

PUBLIC HEARING

February 8, 2023

At 8:33 p.m. Supervisor Schiliro stated that a Public Hearing which was opened and adjourned on January 25, 2023, would be reconvened 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 25, 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 Praise Church, for the renovation and adaptive reuse of 3,990 square feet of the existing 31,350 square foot office building as a church. The property is located at 901 North Broadway and located within the CB (Central Business) 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: January 13, 2023
Armonk, NY

Councilman Berra moved, seconded by Councilman Hussain, receipt of memo from Zoning Board of Appeals regarding Lot Coverage Variance, dated February 3, 2023.

The roll call vote was as follows:

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

Noes: None

Director of Planning Adam Kaufman explained that there is a draft Resolution for consideration before the Town Board and, once approved, this matter will go before the Planning Board for site plan approval and then the applicant can move forward with this project.

Applicant Praise Church Pastor David Martinez thanked the Board for their consideration.

Councilman Milim questioned whether concerns expressed by Zachary Goldstein at the January 25, 2023 meeting pertaining to his liquor license application for a restaurant located within 200 feet of the proposed Church have been resolved. Mr. Kaufman indicated that he and Town attorney Roland Baroni confirmed with Mr. Goldstein and his Liquor Authority attorney that the proximity is not a problem due to the fact that the Church is located within a multitenant building.

After all persons were heard who desired to be heard, Councilman DiGiacinto moved, seconded by Councilman Hussain, that the Public Hearing be closed at 8:37 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 Use Permit Application of Praise Church, for the renovation and adaptive reuse of 3,990 square feet of the existing 31,350 square foot office building as a church, at 901 North Broadway and located within the CB (Central Business) 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: February 13, 2023

RESOLUTION

Action: Special Use Permit Approval for a Church or Other Place of Worship
Application Name: Praise Church [2022-039]
Applicant: Praise Church Inc.
Owner: 901 Properties LLC
Zone: CB Zoning District
Location: 901 N. Broadway
Date of Approval: February 8, 2023
Expiration Date: February 8, 2024 (1 year)

WHEREAS, the Town of North Castle Town Board has received a special use permit application for the establishment of a new place of worship; and

WHEREAS, Praise Church is a Christian Contemporary Church based in White Plains, NY for more than 19 years; and

WHEREAS, the congregation includes approximately 50 members; and

WHEREAS, the Applicant is seeking to occupy 3,990 square feet of the 31,350 square foot office building at 901 N. Broadway, an existing office building; and

WHEREAS, the Church has planned weekday evening programs as well as Saturday and Sunday morning programs; and

WHEREAS, programs will occur at times the balance of the office building will not be heavily in use; and

WHEREAS, the property is located at 901 N. Broadway in the CB Zoning District; and

WHEREAS, a Church or other place of worship requires the issuance of a special use permit by the Town Board; and

WHEREAS, on September 29, 2022, the Planning Board reviewed and discussed the project and and positively recommended that the Town Board consider the proposed special use permit (5-0 vote); 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 on February 26, 2013; and

WHEREAS, the Proposed Action does not require any new construction; and

WHEREAS, a duly advertised public hearing on said application was opened on January 25, 2023 and closed on February 8, 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 several commercial and institutional uses. The proposed use would appear to be compatible with surrounding uses as well as other permitted uses in the CB Zoning District; and

WHEREAS, the proposed use would be compatible with surrounding uses as well as other permitted 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, new construction is not proposed as part of the requested special permit; 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 no new construction is proposed; 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 place of worship 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 this 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 number of off-street parking spaces on the site will remain the same. The Applicant has submitted a parking analysis demonstrating that adequate parking has been provided for all existing and proposed uses on the site; and

WHEREAS, the existing number of off-street parking spaces on the site complies with the minimum off-street parking requirement; 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, §355-40.H of the North Castle Code establishes certain specific standards for all churches or other places of worship 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 §355.40.H(a) of the Town Code, churches or other places of worship may be permitted only in locations fronting on or having direct access to major or collector roads as determined by the Planning Board and shown on the Town Development Plan Map; and

WHEREAS, NYS Route 22 would be considered a Major Road; and

WHEREAS, the Town Board, based upon its review of the entire record finds that the proposed use is located on a Major Road; and

WHEREAS, pursuant to §355-40.H(b) of the Town Code, building coverage, including accessory buildings, shall not exceed 20% of the lot area, nor shall the sum total of the land covered with buildings and parking area, including driveways, exceed 50% of the lot area; and

WHEREAS, the existing lot coverage on the lot exceeds 50%; and

WHEREAS, the Applicant received a variance for lot coverage from the Zoning Board of Appeals on February 2, 2023; and

WHEREAS, the Town Board, based upon its review of the entire record finds that the Applicant has demonstrated that the existing building coverage complies with the Town Code and that the Applicant has secured the necessary lot coverage variance from the Zoning Board of Appeals; and

WHEREAS, pursuant to §355-40.H(c) of the Town Code, all new buildings shall be set back from adjoining properties in residence districts, and street lines directly opposite properties in residence districts, a distance equal to at least twice the normally applicable front yard setback requirement for detached one-family dwellings in the zoning district in which they are located, but in no case less than 50 feet. Off-street parking areas shall not be permitted in any required front yard, nor in any required side or rear yard within 20 feet of any adjoining property in a residence district. Setback requirements may be modified by the Town Board in cases of conversions of existing buildings; and

WHEREAS, several existing parking spaces are located within the front, side and rear yards; and

WHEREAS, the Town Board has the ability to modify the setback requirements since a portion of the existing building is proposed to be converted to a house of worship; and

WHEREAS, based upon its review of the entire record finds that no new building are proposed and that it would be appropriate for the Town Board to modify the setback requirements to permit the utilization of all existing parking areas located on the site; and

WHEREAS, pursuant to § 355-40.H(d) of the Town Code, a landscaped buffer area, meeting at least the minimum requirements of §355-15M of the Town Code, shall be required along all lot lines adjoining properties in residence districts; and

WHEREAS, no modifications to the landscaping plan are proposed as part of this application; and

WHEREAS, the Town Board, based upon its review of the entire record finds that the existing landscape buffer vegetation provides adequate screening; and

WHEREAS, the proposed establishment of a church in the existing office building would be categorized as Type II Action pursuant to SEQRA; and

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby modifies the setback requirements for all existing parking areas so that all existing off-street parking spaces can be utilized on the site; and

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

Conditions:

1. The site plan shall be forwarded to the Building Department so that they may review the plan for conformance with the NYS Building Code.
2. The Applicant shall be required to comply with all conditions of the February 2, 2023 Zoning Board of Appeals variance resolution.
3. Compliance with all applicable local laws and ordinances of the Town of North Castle.