

PUBLIC HEARING

March 23, 2022

At 8:24 p.m. Supervisor Schiliro stated that a Public Hearing which was opened and adjourned on March 9, 2022, 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 9, 2022, 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 to establish Recreation Center Special Use Permit requirements in the CB-B (Central Business B), RB (Roadside Business), GB (General Business), PLI (Planned Light Industry), and RELIP (Research, Electronic and Light Industrial Park) Zoning Districts.

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: February 23, 2022
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 Westchester County Planning Board, dated February 22, 2022, stating that the action is a matter for local determination was marked Exhibit "D" for the record.

Letter from Director of Planning Adam Kaufman regarding a positive recommendation from the Planning Board, dated March 14, 2022, was marked was marked Exhibit "E" for the record.

The Town Clerk noted there was an Environmental Assessment Form.

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

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

Councilman DiGiacinto moved, seconded by Councilman Hussain, receipt of letter from the Westchester County Planning Board, dated February 22, 2022, and letter from the Planning Board, dated March 14, 2022.

The roll call vote was as follows:

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

Noes: None

Director of Planning Adam Kaufman noted that the Town Board recently adopted a local law to permit recreation centers as a permitted principal use in the RELIP Zoning District. Mr. Kaufman added that subsequent to this action by the Town Board, there was discussion among the Board about whether recreation centers, in general, should be a permitted principal use or a special use in the industrial zoning districts in Town. Currently recreation centers are a permitted use in certain zoning districts, but require a special permit in other zoning districts. He also indicated that the Town Code does not articulate specific standards associated with the recreation center.

Mr. Kaufman said the proposed law, which he prepared at the request of the Town Board, firstly would standardize the Code regarding recreation centers in the Town's industrial zoning

districts. All recreation centers would require a special use permit approved by the Town Board, as reflected in Section 1. Secondly, the law would include specific standards, beyond the general standards that the Town Board uses for special permits, which specifically relate to recreation centers, as reflected in Section 3.

Mr. Kaufman said that additional standards which would be required for a recreation center were reviewed by the Planning Board which gave a positive recommendation, but the Planning Board also suggested that the Town Board consider revisiting the definition of Recreation Center in the Town Code to broaden and clarify the types of uses the Town expects to see for a Recreation Center.

Mr. Kaufman provided comments to the Town Board regarding Section 3 of the proposed law regarding purpose, use, and setback requirements.

Discussion ensued among the Town Board, Town Attorney Roland Baroni, and Mr. Kaufman regarding amendments to the definition of Recreation Center.

Councilman DiGiacinto expressed concerns regarding environmental impacts of outdoor skateboard parks and BMX parks. Resident Jen Clark expressed support of a skateboard parks, but not of BMX parks. Following discussion, there was agreement among Town Board members that BMX and skateboard parks would not be included in the definition of Recreation Centers. Following discussion, it was agreed that swimming would be included in the definition of Recreation Centers.

Councilman Berra recommended a limit to the square footage of recreation centers. Mr. Kaufman stated that potential impacts to surrounding properties, the environment, and traffic, among other concerns, would all be addressed at site plan review. Following discussion, it was agreed not to include a limit to the square footage of a recreation center in the law.

After all persons were heard who desired to be heard, Councilman DiGiacinto moved, seconded by Councilman Hussain, that the Public Hearing be closed at 9:30 p.m.

The roll call vote was as follows:

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

Noes: None

Councilman DiGiacinto moved, seconded by Councilman Hussain, 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 impacts and the Town Board hereby adopts a Negative Declaration.

The roll call vote was as follows:

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

Noes: None

Councilman Hussain DiGiacinto moved, seconded by Councilman Hussain, the adoption of Local Law 3 of 2022, as amended, to amend Chapter 355, Zoning, of the Code of the Town of North Castle to establish Recreation Center Special Use Permit requirements. The Local Law follows at the end of these minutes.

The roll call vote was as follows:

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

Noes: None

Alison Simon, Town Clerk

Dated: April 4, 2022

TOWN OF NORTH CASTLE

Local Law No. 3 For the Year 2022 Adopted March 23, 2022

A local law amending Chapter 355 Zoning to establish Recreation Center Special Use Permit requirements.

Section 1. Amend Section 355-23 to convert Recreation Center Permitted Principal Use in the PLI Zoning District to a Permitted Principal Use requiring a Special Use Permit as follows:

*5. Recreation centers.

Section 2. Amend Section 355-23 to convert Recreation Center Permitted Principal Use in the RELIP Zoning District to a Permitted Principal Use requiring a Special Use Permit as follows:

*5. Recreation centers.

Section 3. Create the following new section 355-40.Y in the North Castle Town Code as follows:

Recreation Centers.

- (1) Purpose. It is the purpose and intent of this subsection to encourage the use of land in certain commercial and industrial districts for recreational centers to provide for the recreational needs of the Town. In addition, it is the purpose and intent of this subsection to assure that such diverse types of recreation center uses are developed and managed so as to protect the quality of the environment, property values, and quality of life of adjacent and nearby properties.
- (2) Use.
 - (a) The intensity of use shall be limited by the Town Board to the extent necessary to assure that the expected average traffic generation of such use will not adversely impact the surrounding streets and neighborhood.
 - (b) Uses and facilities customarily part of a recreation center shall be permitted as accessory uses, including but not limited to, cafes and limited retail sales.
- (3) Buffer area. A landscaped buffer area of at least 25 feet in width shall be required along all lot lines adjoining or across the street from properties in residence districts, unless a larger buffer area is required by any other provision of this chapter.
- (4) Special setback requirements. All active recreational facilities, such as tennis courts, playing fields and swimming pools, shall meet the setback requirements for principal buildings in the district in which it is located. However, where the scale and intensity of such facilities are such that the location of such uses may have a negative impact on surrounding properties, the Town Board may increase the required setback as may be reasonably necessary to achieve the appropriate

relationship between recreation facilities and adjacent sites, buildings, properties and roads.

- (6) Other requirements. In addition to the special standards described above, any recreation center shall comply with any other requirements deemed appropriate by the Town Board in accordance with the requirements of Article VIII herein.

Section 4. Replace the definition of Recreation Center in Section 355-4 with the following:

RECREATION CENTER

A recreational facility entirely indoors conducted for commercial purposes, with or without limited spectator seating and providing accommodations for a variety of individual or organized sports, including but not limited to basketball, ice hockey, wrestling, soccer, tennis, volleyball, racquetball, or handball. Such facility may also provide other regular organized events, health and fitness club facilities, baseball/softball, golf, dance studios and instruction, music schools and instruction, martial arts studios and instruction, skateboard facilities, trampoline or gymnastics facilities, swimming pool, snack bar, restaurant, retail sales of related sports, health or fitness items and instruction in any of the foregoing or similar activities as well as other support facilities. Additionally, a recreational center may include open, partially enclosed or screened facilities, conducted for commercial purposes with any of the uses included above and also including uses such as athletic fields, miniature golf, golf practice, swimming, bathing, and wading.

Section 5. 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 6. Severability.

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 7. Effective Date.

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

Dated: March 23, 2022