

## PUBLIC HEARING

June 14, 2017

At 8:12 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, June 14, 2017, 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 St. Christopher's, Inc., Jennie Clarkson Campus for a private animal assisted therapy program. The property is located at 1700 Old Orchard Street, North Castle, NY, and known on the North Castle Tax Maps as 118.01-1-2.1 and 118.01-1-2.2, and located within the R2A 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: June 2, 2017  
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 2, 2017, including Application for Site Plan Development Approval and Site Plan.
- Short EAF, Part 1 dated March 2, 2017.

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

- Memos from Director of Planning Adam Kaufman, dated March 27, 2017 and May 9, 2017.
- Acknowledgement from Westchester County Planning Board, dated June 9, 2017, of the Town's Notification regarding Special Use Permit application.

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.

AnnMarie Sasso, of Willow Hill Equities LLC, the applicant, appeared before the Board with regard to the Special Use Permit application for a residential animal assisted therapy program at the Jennie Clarkson Campus of St. Christopher's Inc. Also in attendance was Ms. Bhagavatula, Campus Director at Jennie Clarkson.

Ms. Sasso said that a Westchester County 4H program sponsored by the Cornell Cooperative Extension will be incorporated into the program at Jennie Clarkson. Ms. Bhagavatula said that all residents at the Campus will participate in the program.

Town Board Minutes  
June 14, 2017

Director of Planning Adam Kaufman provided a description of the program which will utilize six goats and eighteen heads of poultry to be hosted in a 12' by 20' barn, a small chicken coop and a fenced paddock area.

After all persons were heard who desired to be heard, Councilman D'Angelo moved, seconded by Councilman DiGiacinto, that the Public Hearing be closed at 8:24 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 DiGiacinto, 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, Berra, Supervisor Schiliro

Noes: None

Councilman D'Angelo moved, seconded by Councilman DiGiacinto approval of the Special Use Permit Application of St. Christopher's Inc., Jennie Clarkson Campus for a private animal assisted therapy program at 1700 Old Orchard Street. 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: June 23, 2017

## RESOLUTION

|                          |   |
|--------------------------|---|
| <b>Action:</b>           | Amended Special Use Permit Approval for a Religious or Charitable Institution |
| <b>Application Name:</b> | Jennie Clarkson Animal Assisted Therapy                                       |
| <b>Owner</b>             | St. Christopher's, Inc.   |
| <b>Applicant:</b>        | AnneMarie Sasso   |
| <b>Zone:</b>             | R-2A & R-1A Zoning Districts  |
| <b>Location:</b>         | Jennie Clarkson Campus Old Orchard Street                                     |
| <b>Date of Approval:</b> | June 14, 2017   |
| <b>Expiration Date:</b>  | June 14, 2018 (1 year)  |

WHEREAS, the Town of North Castle Town Board has received a special use permit application for the amendment to the Jennie Clarkson special use permit; and

WHEREAS, the Applicant is seeking amended approval to create a noncommercial, private Animal-Assisted Therapy Program for on-site residents; and

WHEREAS, the Applicant is looking to utilize 6 goats and 18 heads of poultry for the program housed in a new 12'x20' barn, 12'x20' chicken coop and 60'x72' fenced paddock area; and

WHEREAS, the program will be part of the County 4H program sponsored by Cornell Cooperative Extension; and

WHEREAS, amendments to all religious or charitable institutions requires the issuance of a special use permit by the Town Board; and

WHEREAS, on May 9, 2017, the Planning Board reviewed and discussed the project and and positively recommended that the Town Board consider the proposed special use permit (4-0 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 June 9, 2017; and

WHEREAS, a duly advertised public hearing on said application was conducted on June 14, 2017, 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 property is located within the R-2A and R-1A Zoning Districts. Within close proximity are institutional and residential uses; and

WHEREAS, the Town Board and Planning Board have studied the proposed mass, design and screening opportunities for the farm to ensure that the facility is compatible with the neighborhood and surrounding residential character; and

WHEREAS, based upon the submitted information, while the new facility would not be visible from the road and surrounding properties and the Town Board finds that the proposed design would not have a significant negative visual impact; 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, 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 property is located within the R-2A and R-1A Zoning Districts; and

WHEREAS, within close proximity are institutional and residential uses; and

WHEREAS, the Town Board, based upon its review of the entire record finds that the proposed animal uses 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 Town Board does not anticipate that the proposed use would impact off-street parking; 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

WHEREAS, the Proposed Action would be classified as an Unlisted Action pursuant to the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Town Board has elected to conduct an uncoordinated SEQRA review; 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 Applicant shall obtain Planning Board site plan approval.
2. Compliance with all applicable local laws and ordinances of the Town of North Castle.
3. That all operations associated with the animal therapy be in full compliance with the Noise Chapter of the Town Code.