

PUBLIC HEARING

April 12, 2023

At 8:11 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 12, 2023, at 7:30 p.m., or as soon thereafter as practical, at Town Hall, 15 Bedford Road, Armonk, NY 10504, to consider the special event permit request for a Cycle for Survival fundraising event for Memorial Sloan Kettering on Saturday, April 22, 2023. The property is located at Equinox, 99 Business Park Drive, Armonk, and known on the North Castle Tax Maps as 108.03-1-57 and located within the PLI 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 29, 2023
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.

Certificate of Mailing of Notice of Hearing to adjacent property owners was marked Exhibit "D" for the record.

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

- Application documents including a schedule of events and site map, dated February 22, 2023.
- Letter from Ecco Development, LLC on behalf of property owner 99 Business Park Drive, LLC, permitting use of property for the special event.
- Emails from Building/Fire Inspector Rob Melillo, Chief Carlos Cano, Armonk Fire Department, and Lt. Regen Hufnagle, North Castle Police Department regarding review of the application.

The Town Clerk noted there was a Short Environmental Assessment Form.

The Town Clerk noted there was a Negative Declaration for consideration.

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

Leah Gallagher, representative for the applicant CSM Sport & Entertainment, provided a synopsis of the event during which participants will ride stationary bikes outside in the Equinox parking lot to raise funds for Memorial Sloan Kettering.

Councilman Berra moved, seconded by Councilman Hussain, receipt of the Environmental Assessment Form (EAF).

The roll call vote was as follows:

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

Noes: None

Town Board Minutes
April 12, 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

After all persons were heard who desired to be heard, Councilman Berra moved, seconded by Councilman Hussain, that the Public Hearing be closed at 8:15 p.m.

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 Event Permit application of CSM Sport & Entertainment for a Cycle for Survival fundraising event for Memorial Sloan Kettering at Equinox, 99 Business Park Drive, Armonk, (Tax ID 108.03-1-57) on Saturday, April 22, 2023. 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: April 17, 2023

RESOLUTION

Action: Special Event Permit
Application Name: Cycle for Survival
Owner: 99 Business Park Drive LLC
Applicant: CSM Sport & Entertainment
Designation: 108.03-1-57
Zone: PLI
Acreage: Approx. 7.28-acres
Location: 99 Business Park Drive
Date of Approval: April 22, 2023
Term of Special Event Permit: April 22, 2023 from 7 AM – 5 PM

WHEREAS, an application dated March 27, 2023 was submitted by CSM Sport & Entertainment to operate a special event at 99 Business Park Drive pursuant to Chapter 263 of the Town Code; and

WHEREAS, CSM Sport & Entertainment is requesting permission to conduct a special event that is not open to the public and will hold not more than 1,000 people at any one time; and

WHEREAS, there is not food preparation or service proposed; and

WHEREAS, light refreshments will be served; and

WHEREAS, the operation of the special event would not require any permanent construction; and

WHEREAS, parking for the event will be provided on-site; and

WHEREAS, the site plan was forwarded to the Chief of Police, Armonk Fire Department and the 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, the 7.28-acre property is located in the PLI Zoning District and is designated on the Tax Maps of the Town of North Castle as 108.03-1-57; and

WHEREAS, a duly advertised public hearing was held on said application before the Town Board on April 12, 2023 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 April 22, 2023 from 7AM – 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

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 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.
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 Inspector, 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 Inspector, 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 upon the recommendation of 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.
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 Marshal, Police Department and Highway Department of the Town of North Castle.
6. Full use of the parking lot at 99 Business Park Drive shall be available on April 23, 2023, after the special event conclusion.
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.

I, Alison Simon, Town Clerk, of the Town of North Castle, do hereby certify that the above resolution was duly adopted at a regularly scheduled meeting of the Town Board of the Town of North Castle held on April 12, 2023 and that the above resolution is a true and correct transcript thereof.

Alison Simon

Dated: April 13, 2023
Armonk, New York