

PUBLIC HEARING

January 26, 2022

At 8:05 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 January 26, 2022, at 7:30 PM, or as soon thereafter as practical, at Town Hall, 15 Bedford Road, Armonk, NY 10504, to consider a Local Law to amend Chapter 355, Zoning, of the Code of the Town of North Castle to add Recreation Centers as a permitted principal use in the RELIP Research, Electronic and Light Industrial Park Zoning District.

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: January 14, 2022
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 Steven Kaplan, McLaughlin & Stern, LLP, attorney for the applicants, Diane and Briana Zambardi, with proposed amendment to the Zoning Code and preliminary plan of the proposed studio, dated November 5, 2021, was marked Exhibit "D" for the record.

Letter from Benerofe Armonk LLC, owners of the building at 1 Labriola Court, dated November 4, 2021, stating that they express support for the applicants' request for permission to add "recreational use" as a permitted use in the district where the building is located, was marked Exhibit "E" for the record.

Letter from Westchester County Planning Board, dated November 22, 2021, stating that the action is a matter for local determination was marked Exhibit "F" for the record.

Letter from New York City Department of Environmental Protection (NYCDEP), dated December 6, 2021, was marked Exhibit "G" for the record.

Letter from Director of Planning Adam Kaufman regarding positive recommendation from the Planning Board, dated December 14, 2021, was marked was marked Exhibit "H" for the record.

The Town Clerk noted that certificates denoting mailing of Notices of the hearing to adjacent property owners were in order.

The Town Clerk noted there was an 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.

Director of Planning Adam Kaufman provided background regarding this application and indicated that the applicants Diane and Briana Zambardi are no longer valid petitioners in this matter due to the fact they will not be opening a business at 1 Labriola Court, Armonk. He indicated that the Town Board could still proceed on its own motion to change the permitted uses in the RELIP District. Mr. Kaufman stated that allowing recreation centers as a permitted use in

the RELIP District would make that use consistent with the permitted uses in the other industrial districts in Town; that there is a positive recommendation from the Planning Board; and this amendment is consistent with recommendations in the Comprehensive Plan to allow services business in the light industrial districts.

Diane Zambardi informed the Board that she would still like to open a business in the RELIP District which will require recreation centers as a permitted use, and that she does not want to have to start this process over.

Town Attorney Roland Baroni explained that this will become an action by the Town Board on its own motion, and the difference will be that the application will not apply to a specific location. Mr. Baroni continued that the RELIP is a narrow district including Kaysal Court and Labriola Court.

Councilman DiGiacinto stated she supports this permitted use and noted the precedent set in Business Park in the Planned Light Industry (PLI) District, and suggested this will increase leasing options for tenants and property owners.

Mr. Kaufman pointed out that this zone text amendment will apply to all generic recreation centers without reference to size. He indicated that applications for recreation centers will still have to be reviewed by the Planning Board and any impacts will be evaluated and mitigated at that point. Mr. Kaufman noted that it is common to see this type of use in industrial districts as it is less congested and there is more available parking than in downtown areas.

Councilman Hussain confirmed with Mr. Kaufman that recreation centers as a permitted use in the RELIP District is in keeping with the recommendations made in the Comprehensive Plan and indicated his support for the amendment.

Councilman Milim reiterated this zone text amendment would apply to the RELIP District and will allow recreation centers as a permitted use. He indicated that because of the location there would be no negative impact to residents and this change would allow flexibility in leasing and that this amendment is in keeping with the other industrial zoning districts in Town.

Councilman Berra expressed concerns regarding the impact of this change on the other industrial districts in Town and about the potential size of recreation centers, and recommended that the Town Board impose a square footage limitation to the recreation centers permitted.

Resident Jennifer Clark expressed concerns regarding traffic on Old Route 22, the main road that feeds into the RELIP District.

Mr. Kaufman indicated there are tools in place at the site plan review to determine how the permitted use will function and how it will impact the site. Any traffic, parking, water and sewer concerns would be addressed for every application.

Ms. DiGiacinto noted that the RELIP District borders property owned by the New York City Department of Environmental Protection (NYCDEP) which may impose additional restrictions to proposed development within that District.

When asked his opinion regarding restricting the square footage of recreation centers, Mr. Baroni suggested language that any recreation center over 10,000 square feet would need a special use permit with considerations for parking, sewer and water, etc.

Councilman Hussain stated that limiting the square footage of recreation centers is a separate issue and it would be too arbitrary to take action regarding restrictions without further review. He

said he is against taking action regarding restrictions at this time. Councilman DiGiacinto and Supervisor Schiliro agreed.

Supervisor Schiliro stated he is in support of allowing recreation centers as a permitted use in the RELIP District. He pointed to the fact the applicants lost their lease at Labriola Court due in part to the time it took to process this permitted use, and he wanted to pass this amendment to enable them to look for another lease in the RELIP District. Mr. Schiliro proposed approval of recreation centers as a permitted use with the recommendation to review further restrictions to the use in the future.

The Town Board directed Mr. Kaufman to address concerns of recreation centers as permitted uses in all of the industrial zoning districts in Town and prepare a proposed local law for Town Board review at the next Town Board meeting.

After all persons were heard who desired to be heard, Councilman Barbara DiGiacinto moved, seconded by Councilman Saleem Hussain, that the Public Hearing be closed at 8:40 p.m.

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, 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 1 of 2022, to amend Chapter 355, Zoning, of the Code of the Town of North Castle to add Recreation Centers as a permitted principal use in the RELIP Research, Electronic and Light Industrial Park Zoning District. The Local Law 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 3, 2022

TOWN OF NORTH CASTLE

Local Law No. 1 For the Year 2022
Adopted January 26, 2022

A local law amending Chapter 355 Zoning to amend provisions of the RELIP Zoning District to add Recreation Centers as a permitted principal use.

Section 1. Amend Section 355-23 of the Town Code to add Recreation Centers as a permitted principal use in the RELIP Zoning District:

5. Recreation centers.

Section 2. 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 3. 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 4. Effective Date.

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

Dated: January 26, 2022