

PUBLIC HEARING

January 11, 2023

At 8:18 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, January 11, 2023, at 7:30 p.m., or as soon thereafter, at Town Hall, 15 Bedford Road, Armonk, New York, 10504, to consider the Special Use Permit Application of Bedrock Plaza Corp., 731 N. Broadway, North White Plains, for more than 1 residential use within a building in the Central Business (CB) Zoning District.

The special use 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: December 28, 2022
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.

Amended application documents, including letter from Christine M. Monteleone, Bedrock Plaza Corp, dated December 5, 2022, were marked Exhibit "D" for the record.

Letter from Director of Planning Adam Kaufman, dated November 29, 2022, regarding a positive recommendation from the Planning Board was marked Exhibit "E" for the record.

Short Environmental Assessment Form (EAF), Part 1 was marked Exhibit "F" for the record.

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

Christine Monteleone, Bedrock Plaza, appeared before the Board and explained this application is to convert current second floor office vacancies into 3 residential apartments. Ms. Monteleone indicated that the required parking for the proposed residential is less than that required for the office space.

The Councilmen stated support for this residential use because it will offer additional housing opportunities and will serve to improve the area.

Councilman Berra moved, seconded by Councilman Hussain, receipt of Negative Declaration and Resolution.

The roll call vote was as follows:

Ayes: Councilmen DiGiacinto, Berra, Hussain, Milim, Supervisor Schiliro

Noes: None

After all persons were heard who desired to be heard, Councilman Berra moved, seconded by Councilman Hussain, that the Public Hearing be closed at 8:24 p.m.

The roll call vote was as follows:

Ayes: Councilmen DiGiacinto, Berra, Hussain, Milim, Supervisor Schiliro

Noes: None

Town Board Minutes
January 11, 2023

Councilman Berra moved, seconded by Councilman Hussain, 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 DiGiacinto, Berra, Hussain, Milim, Supervisor Schiliro

Noes: None

Councilman Berra moved, seconded by Councilman Hussain, approval of the Special Use Permit Application of Bedrock Plaza Corp., 731 N. Broadway, North White Plains, for more than 1 residential use within a building in the Central Business (CB) Zoning District. The Resolution follows at the end of these minutes.

The roll call vote was as follows:

Ayes: Councilmen DiGiacinto, Berra, Hussain, Milim, Supervisor Schiliro

Noes: None

Alison Simon, Town Clerk

Dated: January 23, 2023

RESOLUTION

Action: Special Use Permit for More Than One Dwelling Unit
Located in a Building
Application Name: 731 N. Broadway
Applicant: Bedrock Plaza Corp.
Owner: 731 North Broadway Realty Corp.
Zone: CB Zoning District
Location: 731 N. Broadway (122.16-3-37)
Date of Approval: January 11, 2023
Expiration Date: January 11, 2024 (1 year)

WHEREAS, the Town of North Castle Town Board received a special use permit application proposing to convert two existing office suites into three new apartments; and

WHEREAS, the second floor will be converted into a total of four apartments (1 apartment exists); and

WHEREAS, existing Apartment #1 contains 2 Bedrooms and is 1,160 square feet in size; and

WHEREAS, proposed Apartment #2 contains 2 Bedrooms and is 1,582 square feet in size; and

WHEREAS, proposed Apartment #3 contains 1 Bedroom and is 820 square feet in size; and

WHEREAS, proposed Apartment #4 contains 1 Bedroom and is 1,487 square feet in size; and

WHEREAS, all of the proposed units would be market rate units; and

WHEREAS, pursuant to Section 355-22 of the Town Code, CB-B Permitted Accessory Use 6, residential uses are limited to one dwelling unit with additional dwellings permitted by the issuance of a special use permit by the Town Board; and

WHEREAS, on November 29, 2022, the Planning Board reviewed and discussed the requested special use permit and positively recommended that the Town Board consider issuing the requested permit; 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; and

WHEREAS, a duly advertised public hearing on said application was conducted on January 17, 2023, 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 commercial and residential uses; and

WHEREAS, the proposed use would be compatible with surrounding commercial and residential 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, the building is not proposed to be enlarged; 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 the building is not proposed to be enlarged and the plans call for improving the aesthetics of the building and property; 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 residential uses 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 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, 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 existing office space requires 16 off-street parking spaces; and

WHEREAS, the conversion of this space to three apartments requires 9 parking spaces; and

WHEREAS, given the previously issued parking variance, the proposed change of use does not exacerbate the off-street parking deficiency; and

WHEREAS, the site will require substantially less off-street parking with the proposed mix of uses; 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 Town Board has found that the proposed action is an Unlisted Action pursuant to SEQRA; and

WHEREAS, the Town Board elected to conduct an uncoordinated review with respect to the environmental review of the proposed action pursuant to the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Town Board, based upon its review of the entire record, finds that the proposed special permit use will not have a significant adverse effect on the environment; and

WHEREAS, the Town Board hereby adopts a Negative Declaration and finds that the proposed action will not result in any significant adverse environmental impacts; and

NOW THEREFORE BE IT 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 use permit be, and it hereby is, approved, subject to the conditions set forth below:

Conditions:

1. The special permit shall only be valid for 4 total apartments as follows: Apartment #1 contains 2 Bedrooms and is 1,160 square feet in size; Apartment #2 contains 2 Bedrooms and is 1,582 square feet in size; Apartment #3 contains 1 Bedroom and is 820 square feet in size; Apartment #4 contains 1 Bedroom and is 1,487 square feet in size;
2. Compliance with all applicable local laws and ordinances of the Town of North Castle.
3. The Applicant shall obtain site development plan approval for the proposed change of use.