

PUBLIC HEARING

June 10, 2020

At 9:00 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 June 10, 2020, 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 permitting vehicle fueling and service stations in the Commercial Business (CB) Zoning District and creating additional CB District requirements pertaining to vehicles and service stations.

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 30, 2020
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 April 24, 2020, was marked Exhibit "D" for the record.

Letter from Westchester County Planning Board, dated May 8, 2020, stating that the action is a matter for local determination, was marked Exhibit "E" for the record.

Letter from Mr. Kaufman, dated May 12, 2020, regarding positive recommendation from the Planning Board, was marked Exhibit "F" for the record.

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

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

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

The Supervisor noted that, due to the Coronavirus (COVID-19) pandemic, people could participate in the Public Hearing by sending an email with questions and comments to the Town Clerk.

Town Attorney Roland Baroni provided background regarding the existing gas stations in Town, two in Armonk, and four in North White Plains, indicating that they are legal nonconforming uses which makes it very difficult for gas stations to modernize and stay within the law. Mr. Baroni explained that some of the operators have approached the Town and expressed interest to modernize and renovate their properties. He explained that the concept of fueling stations as a permitted use in the Town has been discussed, without necessarily allowing additional properties to the north of Bedford Road to avail themselves of the benefit. He noted the current draft of the local law does not provide for this use, adding that Director of Planning Adam Kaufman will explain how the proposed local law could be further revised to allow for the existing stations to

Town Board Minutes
June 10, 2020

become conforming legal permitted uses, without the concern for additional properties being proposed for the use.

Mr. Kaufman explained that the current draft law would permit gas stations as a permitted use in the CB District which is present in two of the three hamlets, along the North Broadway corridor in North White Plains and along the Main Street corridor in Armonk. He noted that the CB District does not exist in Banksville which has a CB-B District.

Mr. Kaufman noted that Town Board members have expressed concerns to him regarding gas stations be able to expand beyond the areas where they are currently located in the Town. He said one way to address the Board's concerns is to permit gas stations in the CB District along North Broadway in North White Plains, but reduce the area where gas stations could be permitted in Armonk. In Armonk, the CB District would remain on all the properties which are currently zoned CB, south of Bedford Road, but not exist north of Bedford Road. He said that all properties north of Bedford Road where there are no existing gas stations would be placed into a similar District to the CB with all the same requirements and permitted uses, with the exception of gas stations.

Mr. Baroni noted that the local law would be revised to include a new zoning district. He added that a restriction in the law as currently proposed that "no property containing a vehicle or fueling or service station shall be located closer than 1,000 feet to a municipal drinking water supply well" is no longer needed because gas stations would not be a permitted use north of Bedford Road.

Councilmen Barry Reiter, Saleem Hussain, and Barbara DiGiacinto expressed support of a revision to the proposed local law.

Councilman Berra raised expressed concerns regarding the size of properties and charging stations, and the loss of repair stations to convenience shops. Discussion ensued among Board members, Mr. Kaufman, and Mr. Baroni.

After all persons were heard who desired to be heard, Councilman Berra moved, seconded by Councilman Reiter, that the Public Hearing be adjourned at 9:41 p.m., to the June 24, 2020 Town Board meeting.

The roll call vote was as follows:

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

Noes: None

Alison Simon, Town Clerk

Dated: June 19, 2020