

PUBLIC HEARING

April 8, 2015

At 8:41 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 April 8, 2015, at 7:30 PM, or as soon thereafter, at Town Hall, 15 Bedford Road, Armonk, NY, 10504, for the purpose of considering the Special Use Permit Application of The Pray Family Foundation, Inc. for the establishment of a charitable institution to provide educational activities for children and young adults. The property is located at 16 Bedford Banksville Road, Bedford, NY in the Town of North Castle, and known on the North Castle Tax Maps as 102.04-2-50 and located within the CB-B and R-1A Zoning Districts.

The special event permit application is available in the Town Clerk's office during regular business hours. ALL PERSONS HAVING AN INTEREST IN THE MATTER ARE INVITED TO ATTEND AND BE HEARD.

By Order of the Town Board  
Anne Curran, Town Clerk

Dated: March 20, 2015  
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 for Special Use Permit dated January 20, 2015 was marked Exhibit "D" for the record.

Letter from Director of Planning Adam Kaufman dated February 10, 2015 was marked Exhibit "E" for the record.

Letter from Director of Planning Adam Kaufman dated March 10, 2015 regarding positive recommendation from the Planning Board was marked Exhibit "F" for the record.

Certificates of Mailing denoting mailing of Notice of Public Hearing to adjacent property owners were marked Exhibit "G" for the record.

Proposed Resolution of approval for consideration.

Supervisor Schiliro said that the subject property has historically been used for charitable events and fundraisers.

Kathryn O'Neill, Whitman Breed Abbott & Morgan LLC, appeared before the Board on behalf of the The Pray Family Foundation, Inc. Ms. O'Neill said that upon the death Malcolm Pray the property was left to the Foundation, a 501(3)C organization, which holds successful events there. Mary Kay Satriano, Executive Director, Pray Family Foundation, said that the foundation helps young people to inspire them to become entrepreneurs, be successful and contribute back to the community.

In response to a query from Councilman DiGiacinto regarding the events which take place, Ms. O'Neill said that small groups of children from schools, camps, scout troops, etc., generally numbering fifteen to twenty in a group, tour the property to view the vintage cars housed there which are used as a tool to teach entrepreneurial skills. In response to a query from Councilman DiGiacinto regarding off-street parking, Ms. Satriano said that the groups touring the property arrive in small numbers of vehicles, all of which are contained on the property.

After all persons were heard who desired to be heard, Councilman D'Angelo moved, seconded by Councilman Reiter, that the Public Hearing be closed at 8:49 p.m.

The roll call vote was as follows:

Ayes: Councilmen D'Angelo, DiGiacinto, Reiter, Mezzancello, Supervisor Schiliro

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Noes: None

Councilman D'Angelo moved, seconded by Councilman Reiter, approval of the Special Use Permit Application of The Pray Family Foundation, Inc. for the establishment of a charitable institution to provide educational activities for children and young adults at 16 Bedford Banksville Road, Bedford.

The roll call vote was as follows:

Ayes: Councilmen D'Angelo, DiGiacinto, Reiter, Mezzancello, Supervisor Schiliro

Noes: None

The Resolution, which includes as the first condition that the Applicant shall obtain site plan approval from the Planning Board, follows at the end of these minutes.

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Anne Curran, Town Clerk

Dated: April 20, 2015

## RESOLUTION

<b>Action:</b>	Special Use Permit Approval for a Charitable Institution
<b>Application Name:</b>	The Pray Family Foundation
<b>Applicant/Owner:</b>	The Pray Family Foundation, Inc.
<b>Zone:</b>	CB-B and R-1A Zoning Districts
<b>Location:</b>	16 Bedford Banksville Road
<b>Date of Approval:</b>	April 8, 2015
<b>Expiration Date:</b>	April 8, 2016 (1 year)

WHEREAS, the North Castle Town Board has received a special use permit application for the establishment of a charitable institution at 16 Bedford Banksville Road; and

WHEREAS, the Applicant is proposing to utilize the existing structures on the site and no new construction is proposed; and

WHEREAS, the property is located within the CB-B and R-1A Zoning Districts; and

WHEREAS, the Proposed Action would be classified as a Type II Action pursuant to the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Town previously approved a single family home and garages for the storage of a personal automobile collection; and

WHEREAS, the Applicant is seeking to abandon the single family home and utilize the property as a charitable institution; and

WHEREAS, section 213-19 of the Town Code permits religious or charitable institutions, other than a hospital, sanatorium, camp, correctional institution or institution for the insane, drug addicted or retarded via Town Board Special Use Permit; and

WHEREAS, the Applicant is proposing to utilize the site for charitable activities by the Pray Family Foundation, Inc., which is a charitable and federally tax-exempt entity; and

WHEREAS, the property provides a venue, called "The Pray Achievement Center" for educational activities for children and young adults; and

WHEREAS, groups of children and young adults visit the property to tour the car collection and receive education on the fundamentals of entrepreneurship;

WHEREAS, the Planning Board adopted a positive recommendation (3-0) with one abstention at its March 9, 2015 meeting and endorsed the proposed issuance of a special use permit; 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 February 23, 2015; and

WHEREAS, a duly advertised public hearing on said application was conducted on April 8, 2015, at which time all those wishing to be heard were given the opportunity to be heard; and

WHEREAS, § 213-30 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 § 213-30(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

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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 property is located within the CB-B and R-1A Zoning Districts; and

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

WHEREAS, the proposed use would appear to be compatible with surrounding uses; 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 § 213-30(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, the proposal does not include amending the existing building or parking area; 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 § 213-30(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 § 213-30(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 Applicant will need to demonstrate that the site contains adequate off-street parking for the proposed uses to the satisfaction of the Planning Board; and

WHEREAS, section 213-45 of the Town Code does not include an off-street parking requirement for charitable institutions; and

WHEREAS, for uses that do not have an off-street parking standard, the Planning Board is required to ensure reasonable and appropriate off-street parking is provided upon consideration of all factors entering into the parking needs of each such use; and

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WHEREAS, the Town Board, based upon its review of the entire record finds that the proposed parking areas will be 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 once site plan approval has been granted by the Planning Board; and

WHEREAS, pursuant to § 213-30(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 § 213-30(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

WHEREAS, the proposed action is a Type II action pursuant to SEQRA; and

NOW THEREFORE BE IT 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 special permit be, and it hereby is, approved, subject to the conditions set forth below:

**Conditions:**

1. The Applicant shall obtain site plan approval from the Planning Board.
2. Compliance with all applicable local laws and ordinances of the Town of North Castle.