

PUBLIC HEARING

April 10, 2019

At 8:40 p.m. the Supervisor stated that the Public Hearing, which was opened and adjourned on March 27, 2019, would be reconvened in accordance with the Public Notice that follows:

NOTICE IS HEREBY GIVEN THAT the North Castle Town Board will hold a Public Hearing on March 27, 2019, at 7:30 PM, or as soon thereafter, at Town Hall, 15 Bedford Road, Armonk, NY, 10504, to consider the special event permit request for an Easter special event to be open to the public and to hold approximately 20 people on Saturday, April 13, 2019. The property is located at Troy's Nurseries, 97 Bedford Banksville Road and known on the North Castle Tax Maps as 102.01-2-58.1 and located within the R-2A Zoning District.

The special event 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: March 15, 2019
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 documents and correspondence were noted as received and marked Exhibit "D" for the record:

- Application documents, dated February 25, 2019, and Short Environmental Assessment Form, Part 1, dated March 3, 2019.
- Letter from Adam Kaufman, Director of Planning, dated March 7, 2019, regarding review of application documents and plans.
- Email from Lieutenant Geoffrey Harisch, North Castle Police Department, dated March 19, 2109, regarding review of application documents and plans.
- Email from William Richardson, Town Fire Marshal and Banksville Fire Chief, dated March 19, 2019, regarding review of application documents and plans.
- Email from Westchester County Department of Planning, dated March 12, 2019 confirming receipt of notification of special event permit application to the Westchester County Planning Board.

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 Resolution of approval for consideration.

Maria Ceci, Manager of Troy's Nurseries, appeared before the Board and described the Easter event including egg coloring, cookie coloring, a food truck, and the Easter Bunny.

In response to a query from Councilman Berra regarding the number of people on site, Ms. Ceci said that she did not know because it is the first Easter event at Troy's; and visitors may stop in at any time.

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 8:44 p.m.

The roll call vote was as follows:

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Ayes: Councilmen D'Angelo, DiGiacinto, Reiter, Berra, Supervisor Schiliro
Noes: None

Councilman D'Angelo moved, seconded by Councilman Reiter, 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, Reiter, Berra, Supervisor Schiliro
Noes: None

Councilman D'Angelo moved, seconded by Councilman Reiter, approval of the Special Event Permit application of Troy's Nurseries for an Easter Special Event at Troy's Nurseries, 97 Bedford Banksville Road (Tax ID: 102.01-2-58.1), on April 13, 2109. The Resolution follows at the end of these minutes.

The roll call vote was as follows:

Ayes: Councilmen D'Angelo, DiGiacinto, Reiter, Berra, Supervisor Schiliro
Noes: None

Alison Simon, Town Clerk

Dated: April 17, 2019

R E S O L U T I O N

Action: Special Event Permit
Application Name: Troy's Nurseries Easter Event
Owner: 97 Bedford Banksville Road LLC
Applicant: Troy's Nurseries
Designation: 102.01-2-58.1
Zone: R-2A
Acreage: Approx. 22 acres
Location: 97 Bedford Banksville Road
Date of Approval: April 10, 2019
Term of Special Event Permit: April 13, 2019 from 11 AM – 3 PM

WHEREAS, an application dated February 25, 2019 was submitted by Troy's Nurseries to operate a special event at 97 Bedford Banksville Road pursuant to Chapter 263 of the Town Code; and

WHEREAS, Troy's Nursery is requesting permission to conduct a special event that is open to the public and will hold not more than 20 people at any one time; and

WHEREAS, the event will occur partially within tents that are to be erected on the parking lot; and

WHEREAS, all food preparation will occur within a food truck that will be brought to the site; and

WHEREAS, the operation of the special event would not require any permanent construction; and

WHEREAS, pursuant to Section 263-3.C of the Town Code, any area to be used for special event purposes shall not be located closer than 250 feet to an existing residential house footprint; and

WHEREAS, the house located at 122 Bedford Banksville Road lies within the restricted radius; and

WHEREAS, pursuant to Section 263-10 of the Town Code, the Town Board may modify or waive this requirement if the Town Board determines that it is appropriate to do so; and

WHEREAS, the site plan was forwarded to the Chief of Police, Banksville Fire Department and the Building Department so that they may make any pertinent recommendations to the Town Board including, but not limited to, the designation of no-parking zones, emergency vehicle access or any other issues deemed important to providing emergency services; and

WHEREAS, the 22 acre property is located in the R-2A Zoning District and is designated on the Tax Maps of the Town of North Castle as lot 102.01-2-58.1; and

WHEREAS, a duly advertised public hearing was opened and adjourned on said application before the Town Board on March 27, 2019; and the public hearing was reconvened and closed on April 10, 2019 at which time all those wishing to be heard were given the opportunity to be heard; and

WHEREAS, the Town Board is familiar with the nature of the site and surrounding area;

WHEREAS, the Town Board has requested, received and considered comments from the Town Attorney, the Town Engineer and Town Planner regarding the proposed special event; and

WHEREAS, the proposed action is an Unlisted Action pursuant to the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Town Board determined to conduct an uncoordinated SEQRA Review; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby waives Section 263-3.C of the Town Code that requires any area to be used for special event purposes not be located closer

than 250 feet to an existing residential house footprint pursuant to Section 263-10 of the Town Code; and

BE IT FURTHER RESOLVED, that in accordance with Article 8 of the New York State Environmental Quality Review Law and 6 NYCRR Part 617, the Town Board hereby makes a determination that the proposed action will not have a significant adverse impact on the environment and that a draft environmental impact statement will not be prepared; and

BE IT FURTHER RESOLVED, that the special event permit is approved for April 13, 2019 from 11 AM – 3 PM, subject to the conditions identified below; and

BE IT FURTHER RESOLVED, that this permit shall be deemed to authorize only the particular use or uses specified, and shall expire if the site is not maintained and if all conditions and standards are not complied with throughout the duration of the use; and

Prior to the Issuance of the Special Event Permit:

(The Town Clerk's initials and date shall be placed in the space below to indicate that the condition has been satisfied.)

- _____1. The property owner (97 Bedford Banksville Road LLC) of 97 Bedford Banksville Road shall submit documentation authorizing the special event on the property to the satisfaction of the Town Attorney.
- _____2. The Applicant shall obtain a tent permit from the Town of North Castle Building Department or submit documentation that a tent permit is not required.
- _____3. Pursuant to Section 263-4.F of the Town Code, the sponsor shall, at its sole expense, maintain insurance on its own behalf and furnish to the Town of North Castle certificates of insurance from an insurance company licensed to do business in New York State, in accordance with the Town's minimum insurance requirements, together with an indemnification and hold harmless agreement. Should it be determined that the extent of the operations in any particular case require insurance coverage in greater amounts than the Town's minimum insurance requirements, the sponsor shall provide certificates of insurance in the requested amounts.
- _____4. Submission of documentation that the proposed food truck has the approval of the Westchester County Department of Health.
- _____5. A pre-permit site meeting shall be held with the Applicant and with the Building Inspector, Fire Marshal, Fire Department, and Police Department to discuss the operation of the special event. Once all issues have been adequately addressed to the satisfaction of the Building Inspector, Fire Marshal, Fire Department and Police Department, the Building Department shall transmit a letter stating such to the Town Clerk.

Other Conditions:

1. Pursuant to Section 83-3.A of the Town Code, all special events shall require the provision of a "fire watch" by the local Fire Department and/or North Castle Fire Marshal, the cost of which shall be paid for by the applicant. The Fire Marshal may also approve other fire-protection measures to the satisfaction of the North Castle Fire Marshal, the cost of which shall be paid for by the applicant.
2. Pursuant to Section 83-3.B of the Town Code, all special events shall require the provision of security and/or traffic control by the Town of North Castle Police Department, the cost of which shall be paid for by the applicant. The Chief of Police may also approve other security and/or traffic control measures to the satisfaction of the Chief of Police, the cost of which shall be paid for by the applicant.
3. This special event permit is not assignable.

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4. This special event permit is revocable for a violation of the Town Code or any other ordinance or law, pursuant to Chapter 83-6 of the Town Code.
5. The Applicant shall observe all state, county and Town laws, rules and regulations as to health, safety and general welfare and shall be subject to reasonable regulations of the Building Department, Fire Marshal, Police Department and Highway Department of the Town of North Castle.
6. The tents shall only be erected on April 13th. Full use of the parking lot at 97 Bedford Banksville Road shall be available on April 14th after the special event conclusion.
7. All rubbish from the premises and from any parking area must be gathered and deposited in closed containers by no later than 6:00 p.m. of the day following and removed from the premises by 6:00 p.m. of the next day following.
8. The Applicant shall not permit any unnecessary or unreasonable noise by means of loudspeakers, power amplifier devices or any other means which would create or tend to create a public nuisance.