

Town Board Minutes
Town of North Castle
15 Bedford Road
Armonk, New York
on
July 25, 2018

The Town Board meeting was called to order at 6:45 p.m. at Town Hall and immediately adjourned to an Executive Session on the duly adopted motion of Councilman D'Angelo. Councilmen D'Angelo, DiGiacinto, Reiter, and Berra, the Town Attorney, and the Town Administrator were present for the Executive Session. The Executive Session adjourned at 7:30 p.m.; the Town Clerk joined the regular meeting which reconvened at 7:37 p.m. and the following persons were present:

Present: Councilman: Stephen D'Angelo
Councilman: Barbara DiGiacinto
Councilman: Barry Reiter
Councilman: José Berra
Town Clerk: Alison Simon
Town Attorney: Roland A. Baroni
Town Administrator: Joan Goldberg

Absent: Supervisor: Michael Schiliro

The minutes of the Public Hearing which began at 7:51 p.m. follow at the end of these minutes.

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Barry Reiter, approval of Town Board Minutes: July 11, 2018.
Vote- Unanimous

Councilman: Barry Reiter moved, seconded by Councilman: Barbara DiGiacinto, adoption of Resolution of approval of Special Use Permit Application of 11 New King Street, LLC to enable construction of the proposed development to be known as "Park Place", to operate a multi-level automated parking structure located adjacent to Westchester County Airport. The Resolution follows at the end of these minutes.
Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: José Berra, Declaration of Intent of the Town Board to Act as Lead Agency regarding Sewer District No. 2 Wastewater Treatment Plant improvements.
Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: José Berra, receipt of results and report regarding water supply exploration for Water District No. 4 on IBM property located on Old Route 22.
Vote- Unanimous

Councilman: Barry Reiter moved, seconded by Councilman: Barbara DiGiacinto, approval of payment application No. 8, final payment in the amount of \$18,206.63; and release of retainage to Wernert Construction, for the Windmill rehabilitation project, Water District No. 2.
Vote- Unanimous

Regarding the Highway Yard Expansion, Councilman: José Berra moved, seconded by Councilman: Barbara DiGiacinto, receipt of comments from Interested and Involved Agencies; and Councilman: Barbara DiGiacinto moved, seconded by Councilman: Barry Reiter, receipt of Full EAF Parts 2 and 3; and further moved adoption of Negative Declaration.
Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: José Berra, receipt of report from Kellard Sessions regarding Performance Bond for 850 North Broadway (Ralph's

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Ices), North White Plains, and extension of Performance Bond to August 8, 2018, with the requirement that the applicant Scott Rosenberg complete the rock wall mitigation by that date.
Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: José Berra, receipt of a Local Law to amend Chapter 355, Zoning to permit payment to a public parking fund in lieu of off-street parking and the scheduling of a public hearing on September 12, 2018.
Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Barry Reiter, receipt of 2nd quarter 2018 revenue/expense budget reports and bank reconciliations.
Vote- Unanimous

Councilman: Barry Reiter moved, seconded by Councilman: Barbara DiGiacinto, approval of request to hold Windmill Triathlon on Saturday, September 1, 2018.
Vote- Unanimous

Councilman: Barry Reiter moved, seconded by Councilman: Barbara DiGiacinto, receipt of donation from Byram Hills Preschool Association to the Recreation and Parks Department for pre-school programming.
Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: Barry Reiter, receipt of Local Law to amend Chapter 288 entitled "Taxation," of the Code of the Town of North Castle; and the scheduling of a Public Hearing on August 8, 2018.
Vote- Unanimous

Councilman: Barbara DiGiacinto moved, seconded by Councilman: José Berra, approval of appointment of Mitzi Weissmann to the Beautification Committee to serve at the pleasure of the Town Board.
Vote- Unanimous

The Town Board audited and approved payments of \$802,148.26 as indicated on Warrant #14 dated July 25, 2018.

After all persons were heard who desired to be heard, Deputy Supervisor Stephen D'Angelo closed the regular meeting at 8:36 p.m. in memory of Nicholas Piteo, resident; Gregory Carlson, Byram Hills Assistant Superintendent, for Business and Management Services; and Rev. John B.D. Chittenden, father of Pastor Nils Chittenden, St. Stephen's Church.

Alison Simon, Town Clerk

Dated: August 7, 2018

R E S O L U T I O N

Action:	Special Use Permit for a Long-term Parking Structure
Application Name:	Park Place
Owner/Applicant:	11 New King Street LLC
Zone:	IND-AA (Industrial AA District)
Location:	11 New King Street
Date of Approval:	July 25, 2018
Expiration Date:	July 25, 2019 (1 year)

WHEREAS, the Town of North Castle Town Board received a special use permit application to construct a multi-level automated parking structure at 11 New King Street to alleviate an existing parking shortage at Westchester County Airport; and

WHEREAS, the proposed project would involve construction of a building with an approximately 31,493 square foot footprint and would house an enclosed automated parking structure capable of accommodating 850 vehicles; and

WHEREAS, pursuant to Section 355-23 of the Town Code, IND-AA Permitted Use 8, long term parking structures are permitted pursuant to Section 355-40.W of the Town Code via special use permit by the Town Board; and

WHEREAS, on July 9, 2018, the Planning Board reviewed and discussed the requested special use permit and positively recommended that the Town Board consider issuing the requested permits; 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, the required referrals was made to the County on August 1, 2017; and June 29, 2018; and

WHEREAS, the County expressed “serious concerns” with respect to the location of the garage within the runway protection zone of the airport and the water quality impacts on nearby wetlands and the Kensico Reservoir; and

WHEREAS, the County also questioned the need for the facility and the County recommended the disapproval of the application due to a lack of need, location within the runway protection zone and wetland, stormwater and water quality impacts; and

WHEREAS, a duly advertised public hearing on said application was conducted on July 11, 2018, 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 IND-AA Zoning District; and

WHEREAS, within close proximity are the Westchester County Airport and several commercial and industrial uses located within the IND-AA Zoning District; and

WHEREAS, the Applicant has studied the potential traffic impacts of the proposed action; and

WHEREAS, the Applicant has prepared a traffic mitigation plan that addresses traffic issues; and

WHEREAS, the proposed use would be compatible with surrounding uses; 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 proposed building height complies with the requirements of the zoning code and the Planning Board will require the implementation of a landscaping plan during site plan review; and

WHEREAS, in addition, it is noted that with respect to the FAA’s review, in 2011, the proposed project received a “Determination of No Hazard” from the FAA; and

WHEREAS, the ‘Determination’ expired on August 14, 2014 and the Applicant conducted an updated technical analysis regarding the potential effects of the parking garage using the modified site plan; and

WHEREAS, subsequently, on March 14, 2017 the FAA issued an extension of its determination effective until September 14, 2018; 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 proposed buildings will comply with the IND-AA long term parking structure height limitations and setback requirements and a landscaping plan will be implemented, and that the construction of this project will promote appropriate development and use of adjacent land and buildings; 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 parking garage use will not generate significant 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 proposed use on the site is an automated parking garage and will provide adequate off street parking; and

WHEREAS, the proposed entrance and exit drives will be suitably designed to the satisfaction of the Planning Board; 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 SEQRA review of the Proposed Action has been concluded; and

WHEREAS, the Town Board adopted a Findings Statement on June 28, 2017.

WHEREAS, the Town Board, based upon its review of the entire record, found that the potential environmental impacts associated with the project would be adequately mitigated; and

WHEREAS, §355-40.W of the North Castle Code establishes certain specific standards for long term parking structures; 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.W(2) of the Town Code, in order to grant a special permit, the Town Board must find that “Long-term parking structures shall be privately operated and are intended for use by Westchester County Airport (HPN) users. Valet parking services are permitted as accessory uses to the primary long-term parking structure use.”

WHEREAS, the proposed Park Place project is privately operated and intended for use by HPN users; and

WHEREAS, the Town Board, based upon its review of the entire record finds that the proposed project is privately operated and intended for use by HPN users; and

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WHEREAS, pursuant to § 355-40.W(3) of the Town Code, in order to grant a special permit, the Town Board must find that “Long-term parking structures shall be located on parcels of not less than two acres in area. Such long-term parking structures shall neither adjoin (i.e., share a common property line) nor be located within 50 feet from any residentially zoned land. Frontage shall be on a state or county highway, or on New King Street.”

WHEREAS, the proposed Park Place project meets all of the above criteria; and

WHEREAS, the Town Board, based upon its review of the entire record finds that the proposed project is a parcel in excess of two acres, does not adjoin or located within 50 feet of residentially zoned land and has frontage on New King Street; and

WHEREAS, pursuant to § 355-40.W(4) of the Town Code, in order to grant a special permit, the Town Board must find that the project meets the special setbacks established in Section 355-40.W(4)(a)[1-3]; and

WHEREAS, the proposed Park Place project meets all of the above setback requirements; and

WHEREAS, the Town Board, based upon its review of the entire record finds that the proposed parking structure will have a minimum front yard setback of 50 feet, a minimum side yard setback of 10 feet and a minimum rear setback of 50 feet; and

WHEREAS, pursuant to § 355-40.W(5) of the Town Code, in order to grant a special permit, the Town Board must find that the project has a maximum building height of 55 feet; and

WHEREAS, the proposed Park Place project will not exceed a height of 55 feet; and

WHEREAS, the Town Board, based upon its review of the entire record finds that the proposed parking structure will not exceed a height of 55 feet; and

WHEREAS, pursuant to § 355-40.W(6) of the Town Code, in order to grant a special permit, the Town Board must find that the project has a maximum building coverage of 60% of the total lot area; and

WHEREAS, the proposed Park Place project will have a building coverage of less than 60%; and

WHEREAS, the Town Board, based upon its review of the entire record finds that the proposed parking structure will not exceed a building coverage of 60%; and

WHEREAS, pursuant to § 355-40.W(7) of the Town Code, in order to grant a special permit, the Town Board must find that the parking structure does not exceed 850 parking spaces; and

WHEREAS, the proposed Park Place parking structure will have 850 parking spaces; and

WHEREAS, the Town Board, based upon its review of the entire record finds that the proposed parking structure will have a maximum of 850 parking spaces; and

WHEREAS, pursuant to § 355-40.W(8) of the Town Code, in order to grant a special permit, the Town Board must find that “each self-park parking space shall be at least nine feet wide and 18 feet long. Each valet parking space shall be at least eight feet wide and 15 feet long;” and

WHEREAS, the proposed Park Place site plan contains a limited number of self parking spaces and no valet parking spaces; and

WHEREAS, the limited number of self parking spaces will comply with the above requirements; and

WHEREAS, the Town Board, based upon its review of the entire record finds that the self park spaces will have a minimum dimension of 9 feet wide and 18 feet long; and

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WHEREAS, pursuant to § 355-40.W(9) of the Town Code, in order to grant a special permit, the Town Board must find that a landscape buffer area be provided along all street frontages; and

WHEREAS, the Applicant has provided plans to the Planning Board depicting proposed landscaping along the street frontages; and

WHEREAS, the Town Board, based upon its review of the entire record finds that required landscaping will be provided as part of the Planning Board site plan review; and

WHEREAS, pursuant to § 355-40.W(10) of the Town Code, in order to grant a special permit, the Town Board must find that “all exterior lighting shall be located so that the source of the light and any objectionable glare therefrom is not visible from any neighboring property. The height, intensity, spacing and design of all exterior lighting fixtures shall be such that they will be in character with the area in which they are located. The level of lighting shall be limited to that necessary for safety and security purposes;” and

WHEREAS, the Applicant will provide a lighting plan to the satisfaction of the Planning Board; and

WHEREAS, the Town Board, based upon its review of the entire record finds that the required lighting plan will be provided as part of the Planning Board site plan review; 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. Compliance with all applicable local laws and ordinances of the Town of North Castle.
2. Adoption of site plan approval by the Town of North Castle Planning Board.