

PUBLIC HEARING

June 24, 2020

At 8:22 p.m. Supervisor Schiliro stated that the Public Hearing, which was opened and adjourned on June 10, 2020, 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 June 10, 2020, 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 permitting vehicle fueling and service stations in the Commercial Business (CB) Zoning District and creating additional CB District requirements pertaining to vehicles and service stations.

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: May 30, 2020
Armonk, NY

Letter from Director of Planning Adam Kaufman, dated June 12, 2020, was marked Exhibit "T" for the record.

The Town Clerk noted there was a revised Full Environmental Assessment Form (EAF), Parts 1, 2 and 3, was marked Exhibit "F" for the record.

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

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

Town Attorney Roland Baroni said that all the operating gas stations in North Castle are presently legal, non-conforming uses; which makes it very difficult for them to be able to modernize, adding the Shell Station at 375 Main Street station in Armonk would like to rebuild and redevelop its entire property which the Planning Board has long sought. He noted that he has been told that the 360 Main Street station is also preparing plans to modernize its station as well. He said it is very difficult for the stations to modernize now, but if the Town Board amends the zoning code to make it a permitted use, the applicants can apply to the Planning Board for site plan approval without needing to meet special permit criteria. He added that the appearances of the stations would be improved with the requirements for landscaping and sidewalks.

Director of Planning Adam Kaufman noted that some members of the Town Board had expressed environmental and development concerns given the size of the Commercial Business (CB) Zoning District and the differences between development patterns along the whole length of the CB District. The District extends from the border of the City of White Plains along North Broadway in North White Plains, and all of Route 128 in Armonk.

Mr. Kaufman said that one solution was to create a new district called the CB-A2 Zoning District in Armonk. He displayed a map of the current CB District and the proposed CB-A2 Zoning District. In Armonk, the CB District would remain on all the properties located south of Bedford Road which are currently zoned CB, but the CB zoning district would no longer exist north of Bedford Road. With the adoption of the proposed local law as revised, all of the properties north of Bedford Road, none of which have existing gas stations, would be placed into the CBA-2 Zoning District with all the same requirements and permitted uses, with the exception of gas station.

Town Board Minutes
June 24, 2020

Town Board members expressed support for the revision to the proposed local law to include the provision for no more than 12 fueling pumps or stations.

Councilman Berra reiterated his concerns with the loss of repair stations to convenience shops. Mr. Baroni said that the owners of 375 Main Street have advised they would not be able to have a mechanic operation with the new building planned for this location. Councilman DiGiacinto said she did not think it was appropriate and it would be unfair to mandate that a gas station must have a repair station, adding that she was opposed to adding this requirement to the legislation. Councilman Reiter and Supervisor Schiliro expressed agreement that repair stations should not be required. Councilman Hussain said he thought that gas stations should be given the ability to thrive.

After all persons were heard who desired to be heard, Councilman DiGiacinto moved, seconded by Councilman Reiter, that the Public Hearing be closed at 8:53 p.m.

The roll call vote was as follows:

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

Noes: None

Councilman DiGiacinto 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 impacts and the Town Board hereby adopts a Negative Declaration.

The roll call vote was as follows:

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

Noes: None

Councilman DiGiacinto moved, seconded by Councilman Reiter, the adoption of Local Law 5 of 2020, to amend Chapter 355, Zoning, of the Code of the Town of North Castle permitting vehicle fueling and service stations in the CB Zoning District, adding a definition of vehicle to the Town Code, and placing 29.45 acres of land currently in the CB Zoning District north of Bedford Road in the Armonk Hamlet into the newly created CB-A2 Zoning District. The Local Law follows at the end of these minutes.

The roll call vote was as follows:

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

Noes: None

Alison Simon, Town Clerk

Dated: July 6, 2020

TOWN OF NORTH CASTLE

Local Law No. 5 for the Year 2020
Adopted June 24, 2020

A local law permitting vehicle fueling and service stations in the CB Zoning District, adding a definition of vehicle to the Town Code, and placing 29.45 acres of land currently in the CB Zoning District north of Bedford Road in the Armonk Hamlet into the newly created CB-A2 Zoning District.

Section 1. Amend Column 2 (Permitted Principal Uses) in the CB Zoning District in Section 355-22. Schedule of Business District Regulations as follows:

2. Vehicle fueling and service stations, limited to no more than 12 fueling pumps or stations, not including the parking or storage of motor vehicles other than those in connection with the permitted use.
(c)

Section 2. Amend Section 355-4 to add the following new definition in alphabetical order:

VEHICLE -- Any self-propelled vehicle designed primarily for transportation of persons or goods along public and private roads and thoroughfares.

Section 3. Amend Section 355-22 Schedule of Business District Regulations to include the following new Zoning District information:

District	Permitted Principal Uses	Permitted Accessory Uses	Minimum Lot Size			Minimum Yards			Maximum Building Coverage	Maximum Building Height		Floor Area Ratio	Other Standards and Requirements
			Area	Frontage	Depth	Front (feet)	Side (feet)	Rear (feet)	Lot Area (percent)	Stories	Feet		
CB-A2 Central Business Armonk 2	I. Any uses permitted in a CB-A District, as permitted therein.	1. Accessory uses as permitted in a CB-B District.	5,000 square feet	50	100	10	0 (h)	30	35%	2	30	0.4	355-29.D

Section 4. Amend the “Zoning Map of the Town of North Castle, New York,” as established in Section 355-6 of the Town Zoning Code, so as to reclassify all or a portion of the following listed properties, as shown on the map below, from CB Central Business District to CB-A2 Central Business Armonk 2:

<u>Lot</u>	<u>Lot</u>
108.03-1-6	108.01-1-32
108.01-6-40	108.01-1-33
108.01-6-39	108.01-1-34
108.01-6-38	108.01-1-38
108.01-6-37	108.01-1-37
108.01-6-35	108.01-6-3
108.01-6-34	108.01-6-6
108.01-6-32	108.01-6-14
108.01-6-31	108.01-6-85
108.01-6-21	108.01-6-73
108.01-6-30	108.01-6-72
108.01-6-29	108.01-6-57
108.01-6-28	108.01-6-58
108.01-6-27	108.01-6-56
108.01-6-26	108.01-6-49
108.01-6-25	108.01-6-48
108.01-6-24	108.01-6-44
108.01-6-22	108.01-6-45
108.01-6-23	108.01-6-42
108.01-6-19	108.01-6-46
108.01-6-18	108.01-6-47
108.01-6-17	108.03-1-1
108.01-6-16	108.03-1-2
108.01-6-15	108.03-1-3
108.01-6-4	108.03-1-4
108.01-1-65	108.03-1-5



Section 5. Amend the title of Section 355-29.D of the Town Code as follows:

D. Central Business (CB) District and Central Business Armonk 2 (CB-A2) District.

Section 6. 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 7. 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 8. Effective Date.

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