

PUBLIC HEARING

September 13, 2017

At 8:15 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 Wednesday, September 13, 2017, at 7:30 p.m., or as soon thereafter, at Town Hall, 15 Bedford Road, Armonk, New York, 10504, to consider a local law to add a definition and use of “Commercial Dog Care Facility” to the Town of North Castle Town Code and add such a facility as a permitted use in the Research, Electronic and Light Industrial Park (RELIP) Zoning District.

The proposed Local Law is available in the Town Clerk's office during regular business hours and on the Town's 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: August 24, 2017  
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.

The following letters and documents were noted as received and marked Exhibit “D” for the record:

Letter from Leslie Maron, Maron & Mazzanti, attorneys for Pleasant Grooming of Armonk, dated May 15, 2017.

Letter from Mr. Maron, dated June 19, 2017, with Petition requesting amendment to the Zoning Code.

Full EAF, Part 1.

Full EAF, Part 2.

Letter from Renee Brown, property owner, 1 Labriola Court, dated June 20, 2017.

Letter from Director of Planning, Adam Kaufman, to the Town Board, dated July 11, 2017, regarding positive recommendation from the Planning Board concerning the proposed local law.

Letter from Westchester County Planning Board, dated August 14, 2017, stating that the action is a matter for local determination.

Letter from NYC Department of Environmental Protection, dated August 30, 2017, with comments for consideration.

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

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

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

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, receipt of a letter from NYC Department of Environmental Protection, dated August 30, 2017.

The roll call vote was as follows:

Ayes: Councilmen D'Angelo, DiGiacinto, Berra, Supervisor Schiliro

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Noes: None

Absent: Councilman Reiter

Leslie (Les) Maron appeared before the Board on behalf of Pleasant Grooming of Armonk, and he requested that the Town Board adopt the local law as submitted.

Councilman DiGiacinto said she would like the Board to consider one revision to the local law to restrict the selling of pets at any commercial dog care facility in the RELIP Zoning District. Ms. DiGiacinto said that she knows that Pleasant Grooming does not do this, but she was thinking of a future tenant. In response to a query from Town Attorney Roland Baroni, Councilman DiGiacinto said this would not apply to adoption. Mr. Maron said there was no objection to adding this revision. Director of Planning Adam Kaufman said this could be clarified in the definition.

In response to a query from Supervisor Schiliro, Mr. Kaufman said that the enforcement of Sections 355-30(E)(4) a. and c. pertaining to objectionable noises or odors are part of the Town's Zoning Chapter and would be subject to the requirements of the Chapter. If the Code Enforcement Officer determines there is a violation of the Chapter, the business owner would need to resolve the issue or appear in Town Court.

Robert Dean, McDonald Avenue, said that he and wife Susan Allison Dean own the property where Pleasant Grooming operates currently; and he asked for confirmation whether their use is a permitted use in the Town. Mr. Dean provided documentation concerning the decision of the Zoning Board of Appeals regarding permitted uses in the Roadside Business (RB) District. The Supervisor asked the Town Clerk to forward the documentation provided by Mr. Dean to Mr. Kaufman for review and recommendation if any clarity is needed.

Elizabeth Weiss of H. Weiss at 12 Labriola Court expressed her support for Pleasant Grooming to operate their business at the Labriola Court location.

After all persons were heard who desired to be heard, Councilman D'Angelo moved, seconded by Councilman DiGiacinto, that the Public Hearing be closed at 8:25 p.m.

The roll call vote was as follows:

Ayes: Councilmen D'Angelo, DiGiacinto, Berra, Supervisor Schiliro

Noes: None

Absent: Councilman Reiter

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, 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 impact and the Town Board hereby adopts a Negative Declaration.

The roll call vote was as follows:

Ayes: Councilmen D'Angelo, DiGiacinto, Berra, Supervisor Schiliro

Noes: None

Absent: Councilman Reiter

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, the adoption of Local Law 5 of 2017, as amended, to add a definition and use of "Commercial Dog Care Facility" to the Town of North Castle Town Code and add such a facility as a permitted use in the Research, Electronic and Light Industrial Park (RELIP) Zoning District. The Local Law follows at the end of these minutes.

The roll call vote was as follows:

Ayes: Councilmen D'Angelo, DiGiacinto, Berra, Supervisor Schiliro

Noes: None

Absent: Councilman Reiter

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Alison Simon, Town Clerk

Dated: September 25, 2017

**Town of North Castle**

**Local Law No. 5 of the year 2017  
Adopted September 13, 2017**

A local law to add a definition and use of “Commercial Dog Care Facility” to the Zoning Code and add such a facility as a permitted use in the RELIP Zoning District

**Section 1. The following new definition is added in proper alphabetical order to Section 355-4 of the Zoning Code:**

Commercial Dog Care Facility:

A facility that provides dog-related services, including bathing, grooming, feeding, exercise, training, day and/or overnight boarding and retail sales of pet supplies and not including the sale of dogs.

**Section 2. The following new Section 355-30(E)(4) is hereby added to the Zoning Code:**

- (4) Commercial Dog Care Facilities shall be subject to the following standards and conditions:
- (a) Work spaces, runs, pens or other facilities shall be located within a completely enclosed, soundproof building, and such Commercial Dog Care Facility shall be operated in such a manner as to produce no objectionable noise, odors or other nuisances beyond the boundaries of the site on which it is located.
  - (b) A Commercial Dog Care Facility located in a multi-tenanted building shall have a separate main entrance for drop off and pick up of dogs. To help keep the dogs separate from other tenants and the general public, such separate main entrance shall be located at least 30 feet from any entrance used by other tenants in the building, shall have direct access to the exterior of the building and shall not be located in a hallway or entranceway that is shared with other tenants of the building. In addition to the main entrance, there shall be a side or rear entrance for use by the staff of the Commercial Dog Care Facility to take the dogs outside for exercise or walking.
  - (c) All animal fecal material from dogs occupying or being cared for at a Commercial Dog Care Facility shall be removed from the building, grounds and roadways and placed in plastic bags or containers and disposed of properly in the trash.
  - (d) All Commercial Dog Care Facilities shall be connected to public water and sewer.
  - (e) Not more than 20% of the floor area, or 1,000 square feet, whichever is less, of the Commercial Dog Care Facility may be devoted to the retail display and sale of dog related products.
  - (f) No veterinary or medical services or care shall be provided at a Commercial Dog Care Facility.
  - (g) All Commercial Dog Care Facilities shall submit documentation to the Building Department of having obtained a Westchester County Department of Health Animal Facilities Permit.
  - (h) On-site staff shall be provided during all times that dogs are present at the Commercial Dog Care Facility.
  - (i) All Commercial Dog Care Facilities shall provide appropriate access to a safe outdoor dog walking area or areas.

- (j) No Commercial Dog Care Facility shall exceed 5,000 square feet of gross floor area.

**Section 3.** The following use is added to the list of “Permitted Principal Uses” in the RELIP Zoning District as set forth in Attachment 4 to Section 355-23 “Schedule of Office and Industrial District Regulations (Part 2)”:

4. Commercial Dog Care Facility

**Section 4.** The following new off street parking requirement is added in proper alphabetical order to Section 355-57(A) of the Zoning Code:

Use	Minimum Off-Street Parking (spaces)
Commercial Dog Care Facility	1 space for each 250 square feet of gross floor area

**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.

**Section 7.** Effective Date.

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

Dated: September 13, 2017