

PUBLIC HEARING

April 12, 2023

At 7:16 p.m. Supervisor Schiliro stated that a Public Hearing, would be opened 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 12, 2023, at 7:30 p.m., or as soon thereafter as practical, at Town Hall, 15 Bedford Road, Armonk, New York, 10504, to consider a Local Law to amend Zoning Section 355-21, of the Code of the Town of North Castle to create a new Special Use Permit in residential districts to allow day camps.

The proposed local law 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.

Letter from Kirkpatrick Law, LLC on behalf of HZBR, LLC owner and operator of Breezemont Day Camp, regarding Rezoning Petition, was marked Exhibit "E" for the record.

Letter from Director of Planning Adam Kaufman dated January 5, 2023 was marked Exhibit "F" for the record.

Letter from Westchester County Planning Board, dated January 20, 2023, stating that the action is a matter for local determination was marked Exhibit "G" for the record.

Email from New York City Department of Environmental Protection (NYCDEP), dated January 23, 2023 was marked Exhibit "H" for the record.

Letter from Director of Planning Adam Kaufman regarding positive recommendation from the Planning Board, dated February 14, 2023, was marked was marked Exhibit "I" for the record.

Letter from residents Bill O'Brien and Anita Tumminelli, dated March 28, 2023 was marked Exhibit "J" for the record.

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 Local Law for consideration.

Attorney for the applicant John Kirkpatrick explained that Breezemont Day Camp is currently in a residential zone as a non-conforming use, and the purpose of this application is to amend the zone text to allow day camps as a conforming use. He explained that Breezemont has operated as a day camp for over fifty years and this will not change anything about the camp, it will only

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serve to legalize the use thereby enabling camp owners to implement necessary infrastructure and building improvements. Mr. Kirkpatrick said the property will only be used as a summer camp and that they will not allow any other events on the property.

Camp operators Gordon Josey and Walter Kowalczyk were present. Mr. Josey reiterated the need to repair and maintain existing structures on site.

Director of Planning Adam Kaufman stated that amending Town law will enable day camps to operate as a permitted special use and it will regulate how camps may operate. He said the Town Board should establish and adopt parameters within which camps can run. He stated these requirements include lot location and size and that very few properties in Town meet these requirements. He said the law permits a maximum number of campers per acre. Mr. Kaufman explained that after the Board adopts these elements, Breezemont will submit a Special Use Permit application.

Councilman Barbara DiGiacinto stated that, after speaking to neighboring property owners, it was clear that, while the camp has been a very good neighbor, use of the loud speaker had a negative impact to their quality of life.

Discussion regarding noise from the camp ensued and it was agreed that use of the public address system would be limited to emergency communications. The Board agreed that sound amplification systems may not be used for music or non-emergency communications.

Councilman Saleem Hussain questioned ways to limit the sound emanating from the camp. Mr. Kaufman stated measures may be addressed at the time of site plan approval. He stated that a noise ordinance exists in a separate part of code, but that sound is very hard to measure and regulate.

The Board determined that applicant must submit an update of the operation plan and regulatory statement on an annual basis to the Building Inspector.

Neighboring property owner Brian Burns read a letter from Bill O'Brien and Anita Tumminelli regarding noise from the camp. Mr. Burns indicated that cars often speed on Cox Avenue. Supervisor Michael Schiliro said this concern would be referred to the Police Department. Natalie Burns stated that Breezemont has been a very good neighbor.

After all persons were heard who desired to be heard, Councilman DiGiacinto moved, seconded by Councilman Hussain, that the Public Hearing be closed at 7:48 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, 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 impacts 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 Barbara DiGiacinto moved, seconded by Councilman Saleem Hussain, the adoption of Local Law 4 of 2023, to amend the Code of the Town of North Castle, Chapter 355 entitled Zoning, to permit Day Camps in Residential Zoning Districts and to create Day Camp Special Use Permit Requirements. The Local Law follows at the end of these minutes.

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The roll call vote was as follows:  
Ayes: Councilmen DiGiacinto, Berra, Hussain, Milim, Supervisor Schiliro  
Noes: None

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Alison Simon, Town Clerk

Dated: April 17, 2023

**TOWN OF NORTH CASTLE**

**Local Law No. \_\_4\_\_ For the Year 2023  
Adopted April 12, 2023**

A Local Law to amend the Code of the Town of North Castle, Chapter 355 entitled Zoning, to permit Day Camps in Residential Zoning Districts and to create Day Camp Special Use Permit Requirements.

**Section 1.** Amend Section 355-21 of the Town Code to include the following use in the Residential Zoning Districts:

\* Day Camp

**Section 2.** Amend Section 355-4 to include the following definition in proper alphabetical order:

Day Camp -- A principal permitted use consisting of a tract of land and any tents, vehicles, buildings, or other structures that may be pertinent to its use, any part of which may be occupied on a scheduled basis at any time between June 1 and September 15 in any year by children under 16 years of age, under general supervision, for the purpose of indoor or outdoor organized group activities, involving two or more activities for a period of less than 24 hours on any day the property is so occupied and/or which no provisions are made for overnight occupancy by such children. Any recreational program offered directly by the Town of North Castle Recreation Department shall not be deemed a day camp.

**Section 3.** Amend Section 355-57 of the Town Code to add Day Camp to the off-street parking requirements as follows:

Day Camp      1 space per employee

**Section 4.** Create the following new Section 355-40.AA in the Town Code as follows:

AA. Day Camps. In zones where permitted, day camps shall be subject to the following additional requirements:

- (1) Uses. The special use permit may provide for accessory uses, including athletic camp fields, tennis and racquetball courts, swimming pools and other recreational buildings and facilities such as are normally incident to the operation of a day camp.
- (2) Lot location and size. The site of a day camp shall physically relate to the scope of planned activities, shall front on an interstate highway and have a lot area of not less than 15 acres.
- (3) Density. The Town Board shall find that the proposed number of campers can be accommodated on the site. There shall be no more than 65 campers per gross acre at one time. In any event, no one day camp shall be permitted to accommodate more than 1000 campers at one time.
- (4) Coverage. Building coverage, including accessory buildings, shall not exceed 15% of the site area. Gross Land Coverage shall not exceed 45% of the site area.
- (5) Yard requirements. No building or recreation facility including swimming pools and tennis and racquetball courts shall be located within 100 feet of any street or property line. No land within 50 feet of any street or property line shall be used for outdoor recreation, including grass athletic fields and picnic areas. Off-street parking shall not be located within 50 feet of any street or property line. The restrictions contained herein shall not prevent the continued use of any building, recreational facility, outdoor recreation area or off-street parking area which was used for such purpose at the time of adoption of this section.

- (6) Landscaped strips and shrubbery screens. Camp facilities shall be screened from any adjoining residential properties by landscaped strips not less than 15 feet wide.
- (7) Camp layout. Camp facilities shall be designed so as to be consistent with the character of the surrounding neighborhood and operated so as to reasonably safeguard the peace, welfare and comfort of neighboring residents and their places of residence.
- (8) Operation plan. The applicant for a day camp shall submit a preliminary operation plan identifying proposed operations, hours, capacity and staffing requirements, as well as the parking management plan referenced in #10 below. A statement shall be included detailing the nature and extent of regulation to be provided by the State of New York and County of Westchester, with reference to statutes and laws as appropriate. The operator of the day camp shall be required to submit an update of the operation plan and regulatory statement on an annual basis to the Building Inspector as a condition of the special use permit.
- (9) Hours of operation. The day camp operating season shall be established by the Town Board but shall in no event commence earlier than June 1 nor extend later than September 15. The hours of operation of the day camp, including ground and other maintenance activities, shall be established by the Town Board but shall in no event extend longer than 12 hours per day.
- (10) Parking. Parking shall be provided pursuant to Section 355-57 of the Town Code unless a greater or lesser number is found by the Town Board to be warranted based on review of the operation plan. Safe and adequate off-street loading and unloading areas shall be provided for buses and passenger cars. In addition, staff parking may be provided off-site, if deemed appropriate by the Town Board, and upon submission of an off-site parking management plan. The management plan shall identify shuttle transportation, hours of operation, number of vehicles parked and other operational parameters. A copy of the lease or similar arrangement for the parking off-premises shall be provided to the Town with the yearly operational plan.
- (11) Exterior lighting. Exterior lighting shall be of such a nature as to minimize impact upon adjoining landowners.
- (12) Public address systems and sound amplification devices. The use of public address systems and sound amplification devices which are audible on adjacent parcels shall be prohibited except for reasonably necessary emergency and safety purposes, subject to terms and conditions pursuant to a plan preapproved by the granting authority. Such terms and conditions and plan shall be specified within the language of the permit; provided, however, that such plans seek to minimize the ability to hear such emergency and safety uses off the subject premises to the greatest extent practicable.
- (13) Site plan. The review and approval of a site plan by the Planning Board shall be made a condition of the issuance of a special use permit.
- (14) Inspection. At all reasonable times, the Building Inspector may visit and inspect the property and all relevant books, records and accounts for the purpose of determining whether the day camp is being operated in compliance with this section.
- (15) Open Houses. Notwithstanding the above, the property may also be used between September 1 and June 1 for open house events to showcase the camp for prospective campers and parents. The number of such events shall generally not exceed six per year.

#### **Section 5. Conflicting Standards.**

Where the requirements of this Local Law impose a different restriction or requirement than imposed by other sections of the Code of the Town of North Castle, the Town Law of the State of New York or other applicable rules or regulations, the requirements of this Local Law shall prevail.

**Section 6.** Severability.

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this local law shall not affect the validity of any other part of this local law that can be given effect without such invalid part or parts.

**Section 7.** Effective Date.

This Local Law shall take effect immediately upon its adoption and filing with the Secretary of State.

Dated: April 12, 2023