

PUBLIC HEARING  
April 12, 2023

At 8:49 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, 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 the Special Use Permit Application of Zeidan Realty Corp., for Gas Station Outdoor Display and Sales. The property is located at 360 Main Street (Sunoco) Armonk, NY, and known on the North Castle Tax Map as 108.03-1-69, and located within 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: 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 was marked Exhibit "D" for the record.

Application documents, including letter from Kory Salomone, Zarin & Steinmetz on behalf of applicant Zeidan Realty Corp., dated January 31, 2023, were marked Exhibit "E" for the record.

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

Letter from Westchester County Planning Board, dated February 10, 2023, stating that the action is a matter for local determination was marked Exhibit "G" for the record.

Letter from Kory Salomone, Zarin & Steinmetz, dated January 31, 2023, was marked Exhibit "H" for the record.

Amended Site Plan, received March 8, 2023, was marked Exhibit "I" for the record.

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

Kory Salomone, attorney for the applicant Zeidan Realty Corp., stated this application is straight forward and will allow for outdoor displays and sales.

Discussion ensued regarding the types of displays. The Town Board agreed to send a message to the Planning Board to consider the aesthetics of storage units and planters approved in the site plan.

DiGiacinto moved, seconded by Councilman Hussain, receipt of the Environmental Assessment Form.

The roll call vote was as follows:

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

Noes: None

Town Board Minutes  
April 12, 2023

After all persons were heard who desired to be heard, Councilman DiGiacinto moved, seconded by Councilman Hussain, that the Public Hearing be closed at 8:57 p.m.

The roll call vote was as follows:

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

Noes: None

Councilman DiGiacinto moved, seconded by Councilman Hussain, approval of the Special Use Permit Application of Zeidan Realty Corp., for Gas Station Outdoor Display and Sales. The property is located at 360 Main Street (Sunoco) Armonk, NY, and known on the North Castle Tax Map as 108.03-1-69, and located within the Central Business (CB) Zoning District with a message to the Planning Board to consider the aesthetics of items approved in the site plan. 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

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Alison Simon, Town Clerk

Dated: April 18, 2023

## RESOLUTION

**Action:** Special Use Permit Approval for Outdoor Display  
**Application Name:** 360 Main Street Outdoor Display  
**Owner/Applicant:** Zeidan Realty Corp.  
**Designation:** 108.03-1-69  
**Zone:** CB Zoning District  
**Location:** 360 Main Street  
**Date of Approval:** April 10, 2023  
**Expiration Date:** April 10, 2024 (1 year)

WHEREAS, an application dated January 31, 2023 for Special Use Permit approval was submitted to the Town Board and referred to the Planning Board for its review and recommendation; and

WHEREAS, the application consists of the following drawings:

- Plan labeled “G001,” entitled “Title Sheet,” dated November 14, 2022, last revised January 31, 2023, prepared by LaBella.
- Plan labeled “SP1,” entitled “Existing Conditions Survey,” dated February 22, 2019, last revised October 26, 2022, prepared by Chazen Engineering, Land Surveying & Landscape Architecture, Co., D.P.C.
- Plan labeled “C130,” entitled “Amended Site & Landscape Plan,” dated November 14, 2022, last revised February 13, 2023, prepared by LaBella.
- Plan labeled “C530,” entitled “Amended Landscape Plan & Site Details,” dated January 31, 2023, prepared by LaBella.

WHEREAS, the Applicant is seeking Special Use Permit for the outdoor sales and display adjacent to the gas station building; and

WHEREAS, the property is located in the CB Zoning District and is designated on the Tax Maps of the Town of North Castles as lot 108.03-1-69; and

WHEREAS, the proposed action is a Type II Action under the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Town Board is familiar with the nature of the site and surrounding area; and

WHEREAS, the Town Board has determined that the proposed location and size of the display area, the nature and intensity of the operations involved with the display area and the size of the display area with respect to streets giving access to it are such that display area will be in harmony with the appropriate and orderly development of the CB Zoning District; and

WHEREAS, the Town Board has determined 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 adjacent land and buildings; and

WHEREAS, the Town Board has determined that operations in connection with the special 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 Town Board has determined that parking areas are of adequate size for the particular use, properly located and suitably screened from adjoining residential uses, and the entrance and exit drives are laid out so as to achieve maximum convenience and safety; and

WHEREAS, the Town Board has determined that the provisions of the Town Flood Hazard Ordinance will be met by the Applicant needing to obtain a flood development permit pursuant to Chapter 177 of the Town Code; and

Town Board Minutes  
April 12, 2023

WHEREAS, the Town Board has determined that the proposed special permit use will not have a significant adverse effect on the environment; and

WHEREAS, the Town Board has determined that the proposed display area would not interfere with ingress and egress by pedestrians; and

WHEREAS, the Planning Board on February 14, 2023 favorably recommended this application to the Town Board with the understanding that the outdoor display area would be limited in area and height; and

WHEREAS, a duly advertised public hearing was held on said application before the Town Board on April 10, 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 application for special use permit approval requires referral 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, the referral requires “notification only” because the project proposes less than 5,000 square feet of new or renovated floor area and less than 10,000 square feet of land disturbance; and

WHEREAS, the County was duly notified of the project via e-mail; and

WHEREAS, the Town Board has requested, received and considered comments from the Town Attorney, the Consulting Town Engineer and Town Planner regarding the proposed development; and

NOW, THEREFORE, BE IT RESOLVED, that the special permit is approved, subject to the conditions identified below; and

BE IT FURTHER RESOLVED, that the special permit shall be deemed to authorize only the particular use or uses specified in the permit, and shall expire if work is not initiated within one year, or if said use or uses shall cease for more than one year for any reasons 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.

**Conditions:**

1. The display area shall be limited to the area depicted on plan labeled “C130,” entitled “Amended Site & Landscape Plan,” dated November 14, 2022, last revised February 13, 2023, prepared by LaBella.
2. The Applicant shall obtain amended site plan approval from the Planning Board.
3. The Applicant shall obtain a Floodplain Development Permit pursuant to Chapter 177 of the Town Code.
4. Compliance with all applicable local laws and ordinances of the Town of North Castle and any conditions attached to permits issued thereunder.
5. There shall be no extension of the outdoor display area without amended Special Use Permit by the Town Board.

Town Board Minutes  
April 12, 2023

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.

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Alison Simon

Dated: April 13, 2023  
Armonk, New York