

Town Board Minutes
Special Meeting
Town of North Castle
15 Bedford Road
Armonk, New York
on
April 16, 2019

The Town Board Special Meeting was called to order at 8:40 a.m. at Town Hall on the duly adopted motion of Councilman D'Angelo and the following persons were present:

Present: Supervisor: Michael Schiliro
Councilman: Barbara DiGiacinto
Councilman: Stephen D'Angelo
Councilman: Barry Reiter
Town Clerk: Alison Simon

Absent: Councilman: José Berra
Town Attorney: Roland A. Baroni
Interim Town Administrator: Patti Dwyer

Public Hearing: Consider the following in regard to the Special Event Permit application from The Bagel Emporium of Armonk, Inc. to place a Food Distribution Truck on Main Street for a specified period and hours of operation as stated in the application:

At 8:42 a.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 16, 2019, at 8:30 A.M., or as soon thereafter, at Town Hall, 15 Bedford Road, Armonk, NY, 10504, to consider the special event permit request of The Bagel Emporium of Armonk, Inc. for a temporary food distribution truck to occupy two on-street parking spaces in front of the building at 393 Main Street. The property is located at 393 Main Street, Armonk, NY, and known on the North Castle Tax Maps as 108.03-1-1, and located within the CB Zoning District.

The special event 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 6, 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 Short Environmental Assessment Form (EAF) Part 1, dated April 3, 2109, were marked Exhibit "D" for the record.

Email from Chief Phil Goulet, Armonk Fire Department, dated April 9, 2019, regarding review of application documents and plans was marked Exhibit "E" for the record.

The Town Clerk noted that 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.

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Director of Planning Adam Kaufman said that the special event permit is for a period of six months, and would give the applicant permission to use the food truck in the two parking spaces directly in front of the store daily, if he chooses, between the hours of 6:00 a.m. to 3:00 p.m. Since Main Street (Route 128) is a State road, it will need to be determined if approval from NYS Department of Transportation (DOT) is needed.

In response to a query from Councilman DiGiacinto, Mike Rozins, owner of Bagel Emporium, said that the truck will go back to their main facility in Port Chester after 3:00 p.m.

In response to a query from Supervisor Schiliro, the Board agreed that the permit would expire in six months or upon the issuance of a Certificate of Occupancy for the reopening of The Bagel Emporium, whichever comes first.

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, 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, Supervisor Schiliro

Noes: None

Absent: Councilman Berra

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, approval of the Special Event Permit application of The Bagel Emporium of Armonk, Inc. for a temporary food distribution truck to occupy two on-street parking spaces in front of the building at 393 Main Street (Tax ID: 108.03-1-1) term of April 16, 2019 to October 16, 2019 from 6:00 a.m. - 3:00 p.m. daily or the issuance of a Certificate of Occupancy for the reopening of The Bagel Emporium, whichever comes first. The Resolution follows at the end of these minutes.

Note: Conditions of the Resolution were not satisfied; therefore, the Special Event Permit was not issued.

The roll call vote was as follows:

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

Noes: None

Absent: Councilman Berra

Councilman Reiter moved, seconded by Councilman DiGiacinto, to close the special meeting at 8:48 am.

The roll call vote was as follows:

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

Noes: None

Absent: Councilman Berra

Alison Simon, Town Clerk

Dated: April 19, 2019

RESOLUTION

Action:	Special Event Permit
Application Name:	Special Event Permit - The Bagel Emporium
Owner:	The Bagel Emporium of Armonk, Inc.
Applicant:	The Bagel Emporium of Armonk, Inc.
Designation:	108.03-1-1
Zone:	CB
Acreage:	N/A
Location:	393 Main Street
Date of Approval:	April 16, 2019
Term of Special Event Permit:	April 16, 2019 to October 16, 2019 from 6 AM – 3 PM daily or the issuance of a Certificate of Occupancy for the reopening of The Bagel Emporium

WHEREAS, an application dated April 3, 2019 was submitted to operate a special event in front of 393 Main Street pursuant to Chapter 263 of the Town Code; and

WHEREAS, The Bagel Emporium is requesting permission place a food truck on Main Street in front of the building at 393 Main Street; and

WHEREAS, two on-street parking spaces will be used from 6 AM to 3 PM daily for six months; and

WHEREAS, this Special Event request is due to a fire located on the premises; and

WHEREAS, the requested special event permit would allow the business to continue while reconstruction in the damaged building is occurring; and

WHEREAS, the site plan was forwarded to the Chief of Police, Armonk Fire Department and the Building Department so that they may make any pertinent recommendations to the Town Board including, but not limited to, the designation of no-parking zones, emergency vehicle access or any other issues deemed important to providing emergency services; and

WHEREAS, the property is located in the CB Zoning District and is designated on the Tax Maps of the Town of North Castle as lot 108.03-1-1; and

WHEREAS, a duly advertised public hearing was held on said application before the Town Board on April 16, 2019 and closed on that date at which time all those wishing to be heard were given the opportunity to be heard; and

WHEREAS, the Town Board is familiar with the nature of the site and surrounding area;

WHEREAS, the Town Board has requested, received and considered comments from the Town Attorney, the Town Engineer and Town Planner regarding the proposed special event; and

WHEREAS, the proposed action is an Unlisted Action pursuant to the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Town Board determined to conduct an uncoordinated SEQRA Review; and

NOW, THEREFORE, BE IT RESOLVED, that in accordance with Article 8 of the New York State Environmental Quality Review Law and 6 NYCRR Part 617, the Town Board hereby makes a determination that the proposed action will not have a significant adverse impact on the environment and that a draft environmental impact statement will not be prepared; and

BE IT FURTHER RESOLVED, that the special event permit is approved from April 16, 2019 to October 16, 2019 from 6 AM – 3 PM daily or the issuance of a Certificate of Occupancy for the reopening of The Bagel Emporium, subject to the conditions identified below; and

BE IT FURTHER RESOLVED, that this permit shall be deemed to authorize only the particular use or uses specified, and shall expire if the site is not maintained and if all conditions and standards are not complied with throughout the duration of the use; and

Prior to the Issuance of the Special Event Permit:

(The Town Clerk's initials and date shall be placed in the space below to indicate that the condition has been satisfied.)

- _____1. The Applicant shall submit documentation from the NYSDOT authorizing the food truck to be placed on NYS Route 128 in front of 393 Main Street from April 16, 2019 to October 16, 2019 from 6 AM – 3 PM daily or the issuance of a Certificate of Occupancy for the reopening of The Bagel Emporium to the satisfaction of the Town Clerk.
- _____2. Pursuant to Section 263-4.F of the Town Code, the sponsor shall, at its sole expense, maintain insurance on its own behalf and furnish to the Town of North Castle certificates of insurance from an insurance company licensed to do business in New York State, in accordance with the Town's minimum insurance requirements, together with an indemnification and hold harmless agreement. Should it be determined that the extent of the operations in any particular case require insurance coverage in greater amounts than the Town's minimum insurance requirements, the sponsor shall provide certificates of insurance in the requested amounts.
- _____3. Submission of documentation that the proposed food truck has the approval of the Westchester County Department of Health.
- _____4. A pre-permit site meeting shall be held with the Applicant and with the Building Inspector, Fire Marshal, Fire Department, and Police Department to discuss the operation of the special event. Once all issues have been adequately addressed to the satisfaction of the Building Inspector, Fire Marshal, Fire Department and Police Department, the Building Department shall transmit a letter stating such to the Town Clerk.

Note: Conditions of the Resolution were not satisfied; therefore, the Special Event Permit was not issued.

Other Conditions:

1. Pursuant to Section 263-3.A of the Town Code, all special events shall require the provision of a "fire watch" by the local Fire Department and/or North Castle Fire Marshal, the cost of which shall be paid for by the applicant. The Fire Marshal may also approve other fire-protection measures to the satisfaction of the North Castle Fire Marshal, the cost of which shall be paid for by the applicant.
2. Pursuant to Section 263-3.B of the Town Code, all special events shall require the provision of security and/or traffic control by the Town of North Castle Police Department, the cost of which shall be paid for by the applicant. The Chief of Police may also approve other security and/or traffic control measures to the satisfaction of the Chief of Police, the cost of which shall be paid for by the applicant.
3. This special event permit is not assignable.
4. This special event permit is revocable for a violation of the Town Code or any other ordinance or law, pursuant to Chapter 263-6 of the Town Code.
5. The Applicant shall observe all state, county and Town laws, rules and regulations as to health, safety and general welfare and shall be subject to reasonable regulations of the Building Department, Fire Marshal, Police Department and Highway Department of the Town of North Castle.
6. All rubbish from the premises and from any parking area must be gathered and deposited in closed containers by no later than 6:00 p.m. of the day following and removed from the premises by 6:00 p.m. of the next day following.
7. The Applicant shall not permit any unnecessary or unreasonable noise by means of loudspeakers, power amplifier devices or any other means which would create or tend to create a public nuisance.