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120 BLOOMINGDALE ROAD
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RECEIVED

DEC 14 2022

TOWN OF NORTH CASTLE
BUILDING DEPARTMENT

December 7, 2022

North Castle Town Board
15 Bedford Rd
Armonk NY 10504

RE: Rezoning Petition
Breezemont Day Camp

Hon Supervisor Schiliro and Members of the Town Board:

On behalf of our client HZBR LLC, owner and operator of the day camp on Cox Avenue known as Breezemont Day Camp, petition is hereby made for an amendment to the text of the Town Zoning Ordinance to allow day camps as a special permit use, and to grant such special permit to this camp.

Attached hereto are ten (10) copies of the following:

1. This letter
2. Our petition on the Town form entitled "Application for Amendment to Zoning Ordinance"
3. Survey of property dated February 28, 2013 and prepared by Dennis M. Lowes, LS
4. Completed Environmental Assessment Form Part I
5. Application fee in the amount of \$200


Breezemont Day Camp was established in 1932 on its 15.593 Acre property, and has continued since as a legal nonconforming use. Our client purchased the property, and has operated it with reasonable success. The facility requires however significant additional investment in its facilities, including replacing some buildings, meeting fire and building codes, and adding additional buffer landscaping. Rather than attempt to make the

necessary upgrades through the approval process necessary for nonconforming use, HZBR LLC hereby requests the creation of a special permit use category that would allow it to become a conforming use.

Recognizing the employee parking issue, discussions have been undertaken with nearby churches to establish off-site parking and a shuttle system for employees. More details of a proposed agreement should be available by the time of your meeting.

If this matter might be placed on your agenda in the near future, in order that we might make a short presentation and request a referral to the Planning Board for review and report according to your Code, it would be very much appreciated.

Sincerely,

A handwritten signature in black ink that reads "John B. Kirkpatrick". The signature is written in a cursive style with a large, prominent initial "J".

John B. Kirkpatrick



TOWN OF NORTH CASTLE

Town Hall - 15 Bedford Road

Armonk, New York 10504

Established 1736

**APPLICATION FOR AMENDMENT TO
ZONING ORDINANCE**

Telephone: (914) 273-332

Fax: (914) 273-417

www.northcastleny.com

APPLICANT HZBR LLC a/k/a Breezemont Day Camp

ADDRESS C/O John Kirkpatrick, 120 Bloomingdale Rd, White Plains NY 10605

AGENT OR ATTORNEY John Kirkpatrick

PROPERTY INFORMATION Section 2 Block 5 Lot 24A, 24C
62-64 Cox Avenue, Armonk

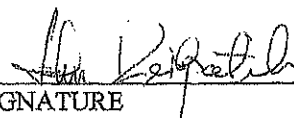
PRESENT ZONING R-5

LOCATION OF PROPERTY 62-64 Cox Avenue

NATURE OF AMENDMENT Add a category of Special Permits for Day Camps

REASON FOR AMENDMENT In order to modernize the facilities, change the camp
from an existing legal non-conforming use to a special permit use.

PROPOSED TEXT OF AMENDMENT AND/OR MAP MUST BE SUBMITTED ON A SEPARATE SHEET


SIGNATURE

12/15/22
DATE

NOTE: An application for a zoning change will not be considered or processed until this application form is signed and submitted to the Town Clerk with the \$200 fee.

PROPOSED SPECIAL PERMIT
FOR
DAY CAMPS

213-3

Day Camp -- A principal permitted use consisting of a tract of land and any tents, vehicles, buildings, or other structures that may be pertinent to its use, any part of which may be occupied on a scheduled basis at any time between June 1 and September 15 in any year by children under 16 years of age, under general supervision, for the purpose of indoor or outdoor organized group activities, involving two or more activities for a period of less than 24 hours on any day the property is so occupied and/or which no provisions are made for overnight occupancy by such children. Any recreational program offered directly by the Town of North Castle Recreation Department shall not be deemed a day camp.

213-33.V

V. Day Camps. In zones where permitted, day camps shall be subject to the following additional requirements:

- (1) Uses. The special use permit may provide for accessory uses, including athletic camp fields, tennis and racquetball courts, swimming pools and other recreational buildings and facilities such as are normally incident to the operation of a day camp.
- (2) Lot location and size. The site of a day camp shall physically relate to the scope of planned activities, shall front on a state or county road or interstate highway and have a lot area of not less than 15 acres.
- (3) Density. The Town Board shall find that the proposed number of campers can be accommodated on the site. There shall be no more than 60 campers per gross acre at one time. In any event, no one day camp shall be permitted to accommodate more than 1000 campers at one time.
- (4) Coverage. Building coverage, including accessory buildings, shall not exceed 15% of the site area. Gross Land Coverage shall not exceed 45% of the site area.
- (5) Yard requirements. No building or recreation facility including swimming pools and tennis and racquetball courts shall be located within 100 feet of any street or property line. No land within 50 feet of any street or property line shall be used for outdoor recreation, including grass athletic fields and picnic areas. Off-street parking shall not be located within 50 feet of any street or property line. The restrictions contained herein shall not prevent the continued use of any building, recreational facility, outdoor recreation area or off-street parking area which was used for such purpose at the time of adoption of this section.
- (6) Landscaped strips and shrubbery screens. Camp facilities shall be screened from any adjoining residential properties by landscaped strips not less than 15 feet wide.
- (7) Camp layout. Camp facilities shall be designed so as to be consistent with the character of the surrounding neighborhood and operated so as to reasonably safeguard the peace, welfare and comfort of neighboring residents and their places of residence.
- (8) Operation plan. The applicant for a day camp shall submit a preliminary operation plan

identifying proposed operations, hours, capacity and staffing requirements, as well as the parking management plan referenced in #10 below. A statement shall be included detailing the nature and extent of regulation to be provided by the State of New York and County of Westchester, with reference to statutes and laws as appropriate. The operator of the day camp shall be required to submit an update of the operation plan and regulatory statement on an annual basis as a condition of the special exception use permit.

(9) Hours of operation. The day camp operating season shall be established by the Town Board but shall in no event commence earlier than June 1 nor extend later than September 15. The hours of operation of the day camp, including ground and other maintenance activities, shall be established by the Town Board but shall in no event extend longer than 12 hours per day.

(10) Parking. Parking shall be provided pursuant to Section 213-45 of the Town Code unless a greater or lesser number is found by the Town Board to be warranted based on review of the operation plan. Safe and adequate off-street loading and unloading areas shall be provided for buses and passenger cars. In addition, all staff parking shall be provided off-site, and a management plan for it shall be submitted with a copy of the lease or similar arrangement for the parking premises, identification of the shuttle transportation to be provided and a schedule detailing its hours of operation.

(11) Exterior lighting. Exterior lighting shall be of such a nature as to minimize impact upon adjoining landowners.

(12) Public address systems. The use of public address systems which are audible on adjacent parcels shall be prohibited except for reasonably necessary emergency and safety purposes, subject to terms and conditions pursuant to a plan preapproved by the granting authority. Such terms and conditions and plan shall be specified within the language of the permit; provided, however, that such plans seek to minimize the ability to hear such emergency and safety uses off the subject premises to the greatest extent practicable.

(13) Site plan. The review and approval of a site plan by the Planning Board shall be made a condition of the issuance of a special exception use permit.

(14) Inspection. At all reasonable times, the Building Inspector may visit and inspect the property and all relevant books, records and accounts for the purpose of determining whether the day camp is being operated in compliance with this section.

(15) Events. Notwithstanding the above, the property may also be used for events such as charity fundraisers and corporate team building, with no live music and no alcohol, subject to approval on a case by case basis by the Commissioner of Planning.

(16) Open Houses. Notwithstanding the above, the property may also be used between September 1 and June 1 for open house events to showcase the camp for prospective campers and parents. The number of such events shall generally not exceed six per year.

Short Environmental Assessment Form Part 1 - Project Information

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
HZBR LLC a/k/a Breezermont Day Camp			
Name of Action or Project: Zoning Amendment and approval of Special Permit			
Project Location (describe, and attach a location map): 62-64 Cox Avenue (see attached map)			
Brief Description of Proposed Action: Add a category of Special Permits for day camps and grant a special permit for this camp			
Name of Applicant or Sponsor: HZBR LLC c/o John Kirkpatrick		914-420-5756 jkirk@kirkpatrick.com	
Address: 120 Bloomingdale Rd			
City/PO: White Plains	State: NY	Zip Code: 10605	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: Planning Board site plan approval		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		15.593 acres	
b. Total acreage to be physically disturbed?		approx 10 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		15.593 acres	
4. Check all land uses that occur on, adjoining and near the proposed action:			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: HZBR LLC of/o John Kirkpatrick		12/15/22
Signature: <u><i>John Kirkpatrick</i></u>		

EAF Mapper Summary Report

Thursday, December 8, 2022 2:40 PM

Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.

Map data © OpenStreetMap contributors, and the GIS User Community

Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	Yes
Part 1 / Question 20 [Remediation Site]	No



TOWN OF NORTH CASTLE
WESTCHESTER COUNTY
17 Bedford Road
Armonk, New York 10504-1898

Telephone: (914) 273-3542
Fax: (914) 273-3554
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PLANNING DEPARTMENT
Adam R. Kaufman, AICP
Director of Planning

January 5, 2023

Supervisor Michael Schiliro
and Town Board Members
Town of North Castle
15 Bedford Road
Armonk, New York 10504

Re: Draft Local Law permitting Day Camps in Residential Zones via Town Board Special Use Permit

Dear Supervisor Schiliro and Town Board Members:

As requested, the Planning Department has reviewed a petition that proposes to amend the Town Code to permit day camps within residential zones via Town Board special permit. Currently, all existing day camps are non-conforming uses within the Town as the Town Code does not permit day camps. The non-conforming status of day camps makes improvement and expansion of these facilities difficult or not possible.

The local law would legalize day camps by permitting day camps in residential districts, establishing a definition for day camps and providing various special use permit standards.

In general, the proposed petition appears to be reasonable and would permit the expansion and updating of day camps within the Town of North Castle.

However, the Planning Department has prepared an annotated local law that highlights issues that should be further discussed with the Planning Department, Town Board and petitioner. Issues of particular concern are the proposed density (campers per acre), proposed maximum population (total number of campers) and special events.

Sincerely,

Adam R. Kaufman, AICP
Director of Planning

PROPOSED SPECIAL PERMIT
FOR
DAY CAMPS

355-21 – Amend Section 355-21 to include the following use in the Residential Zoning Districts:

* Day Camp

355-4

Day Camp -- A principal permitted use consisting of a tract of land and any tents, vehicles, buildings, or other structures that may be pertinent to its use, any part of which may be occupied on a scheduled basis at any time between June 1 and September 15 in any year by children under 16 years of age, under general supervision, for the purpose of indoor or outdoor organized group activities, involving two or more activities for a period of less than 24 hours on any day the property is so occupied and/or which no provisions are made for overnight occupancy by such children. Any recreational program offered directly by the Town of North Castle Recreation Department shall not be deemed a day camp.

355-57 – Amend Section 355-57 to add Day Camp to the off-street parking requirements as follows:

Day Camp 1 space per employee

355-40 – Create the following new Section 355-40.AA as follows:

AA. Day Camps. In zones where permitted, day camps shall be subject to the following additional requirements:

- (1) Uses. The special use permit may provide for accessory uses, including athletic camp fields, tennis and racquetball courts, swimming pools and other recreational buildings and facilities such as are normally incident to the operation of a day camp.
- (2) Lot location and size. The site of a day camp shall physically relate to the scope of planned activities, shall front on a state or county road or interstate highway and have a lot area of not less than 15 acres.
- (3) Density. The Town Board shall find that the proposed number of campers can be accommodated on the site. There shall be no more than 60 campers per gross acre at one time. In any event, no one day camp shall be permitted to accommodate more than 1000 campers at one time.

[Applicant previously requested max of 900 campers. The proposed camper density is substantially higher than what other municipalities permit. The Town Board will need to determine whether the proposed camper density is reasonable and appropriate.]

Town of Somers, NY- 25 campers per acre 600 max

Town of Red Hook, NY- 12 campers per acre

Town of Union Vale, NY – 8 campers per acre

Nevada County, NV– 4 campers per acre

Warren County, NC – 10 campers per acre]

(4) Coverage. Building coverage, including accessory buildings, shall not exceed 15% of the site area. Gross Land Coverage shall not exceed 45% of the site area.

(5) Yard requirements. No building or recreation facility including swimming pools and tennis and racquetball courts shall be located within 100 feet of any street or property line. No land within 50 feet of any street or property line shall be used for outdoor recreation, including grass athletic fields and picnic areas. Off-street parking shall not be located within 50 feet of any street or property line. The restrictions contained herein shall not prevent the continued use of any building, recreational facility, outdoor recreation area or off-street parking area which was used for such purpose at the time of adoption of this section.

(6) Landscaped strips and shrubbery screens. Camp facilities shall be screened from any adjoining residential properties by landscaped strips not less than 15 feet wide.

(7) Camp layout. Camp facilities shall be designed so as to be consistent with the character of the surrounding neighborhood and operated so as to reasonably safeguard the peace, welfare and comfort of neighboring residents and their places of residence.

(8) Operation plan. The applicant for a day camp shall submit a preliminary operation plan identifying proposed operations, hours, capacity and staffing requirements, as well as the parking management plan referenced in #10 below. A statement shall be included detailing the nature and extent of regulation to be provided by the State of New York and County of Westchester, with reference to statutes and laws as appropriate. The operator of the day camp shall be required to submit an update of the operation plan and regulatory statement on an annual basis as a condition of the special use permit.

(9) Hours of operation. The day camp operating season shall be established by the Town Board but shall in no event commence earlier than June 1 nor extend later than September 15. The hours of operation of the day camp, including ground and other maintenance activities, shall be established by the Town Board but shall in no event extend longer than 12 hours per day.

(10) Parking. Parking shall be provided pursuant to Section 355-57 of the Town Code unless a greater or lesser number is found by the Town Board to be warranted based on review of the operation plan. Safe and adequate off-street loading and unloading areas shall be provided for buses and passenger cars. In addition, staff parking may be provided off-site, if deemed appropriate by the Town Board, and upon submission of an off-site parking management plan. The management plan shall identify shuttle transportation, hours of operation, number of vehicles parked and other operational parameters. A copy of the lease or similar arrangement for the parking off-premises shall be provided to the Town prior with the yearly operational plan.

(11) Exterior lighting. Exterior lighting shall be of such a nature as to minimize impact upon adjoining landowners.

(12) Public address systems. The use of public address systems which are audible on adjacent parcels shall be prohibited except for reasonably necessary emergency and safety purposes, subject to terms and conditions pursuant to a plan preapproved by the granting authority. Such terms and conditions and plan shall be specified within the language of the permit; provided, however, that such plans seek to minimize

the ability to hear such emergency and safety uses off the subject premises to the greatest extent practicable.

(13) Site plan. The review and approval of a site plan by the Planning Board shall be made a condition of the issuance of a special use permit.

(14) Inspection. At all reasonable times, the Building Inspector may visit and inspect the property and all relevant books, records and accounts for the purpose of determining whether the day camp is being operated in compliance with this section.

(15) Events. Notwithstanding the above, the property may also be used for events such as charity fundraisers and corporate team building, with no live music and no alcohol, subject to approval on a case by case basis by the Director of Planning.

[The Town Board will need to determine whether events (other than open houses) should be permitted outside of the summer camp operating season. If acceptable, the Town Board should give consideration to adopting criteria for staff to use in evaluating such requests, (e.g., size of events, number of events per year, etc.)]

(16) Open Houses. Notwithstanding the above, the property may also be used between September 1 and June 1 for open house events to showcase the camp for prospective campers and parents. The number of such events shall generally not exceed six per year.