

PUBLIC HEARING

May 12, 2021

At 8:05 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 May 12, 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 the Special Use Permit application of NY Fuel Distributors, LLC, the applicant for the property known as the Shell gas station, 375 Main Street, Armonk, NY, known on the North Castle Tax Maps as 108.03 -1-75, and located in the CB (Commercial Business) Zoning District, for outdoor display and sales.

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: April 26, 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.

Application documents, including letters from Leo Napior, Hargenist Kraut & Perlstein LLP, dated April 6, 2021; and dated April 30, 2021, with revised site improvement plans; and Short Environmental Assessment Form (EAF) Part 1, were marked Exhibit "D" for the record.

Letter from Adam Kaufman, Director of Planning, dated March 23, 2021, was marked Exhibit "E" for the record.

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

The Town Clerk noted there was a proposed Resolution of approval for consideration.

Councilman Berra moved, seconded by Councilman Reiter, receipt of letter from Leo Napior, Hargenist Kraut & Perlstein LLP, dated April 30, 2021 and revised site improvement plans, and Short Environmental Assessment Form (EAF), Part 1.

Leo Napior, representing NY Fuel Distributors LLC, appeared before the Board via web conference and provided a brief summary regarding the Special Use Permit Application for outdoor sales display that he said is a small piece of a much larger project, which is the redevelopment of the Shell Gas Station at the corner of Main Street and Kent Place. Displaying the site plan, Mr. Napior described the outdoor sales display area in front of the new storefront, with a maximum area of eight feet wide, two feet deep, and four feet high.

In response to a question from Councilman DiGiacinto, Mr. Napior said typical seasonal items to be sold are firewood, antifreeze, windshield washer fluid, and items of that nature that are seen in the front of convenience stores.

Director of Planning Adam Kaufman noted that the Town Board had previously received a recommendation of support from the Planning Board for the outdoor display of merchandise as depicted on the site plan.

Town Board Minutes
May 12, 2021

After all persons were heard who desired to be heard, Councilman Reiter moved, seconded by Councilman DiGiacinto, that the Public Hearing be closed at 8:11 p.m.

The roll call vote was as follows:

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

Noes: None

Councilman Reiter moved, seconded by Councilman DiGiacinto , approval of the Special Use Permit Application of NY Fuel Distributors, LLC, the applicant for the property known as the Shell gas station, 375 Main Street, Armonk, NY, known on the North Castle Tax Maps as 108.03 -1-75, and located in the CB (Commercial Business) Zoning District, for outdoor display and sales. The Resolution follows at the end of these minutes.

The roll call vote was as follows:

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

Noes: None

Alison Simon, Town Clerk

Dated: May 18, 2021

RESOLUTION

Action: Special Use Permit Approval for Outdoor Display
Application Name: 375 Main Street Outdoor Display
Owner/Applicant: Merrie Hughes R/T, Armonk Levine LLC, Armonk Smith LLC, Nadine Kent Trust, NY Dealer Stations LLC
Designation: 108.03-1-75
Zone: CB Zoning District
Location: 375 Main Street
Date of Approval: May 12, 2021
Expiration Date: May 12, 2022 (1 year)

WHEREAS, an application dated April 30, 2021 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 “1 of 15,” entitled “Cover Sheet,” dated May 11, 2020, last revised April 6, 2021, prepared by Bronzino Engineering, P.C.
- Plan labeled “2 of 15,” entitled “Existing Site Plan,” dated May 11, 2020, last revised April 6, 2021, prepared by Bronzino Engineering, P.C.
- Plan labeled “3 of 15,” entitled “Proposed Site Plan,” dated May 11, 2020, last revised April 6, 2021, prepared by Bronzino Engineering, P.C.
- Plan labeled “4 of 15,” entitled “Proposed Grading, Drainage & Utility Plan,” dated May 11, 2020, last revised April 6, 2021, prepared by Bronzino Engineering, P.C.
- Plan labeled “5 of 15,” entitled “Proposed Landscaping Plan,” dated May 11, 2020, last revised April 6, 2021, prepared by Bronzino Engineering, P.C.
- Plan labeled “6 of 15,” entitled “Proposed Lighting Plan,” dated May 11, 2020, last revised April 6, 2021, prepared by Bronzino Engineering, P.C.
- Plan labeled “7 of 15,” entitled “Proposed Fuel Truck Path Plan,” dated May 11, 2020, last revised April 6, 2021, prepared by Bronzino Engineering, P.C.
- Plan labeled “8 of 15,” entitled “Proposed Building Floor Plan,” dated May 11, 2020, last revised April 6, 2021, prepared by Bronzino Engineering, P.C.
- Plan labeled “9 of 15,” entitled “Proposed Building Elevations I,” dated May 11, 2020, last revised April 6, 2021, prepared by Bronzino Engineering, P.C.
- Plan labeled “10 of 15,” entitled “Proposed Building Elevations II,” dated May 11, 2020, last revised April 6, 2021, prepared by Bronzino Engineering, P.C.
- Plan labeled “11 of 15,” entitled “Proposed Canopy Elevations and Signage Details,” dated May 11, 2020, last revised April 6, 2021, prepared by Bronzino Engineering, P.C.
- Plan labeled “12 of 15,” entitled “Proposed Site Details I,” dated May 11, 2020, last revised April 6, 2021, prepared by Bronzino Engineering, P.C.
- Plan labeled “13 of 15,” entitled “Proposed Site Details II,” dated May 11, 2020, last revised April 6, 2021, prepared by Bronzino Engineering, P.C.
- Plan labeled “14 of 15,” entitled “Proposed Site Details III,” dated May 11, 2020, last revised April 6, 2021, prepared by Bronzino Engineering, P.C.
- Plan labeled “15 of 15,” entitled “Proposed Site Details IV,” dated May 11, 2020, last revised April 6, 2021, prepared by Bronzino Engineering, P.C.

WHEREAS, the Applicant is seeking Special Use Permit for the outdoor sales and display adjacent to the proposed gas station building in an area measuring 8’ W x 2’ D x 4’ H; 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 108.03-1-75 ; 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

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 March 23, 2021 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, the Planning Board determined that the site would contain adequate parking and that additional parking would not be required to serve the use.

WHEREAS, a duly advertised public hearing was held on said application before the Town Board on May 12, 2021 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 a maximum of 8' W x 2' D x 4' H in the location depicted on the site plan.
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 facilities described above without the amended Special Use Permit by the Town Board.