

## PUBLIC HEARING

April 24, 2019

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, April 24, 2019, at 7:30 p.m., or as soon thereafter, at Town Hall, 15 Bedford Road, Armonk, New York, 10504, for the purpose of considering the Special Use Permit Application of (914) Cares, Inc. (formerly known as Chappaqua Shares, Chappaqua Cares). The proposed use of the premises is for a “Baby Bank” program for storage and distribution of baby supplies in boxes, a permitted principal use in the CB District; as part of the operation a charitable institution, a permitted special permit use in the CB District. The property is located at 901 North Broadway, North White Plains, NY, and known on the North Castle Tax Maps as 122.12-4-51, and located within the CB Zoning District.

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 10, 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.

Application documents, including letter from Seth Mandelbaum McCullough, Goldberger & Staudt, LLP and Short Environmental Assessment Form (EAF) Part 1, dated March 4, 2019, were marked Exhibit “D” for the record.

Memo from Adam Kaufman, Director of Planning, dated March 7, 2019, and letter from Mr. Kaufman, dated April 9, 2019, regarding positive recommendation from the Planning Board were marked Exhibit “E” for the record.

Email from Andrew Seicol, Chief North Castle South Fire District No. 1, dated March 18, 2019 was marked Exhibit “F” for the record.

Email from Westchester County Department of Planning, dated March 28, 2019, confirming receipt of notification of special use permit application to the Westchester County Planning Board was marked Exhibit “G” for the record.

Letter from Robert Melillo, Building Inspector, dated April 24, 2019, regarding review of proposed project was marked Exhibit “H” 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 Negative Declaration for consideration.

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

Seth Mandelbaum, McCullough, Goldberger & Staudt, LLP, appeared before the Board, representing (914) Cares, Inc. and Kids’ Kloset for a proposed expansion of a charitable use at 901 North Broadway in North White Plains. Also in attendance were Michael Slomsky, Vice Chairman of (914) Cares, Inc. and Stephanie Roth, Executive Director of Kids’ Kloset. Mr.

Mandelbaum said that about a year ago the Town Board approved the special permit for about 4,000 square feet of space in Suite 17 in 901 North Broadway for (914) Cares and Kids' Klostet to establish a home in North White Plains. He said the organization is doing well and would like to implement another program called the Baby Bank in Suite 15 and 16, adding about another 2,000 square feet of space. He noted that the application was referred to the Planning Board which recommended approval; their only comment was that the Building Department should review the proposed shelving. He noted the comments provided by Town Building Inspector Robert Melillo that prior to opening the applicant must schedule and pass a fire inspection, and all storage shall comply to the 2015 International Fire Code section 315.3-315.3.3.

Ms. Roth provided the highlights of their accomplishments in less than nine-month period since they formally opened in North White Plains. Kids' Klostet distributed over 2,000 bags of clothing and about 1,200 winter coats to children across the County; (914) Cares distributed over 200 holiday gifts and 2,000 school supplies to various organizations across the County. She said their new Baby Bank program could transform the lives of baby and their caregivers by providing diapers and related supplies; strollers; and pack and plays for a six-month period of time to families in need. She said this program would not change the number of volunteers and parking spaces that are used and much of the packages will be delivered by Amazon, FedEx or mail and will not create more traffic.

Town Board members commended the work being done.

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 8:24 p.m.

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 Berra, 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 Berra, approval of the Special Use Permit Application of (914) Cares, Inc. for proposed use of the premises is for a "Baby Bank" program for storage and distribution of baby supplies in boxes, a permitted principal use in the CB District; as part of the operation a charitable institution, a permitted special permit use in the CB District. 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

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Alison Simon, Town Clerk

Dated: May 3, 2019

R E S O L U T I O N

Action:	Amended Special Use Permit Approval for a Religious or Charitable Institution
Application Name:	(914) Cares, a/k/a/Chappaqua Cares, Chappaqua Shares Inc., and (914) Cares (Kids' Kloset)
Applicant:	(914) Cares, Inc.
Owner:	901 Properties, LLC
Zone:	CB Zoning District
Location:	901 N. Broadway
Date of Approval:	April 24, 2019
Expiration Date:	April 24, 2020 (1 year)

WHEREAS, the Town of North Castle Town Board has received a special use permit application to operate an expanded charity at 901 N. Broadway; and

WHEREAS, the Applicant currently has permission to utilize 3,976 s.f. of space within the existing office building to operate the (914) Cares charity; and

WHEREAS, the charity receives clothes and distributes clothing to needy children and families; and

WHEREAS, the Applicant is seeking an amended Special Use Permit to permit a "Baby Bank" that would distribute baby supplies in boxes (that include diapers, pack and plays, etc.) in suites 15 and 16 of the 901 N. Broadway Building;

WHEREAS, a religious or charitable institution requires the issuance of an amended special use permit by the Town Board; and

WHEREAS, on April 8, 2019, the Planning Board reviewed and discussed the project and positively recommended that the Town Board consider the proposed special use permit (5-0 vote); and

WHEREAS, since the Applicant is also proposing to store baby supplies in the building, the Planning Board recommended that the North White Plains Fire Department review the proposal; and

WHEREAS, the application for special use permit was referred 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 on March 26, 2019; and

WHEREAS, the proposed development will occur on a lot that is currently occupied by several office uses; and

WHEREAS, the Proposed Action does not require any new construction; and

WHEREAS, a duly advertised public hearing on said application was conducted on April 24, 2019, at which time all those wishing to be heard were given the opportunity to be heard; and

WHEREAS, § 355-37 of the North Castle Code establishes certain general standards for all special permit uses; and

WHEREAS, in order for the Town Board to approve a special use permit, the Town Board must find that all of the conditions and standards have been met; and

WHEREAS, pursuant to § 355-37(A) of the Town Code, in order to grant a special permit, the Town Board must find that "the location and size of the use, the nature and intensity of the operations involved in it or conducted in connection with it, the size of the site in relation to it and the location of the site with respect to streets giving access to it are such that it will be in

harmony with the appropriate and orderly development of the district in which it is located and that it complies with all special requirements for such use established in” the Town Code; and WHEREAS, the subject property is located within the CB Zoning District; and

WHEREAS, within close proximity are several commercial and institutional uses; and

WHEREAS, the proposed use would be compatible with surrounding uses as well as other permitted uses in the CB Zoning District; and

WHEREAS, the Town Board, based upon its review of the entire record, finds that the location and size of the use, the nature and intensity of the operations involved in it or conducted in connection with it, the size of the site in relation to it and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located and that it complies with all requirements for such use established in the Town Code; and

WHEREAS, pursuant to § 355-37(B) of the Town Code, the second criteria for the issuance of a special permit is 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 the adjacent land and buildings;” and

WHEREAS, new construction is not proposed as part of the requested special permit; and

WHEREAS, 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 since no new construction is proposed; and

WHEREAS, the Town Board, based upon its review of the entire record finds 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 the adjacent land and buildings; and

WHEREAS, pursuant to § 355-37(C), the third requirement for the issuance of a special permit is that “operations in connection with any special permit 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 proposed charitable institution will not generate any noise, fumes or vibrations; and

WHEREAS, the Town Board, based upon its review of the entire record finds that the operations in connection with this special permit 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, pursuant to § 355-37(D) of the Town Code, the Town Board, in order to grant a special permit, must find that “parking areas will be of adequate size for the particular use, properly located and suitably screened from adjoining residential uses, and the entrance and exit drives shall be laid out so as to achieve maximum convenience and safety;” and

WHEREAS, the number of off-street parking spaces on the site will remain the same; and

WHEREAS, the existing number of off-street parking spaces on the site complies with the minimum off-street parking requirement; and

WHEREAS, the Town Board, based upon its review of the entire record finds that the proposed parking areas are of adequate size for the proposed use, properly located and suitably screened from adjoining residential uses, and the entrance and exit driveways are laid out so as to achieve maximum convenience and safety; and

WHEREAS, pursuant to § 355-37(E) of the Town Code, the fourth criteria for the issuance of a special permit is compliance “where required, [with] the provisions of the Town Flood Hazard Ordinance;” and

WHEREAS, no development is proposed within the floodplain; and

WHEREAS, the Town Board, based upon its review of the entire record finds that development is not proposed within the floodplain; and

WHEREAS, pursuant to § 355-37(F), it is required that “the Town Board finds that the proposed special permit use will not have a significant adverse effect on the environment;” and

NOW THEREFORE BE IT RESOLVED, that based upon its review of the full environmental record the Town Board finds that the proposed action will not result in any significant adverse environmental impacts and hereby adopts a Negative Declaration pursuant to the requirements of Article 8 of the New York State Environmental Quality Review Law and 6 NYCRR Part 617; and

BE IT FURTHER RESOLVED, that this special permit shall be deemed to authorize only the particular use of uses specified in the permit and shall expire if work is not initiated within one year from the date of issue, or if said use or uses shall cease for more than one year for any reason 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; and

BE IT FURTHER RESOLVED, that the amended special permit be, and it hereby is, approved, subject to the conditions set forth below:

Conditions:

1. The plans shall be forwarded to the Building Department so that they may review the plan for the proposed shelving units and conformance with the NYS Building Code.
2. The plans shall be forwarded to the North White Plains Fire Department so that they may make recommendations to the North Castle Building Department with respect to the proposed storage of baby supplies.
3. Compliance with all applicable local laws and ordinances of the Town of North Castle.