

PUBLIC HEARING

May 26, 2021

At 8:14 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 May 26, 2021, at 7:30 PM, or as soon thereafter as practical, at Town Hall, 15 Bedford Road, Armonk, NY 10504 via web conference, to consider a Local Law to amend Chapter 218 of the Town of North Castle Town Code entitled "Outdoor Dining" to modify certain provisions of the outdoor dining law.

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: May 15, 2021  
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.

Letter from Director of Planning Adam Kaufman, dated March 18, 2021 was marked Exhibit "D" for the record.

Short Environmental Assessment Form (EAF), Parts 1, 2, and 3, was marked Exhibit "E" for the record.

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

The Town Clerk noted there was a Local Law for consideration.

Emails dated May 2021 were received from the following residents expressing opposition to live or recorded music in outdoor dining areas: Nora Kanze Manuele, Carolyn Miller Cooper, Ginny Magrone, Karen and Jack DiPietro, Sharon San, Joe LaPorta, and Michele Falot Simmons.

Director of Planning Adam Kaufman enumerated the proposed revisions for consideration: standardizing the duration of an outdoor dining license from January 1 to December 31, prohibiting outdoor dining from January 2 to March 31, eliminating the requirement to remove and store furnishings from the outdoor dining areas at closing, and permitting outdoor music and lighting in outdoor dining areas.

Residents Ed Lobermann and Nora Kanze Manuele appeared before the Board via video conference and expressed opposition to live or recorded music.

Town Clerk Alison Simon read aloud emails from Ginny Magrone, Carolyn Miller Cooper, Karen and Jack DiPietro, Joe LaPorta expressing opposition to live or recorded music.

Discussion ensued among the Town Board. Following the discussion, the Board agreed that live or recorded music would not be permitted, and the proposed language to permit music would be eliminated; and the existing language that "No live or mechanical music shall be permitted" would remain.

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After all persons were heard who desired to be heard, Councilman DiGiacinto moved, seconded by Councilman Hussain, that the Public Hearing be closed at 9:40 p.m.

The roll call vote was as follows:

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

Noes: None

Councilman DiGiacinto 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, Reiter, Berra, Hussain, Supervisor Schiliro

Noes: None

Councilman DiGiacinto moved, seconded by Councilman Hussain, the adoption of Local Law 3 of 2021, as amended, to amend Chapter 218 of the Town of North Castle Town Code entitled “Outdoor Dining” to modify certain provisions of the outdoor dining law. The Local Law follows at the end of these minutes.

The roll call vote was as follows:

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

Noes: None

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Alison Simon, Town Clerk

Dated: June 3, 2021

**TOWN OF NORTH CASTLE**

**Local Law No. 3 For the Year 2021  
Adopted May 26, 2021**

**A local law amending certain provisions of the Outdoor Dining Law.**

**Section 1.** Amend Section 218-3.B(1) of the Town Code as follows:

- (1) The license shall be valid only during a single calendar year, from January 1 to December 31, and shall be renewed each year thereafter on application of the licensee specifying any change from the information originally set forth pursuant to § 218-3C unless the Building Inspector, for cause, or the licensee does not renew said license. In the event the Building Inspector determines not to renew a license, he shall give notice to the licensee of said intention, by certified mail, return receipt requested, not later than 30 days after receipt of an application for renewal of said license, and the reason therefor. The licensee may seek review of the Building Inspector's determination by appealing to the Town Board. Such review shall be requested by the licensee in writing and not later than 15 days from the receipt of the denial of the application by the Building Inspector of said license. Upon appeal, the Town Board shall give notice to the licensee of the meeting at which the appeal will be considered, which notice shall be delivered personally or by certified mail and addressed to the licensee's address as shown on the application. Such licensee shall be entitled to attend the meeting before the Town Board and shall be afforded a full opportunity to be heard. The Town Board shall render a final determination within 30 days of the said meeting.

**Section 2.** Amend Section 218-3.B(1) of the Town Code as follows:

- (3) No outdoor dining area shall operate after 12:00 midnight or when the entity with which it is associated is not open to the public. No outdoor dining area shall operate between January 2 and March 31.

**Section 3.** Amend Section 218-3.B(4) of the Town Code as follows:

- (4) Furnishing of an outdoor dining area shall consist solely of readily removable tables, chairs, umbrellas, seasonal heating, planters (containing only live plants), and decorative accessories and trash receptacles (together, "furnishings") of a design, type, size and color approved by the Building Inspector, and all of which shall be uniform in style, color and material. The advertising of products or brands on any furnishings shall be prohibited.

**Section 4.** Amend Section 218-3.B(11) of the Town Code as follows:

Lighting of outdoor dining areas shall not disturb the peace and comfort of the neighboring inhabitants or occupants, or at any time create excessive glare or lighting levels more than is necessary for safely dining by the person or persons who are seated in the outdoor dining area. No live or mechanical music shall be permitted.

**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.

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**Section 7.** Effective Date.

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