were noted as received and marked Exhibit "E" for the record:

- Letter from Adam Kaufman, Director of Planning, to the Town Board, dated March 27, 2018, regarding positive recommendation from the Planning Board
- Emails from Andrew Seicol, Chief North Castle South Fire District No. 1, dated March 29, 2018 and April 10, 2018
- Email from Michael Cromwell, Acting Building Inspector, dated April 3, 2018
- Letter from Robert Greenstein, Supervisor, Town of New Castle, dated April 10, 2018

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 Negative Declaration for consideration.

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

Seth Mandelbaum, McCullough, Goldberger & Staudt, LLP, appeared before the Board, representing Chappaqua Cares, Chappaqua Shares, Inc. a/k/a 914 Cares, as well as Kids Klost. Mr. Mandelbaum said that the proposal is for the two charitable, not for profit organizations to move into just under 4,000 square feet of space at the vacant office building at 901 North

Broadway for both office space for the umbrella organization, 914 Cares, as well as the storage and distribution of clothing through Kids Klosets.

Mr. Mandelbaum acknowledged and introduced the people in attendance in support of the application, including Jessica Reinmann, Executive Director of Chappaqua Cares (will be Chairman and CEO of 914 Cares); Stephanie Roth, Executive Director, Kids Kloset; and Dawn Greenberg, co-founder of Chappaqua Cares, (will be Vice Chairman of 914 Cares).

Mr. Mandelbaum said that the Planning Board unanimously recommended approval of the special permit on March 26, 2018; with the condition that the applicant work with the North White Plains Fire Department regarding the storage of the clothing. Mr. Mendelbaum said they are working with Chief Seicol, North Castle South Fire District No. 1, and Michael Cromwell, North Castle Building Department to address any concerns. He added that Ms. Reinmann and Ms. Roth are working with the architect who has spoken with Chief Seicol regarding the storage of the clothing.

In response to a query from Councilman DiGiacinto, Ms. Reinmann said that some plans have been drawn up, but until they receive approval of the special permit they cannot spend a significant amount of funds. She said that upon approval of the special permit, formal plans will be submitted to the Building Department. Supervisor Schiliro noted that the Town Board resolution includes conditions that the plans be forwarded to the Building Department and the North White Fire Department.

Mr. Mandelbaum, said there are no changes to the exterior building, the site, or the parking lot, only interior work will be done. He added that all the parking will be in the back of the building and the use will be low impact. In response to a query from Councilman Berra, Mr. Mendelbaum said that the drop off is in the rear of the building.

Ms. Reinmann said that Chappaqua Cares was started by Dawn Greenberg and herself in 2014 working with about five local charities, and has grown to working with over thirty charities. In February 2018, the organization changed its name to 914 Cares to reflect the geographic growth of the organization.

Ms. Reinmann said that the mission is to help Westchester based residents deprived of basic needs of food, clothing, shelter and education, to educate the public about poverty in Westchester, and to engage the County's youth in their mission. She said that the Kids Kloset program provides children in Westchester County with donated clothing and related items, free of charge; over 17,000 bags have been provided since the program opened in 2011.

Councilman DiGiacinto suggested that a condition of approval should include improvements to the landscaping in front of the building. Mr. Mandelbaum said that since his client is the lessee of the building, he could not agree this condition on behalf of the landlord. Town Attorney Roland Baroni said that this could be addressed when the landlord is before the Board for a use change.

In response to a query from the resident Ed Lobermann, Supervisor Schiliro read aloud the three conditions in the resolution which must be met.

In response to a request from Ms. Reinmann to use the space to sort clothing at the space prior to approval of the plans by the Building Department, Mr. Baroni said this must be determined by the Building Inspector.

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 9:36 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

Town Board Minutes  
April 11, 2018

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, Berra, Supervisor Schiliro

Noes: None

Councilman D'Angelo moved, seconded by Councilman Berra, approval of the Special Use Permit Application of Chappaqua Cares, Chappaqua Shares, Inc. a/k/a 914 Cares for uses of the premises at 901 North Broadway as professional offices, a permitted principal use in the CB District; and storage and distribution of donated clothing as part of the operation a charitable institution, a permitted special permit use in the CB District. The Resolution follows 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

## RESOLUTION

**Action:** Special Use Permit Approval for a Religious or Charitable Institution  
**Application Name:** Chappaqua Cares, Chappaqua Shares Inc. a/k/a/ (914) Cares (Kids' Klostet)  
**Applicant:** Chappaqua Cares, Chappaqua Shares Inc.  
**Owner:** 901 Properties, LLC  
**Zone:** CB Zoning District  
**Location:** 901 N. Broadway  
**Date of Approval:** April 11, 2018  
**Expiration Date:** April 11, 2019 (1 year)

WHEREAS, the Town of North Castle Town Board has received a special use permit application for the establishment of a new charitable institution at 901 N. Broadway; and

WHEREAS, the Applicant is seeking permission to utilize 3,976 s.f. of space within the existing office building to operate the (914) Cares charity; and

WHEREAS, the charity receives clothes and distributes clothing to needy children and families; and

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

WHEREAS, on March 27, 2018, the Planning Board reviewed and discussed the project and positively recommended that the Town Board consider the proposed special use permit (5-0 vote); and

WHEREAS, since the Applicant is also proposing to store clothing in the building, the Planning Board recommended that the North White Plains Fire Department review the proposal; 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 3, 2018; and

WHEREAS, the proposed development will occur on a lot that is currently occupied by several office uses; and

WHEREAS, the Proposed Action does not require any new construction; and

WHEREAS, a duly advertised public hearing on said application was conducted on April 11, 2018, at which time all those wishing to be heard were given the opportunity to be heard; and

WHEREAS, § 355-37 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 § 355-37(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 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 CB Zoning District; and

WHEREAS, within close proximity are several commercial and institutional uses; and

WHEREAS, the proposed use would be compatible with surrounding uses as well as other permitted uses in the CB 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 § 355-37(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, new construction is not proposed as part of the requested special permit; 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 no new construction is proposed; 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 § 355-37(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 charitable institution 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 this 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 § 355-37(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 number of off-street parking spaces on the site will remain the same; and

WHEREAS, the existing number of off-street parking spaces on the site complies with the minimum off-street parking requirement; 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 § 355-37(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 § 355-37(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

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 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 the special permit be, and it hereby is, approved, subject to the conditions set forth below:

**Conditions:**

1. The plans shall be forwarded to the Building Department so that they may review the plan for conformance with the NYS Building Code.
2. The plans shall be forwarded to the North White Plains Fire Department so that they may make recommendations to the North Castle Building Department with respect to the proposed clothing storage.
3. Compliance with all applicable local laws and ordinances of the Town of North Castle.