

PUBLIC HEARING

September 11, 2019

At 8:01 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 September 11, 2019, at 7:30 PM, or as soon thereafter, at Town Hall, 15 Bedford Road, Armonk, NY, 10504, to consider the special event permit request for a Halloween special event to be open to the public and to hold not more than 300 people on the following dates: October 4, 5, 6, 11,12, 13, 18, 19, 20, 24, 25, 26, 27, and November 1 and 2, 2019. The property is located at Rocky Ledge Swim Club, 1402 Old Orchard Street and known on the North Castle Tax Maps as 123.01-1-9 and located within the R-1A 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: August 28, 2019
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:

- Application documents, dated June 21, 2019, and Short Environmental Assessment Form, Part 1.
- Letter from property owner, dated June 19, 2019, permitting use of property for the special event.
- Email from Lieutenant Geoffrey Harisch, North Castle Police Department, dated August 29, 2019, regarding review of application documents and plans.
- Letter from Building Inspector Rob Melillo, dated September 6, 2019, regarding review of application documents and plans, including revisions to original plans.
- Email from Chief Andrew Seicol, Chief North Castle South Fire District #1, dated September 6, 2019.
- Email from Westchester County Department of Planning, dated August 15, 2019, confirming receipt of notification of special permit application to the Westchester County Planning Board.

The Town Clerk noted that 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.

The applicant, Marc Mancini, and his associate, Mat Tuffarelli appeared before the Board. It was noted that this is the tenth year for this event.

In response to questions from the Board regarding the required fire watch, Mr. Mancini and Mr. Tuffarelli explained that Building Inspector Rob Melillo advised that three certified fire watch personnel must be present each night of the event. The applicants agreed to secure required fire watch personnel.

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In response to questions from Councilman Berra, Mr. Mancini explained that the parking lot at the property has been laid out to provide for a better flow of traffic in and out of the event. Mr. Mancini confirmed that the event will not be held on Thursdays.

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 8:06 p.m.

The roll call vote was as follows:

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

Noes: None

Absent: Councilman Reiter

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, Berra, Supervisor Schiliro

Noes: None

Absent: Councilman Reiter

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, approval of the Special Event Permit application of Haunted Dead End for a Halloween Special Event at the Rocky Ledge Swim Club, 1402 Old Orchard Street (Tax ID: 123.01-1-9), for a term beginning October 4, 2019 and ending November 2, 2019. The Resolution follows at the end of these minutes.

The roll call vote was as follows:

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

Noes: None

Absent: Councilman Reiter

Note: The Resolution was amended at the October 16, 2019 Town Board meeting.

Alison Simon, Town Clerk

Dated: September 18, 2019

RESOLUTION

Action: Special Event Permit
Application Name: Haunted Dead End
Owner: Rocky Ledge Swim Club
Applicant: Haunted Dead End – Marc Mancini
Designation: Section 3, Block 14, Lot 1.H
Zone: R-1A
Acreage: Approx. 14-acres
Location: 1402 Old Orchard Street
Date of Approval: September 11, 2019
Term of Special Event Permit: October 4, 2019 – November 2, 2019

WHEREAS, an application dated June 21, 2019 was submitted by Haunted Dead End to operate a special event at the Rocky Ledge Swim Club pursuant to Chapter 263 of the Town Code; and

WHEREAS, Haunted Dead End is requesting permission to conduct a Halloween special event that is open to the public and will hold not more than 300 people, at any one time, on Fridays, Saturdays and Sundays during the months of October and November; and

WHEREAS, activities will include an evening adult/teen event that includes a graveyard, vortex tunnel, corn maze and haunted house maze; and

WHEREAS, the event will provide adequate parking lot, restrooms, concessions and a large enough area to allow a safe flow of spectators; and

WHEREAS, in 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017 and 2018 the Town Board issued a Halloween special event permit; and

WHEREAS, the 2010, 2011, 2012, 2013, 2014, 2015, 2016 and 2018 Halloween Special Events were held without any known incidents and

Whereas, at the 2017 Halloween Special Event, the Police Department reported a minor motor vehicle accident in the parking lot and a dispute with parking staff which will require an increased Police presence at the applicant's expense; 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 Fire Inspector 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 application was referred to the Westchester County Planning Board pursuant to § 239-m of New York State General Municipal Law (GML) on August 15, 2019; and

WHEREAS, the 14-acre property is located in the R-1A Zoning District and is designated on the Tax Maps of the Town of North Castle as Section 3, Block 14, Lot 1.H; and

WHEREAS, a duly advertised public hearing was held on said application before the Town Board on September 11, 2019 and closed on that date at which time all those wishing to be heard were given the opportunity to be heard; and

WHEREAS, the notice of public hearing was sent to the City of White Plains City Clerk and the Town Clerk of the Town/Village of Harrison pursuant to § 239-nn of New York State General Municipal Law (GML) since the subject site is located within 500 feet of the City of White Plains and the Town/Village of Harrison; 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 Friday, Saturday and Sunday evenings for a term beginning October 4, 2019 and ending November 2, 2019, for a total of fourteen days, 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.D of the Town Code, the Applicant is required to submit plans showing the layout of the event area, including the location of all existing structures and improvements, the location and description of all event-related temporary structures, tents, stands, ingress and egress, parking, signs, lighting, electrical equipment, sound equipment, mechanical equipment, and portable toilets to the satisfaction of the Building Department.
- _____ 2. Pursuant to Section 263-4.F of the Town Code, prior to commencement of any event and until completion of the event, the sponsor shall, at its sole expense, 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.
- _____ 3. Pursuant to Section 263-4.G of the Town Code, the Applicant shall submit all documentation demonstrating approval from the Westchester County Department of Health to the satisfaction of the Building Department.
- _____ 4. 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.
- _____ 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. 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.
2. 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.

Pursuant to the recommendation of the Police Department:

- There shall be no deviation from the indicated closing time.
 - Advertisement(s) of the event shall state that people will be turned away at the specified closing time.
 - At no time shall vehicles block the driveway going into the event. The driveway shall be maintained open and clear to the satisfaction of the Police Department.
3. This special event permit is not assignable.
4. 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.
5. 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 Inspector, Police Department and Highway Department of the Town of North Castle.
6. The special event shall not be conducted prior to 7:00 p.m. or after 11:00 p.m. on Fridays and Saturdays, and it shall not be conducted prior to 7:00 p.m. or after 10:00 p.m. on Sundays.
7. 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.
8. 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.