

PUBLIC HEARING  
July 10, 2019

At 7:59 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 July 10, 2019, at 7:30 PM, or as soon thereafter, at Town Hall, 15 Bedford Road, Armonk, NY 10504, to consider the Zoning Petition of John Magnotta Realty for the rezoning of a portion of the existing R-2F (Residential Two Family) Zoning District on Emmalon Avenue, adjacent to the Sir John's Plaza shopping center in North White Plains to the CB (Central Business) Zoning District, for the purpose of parking expansion.

The Zoning Petition 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: June 26, 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.

Zoning Petition, dated January 10, 2019, and Full Environmental Assessment Form (EAF) Part 1, dated January 18, 2019, were marked Exhibit "D" for the record.

Memos from Director of Planning Adam Kaufman, dated January 16, 2019 and March 22, 2019, and a letter from Mr. Kaufman, dated April 30, 2019, regarding a positive recommendation from the Planning Board were marked Exhibit "E" for the record.

Letter from the Westchester County Planning Board, dated March 22, 2019, was marked Exhibit "F" for the record.

The Town Clerk noted that certificates denoting mailing of Notice of the 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.

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

Thomas D'Agostino appeared for the Board, representing John Magnotta, applicant and owner of Sir John's Plaza. Also in attendance were Eliot Senor, project engineer, Allan Forcarile, co-counsel, and Mr. Magnotta. Mr. D'Agostino provided a summary regarding the Zoning Petition.

In response to concerns expressed by Councilman DiGiacinto, Mr. D'Agostino said that several tenants have signed letters of intent for the same type of businesses which were previously located in the shopping center, and he noted that Mr. Magnotta would like to improve the façade of the buildings.

In response to a question from Councilman D'Angelo, Mr. Senor referred to an off-street parking analysis that demonstrated the existing uses on the site require more parking than is currently provided on the site plan and that there is a deficit of about 18 to 19 parking spaces for the

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existing uses at the location. He added that 35 to 40 new parking spaces are being proposed, for a total of 148 spaces.

Councilman Berra expressed concerns regarding the type and size of buildings that could be built at the location in the future. Supervisor Schiliro confirmed with Mr. Kaufman that any proposed building greater than 5,000 square feet would require a public hearing and the issuance of a special use permit by the Town Board. Mr. Berra noted that residents of North White Plains have indicated they are in support of the proposed project.

Supervisor Schiliro and Councilman DiGiacinto expressed concerns regarding overnight parking and the size of vehicles that could be parked on the property. Mr. Kaufman explained that parking issues would be evaluated by the Planning Board during the site plan review. He said that overnight storage of vehicles for businesses located on the property would require the applicant to demonstrate that the vehicles are associated with onsite businesses. He added that the Planning Board could deny overnight storage of vehicles on the property.

North White Plains residents Ed Lobermann and Michele Falot spoke in favor of the proposed project.

The Town Board requested that with regard to the site plan review the Planning Board pay close attention to overnight parking to ensure the applicant demonstrates that the vehicles are associated with onsite businesses, and to ensure applicant adheres to restrictions pertaining to size of trucks and oversized vehicles that may be parked 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 8:26 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 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, the adoption of a Resolution to rezone a portion of the existing R-2F (Residential Two Family) Zoning District on Emmalon Avenue to the CB (Central Business) Zoning District adjacent to the Sir John's Plaza shopping center. 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

Councilman D'Angelo moved, seconded by Councilman Reiter, the adoption of Local Law 5 of 2019 to amend Chapter 355 of the Town of North Castle Town Code to rezone Lot 122.12-4-54 from the R-2F Zoning District to the CB Zoning District and rezone a portion of Lot 122.12-4-56 from the R-2F Zoning District to the CB Zoning District. The Local Law 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: July 19, 2019

## RESOLUTION

**Action:** A Local Law to amend Chapter 355 of the Town of North Castle Town Code to rezone Lot 122.12-4-54 from the R-2F Zoning District to the CB Zoning District and rezone a portion of Lot 122.12-4-56 from the R-2F Zoning District to the CB Zoning District.

**Application Name:** Sir John's Plaza Rezoning

**Date of Approval:** July 10, 2019

WHEREAS, The Town Board has been presented with a zoning petition that would rezone a portion of the existing R-2F (Residential Two Family) Zoning District on Emmalon Avenue to the CB Zoning District adjacent to the Sir John's Plaza shopping center; and

WHEREAS, if the zoning change is granted, the Applicant has indicated that the rezoned land would be utilized for additional off-street parking for the plaza; and

WHEREAS, the new Comprehensive Plan includes the following text:

Protect the Vitality of Existing Retail Areas. To ensure that retail in North Castle remains healthy and competitive, the existing retail areas should not be expanded, and should instead be enhanced through transportation improvements, landscaping and other beautification and targeted infill housing as appropriate. This is particularly true along Route 22 in North White Plains, where the current condition of the roadway and certain properties is contributing to long-term vacancies and a generally weak retail environment.

WHEREAS, at the March 13, 2019 Town Board meeting, the Town Board referred the zoning petition to the Planning Board and the Town Board noted that "in making this referral the Town Board has concern that the actual need under the Zoning Code for the requested parking be adequately demonstrated;" and

WHEREAS, the Applicant has previously stated that the desired additional parking would be used to attract new restaurant, or other tenants, which require additional off-street parking as compared to retail, personal service and office uses; and

WHEREAS, the Town Board has requested that the Applicant provide documentation from prospective tenants that would demonstrate the need for additional parking on the site; and

WHEREAS, the Planning Board evaluated 1) whether the Applicant has demonstrated a need for additional parking on the site and 2) whether the proposed rezoning would be consistent with the Comprehensive Plan; and

WHEREAS, the Applicant has submitted an off-street parking analysis demonstrating that the existing uses on the site require more parking than is currently provided on the site plan; and

WHEREAS, additionally, the proposed conversion of two stores from retail to restaurant use would require additional parking beyond what is available on the site; and

WHEREAS, the Planning Board came to a consensus that the Applicant has demonstrated the need for the expansion of parking at the shopping center for both existing uses and proposed uses on the site; and

WHEREAS, after due consideration, the Planning Board determined that the proposed rezoning would not represent an expansion of retail in the CB Zoning District as the land in question was previously zoned CB, contains a landlocked parcel of land that can't be readily developed as a two-family home and is directly contiguous to the existing shopping center; and

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WHEREAS, on April 30, 2019 the Planning Board adopted a positive recommendation (4-0) regarding the rezoning at the April 29, 2019 Planning Board meeting and determined that there were not any evident global planning issues with respect to the requested rezoning; and

WHEREAS, the applicant submitted a Full Environmental Assessment Form (EAF) dated January 18, 2019 in connection with the application; and

WHEREAS, the Town Board conducted an uncoordinated SEQRA review of this Unlisted Action (rezoning of less than 25 acres); and

WHEREAS, the Town Board conducted a public hearing for the zoning amendments on July 10, 2019, to receive comments regarding the proposed amendments to the Town of North Castle Zoning Code; and

WHEREAS, the Town Board has requested, received and considered comments from the Town attorney, the Consulting Town Engineer and Town Planner regarding the proposed development.

NOW THEREFORE BE IT RESOLVED, that based upon its review of the full environmental record the Planning 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 the Town of North Castle Town Board hereby finds that the proposed rezoning is consistent with the Town Comprehensive Plan as described above; and

BE IT FURTHER RESOLVED, that the Town of North Castle Town Board hereby adopts the proposed local law entitled “A Local Law to amend Chapter 355 of the Town of North Castle Town Code to rezone Lot 122.12-4-54 from the R-2F Zoning District to the CB Zoning District and rezone a portion of Lot 122.12-4-56 from the R-2F Zoning District to the CB Zoning District.”

TOWN OF NORTH  
CASTLE

Local Law No. 5 For the Year 2019  
Adopted July 10, 2019

A Local Law to amend Chapter 355 of the Town of North Castle Town Code to rezone Lot 122.12-4-54 from the R-2F Zoning District to the CB Zoning District and rezone a portion of Lot 122.12-4-56 from the R-2F Zoning District to the CB Zoning District.

**Section 1.** Chapter 355 is amended by amending §355-6 to apply the CB district to lot 122.12-4-54 as shown on the Tax Assessment Map of the Town of North Castle.

**Section 2.** Chapter 355 is amended by amending §355-6 to apply the CB district to the red portion of lot 122.12-4-56 as shown on the below map.



**Section 3.** 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 4.** Severability.

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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 5.** Effective Date.

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

Dated: July 10, 2019