

Bedford Hills, New York
October 5, 2010

A public hearing was held by the Town Board of the Town of Bedford on October 5, 2010 at the Town Offices, 321 Bedford Road, Bedford Hills, New York to consider Local Law #5-2010 on certain amendments to the Zoning Code of the Town of Bedford related to food uses specifically changes the definitions of food uses as set forth in Section 125-3 and changes in the parking requirements for certain food uses as set forth in Section 125-102 (c) of the Town Zoning Code. The meeting was called to order at 7:42 P.M. by Supervisor Roberts.

Present:	Lee V. A. Roberts	: Supervisor
	Peter Chryssos	: Councilman
	Francis Corcoran	: Councilman
	Chris Burdick	: Councilman
	David Gabrielson	: Councilman
	Lisbeth Fumagalli	: Town Clerk
	Joel H. Sachs	: Town Attorney
	Jeffrey Osterman	: Town Planner
	Marcy Marchiano	: Asst. to Supervisor

and approximately five (5) resident/observers.

Proof of publication was presented and ordered filed. The public notice was published in the Bedford Pound Ridge Record Review on September 24, 2010.

Mrs. Roberts introduced Town Planner Jeff Osterman who reviewed the proposed revision to Chapter 125- Zoning of the Code of the Town of Bedford.

Mrs. Roberts opened the floor to public comment and there was none.

On a motion by Mr. Burdick, seconded by Mr. Chryssos, the following resolution was ADOPTED

Ayes:	Roberts, Chryssos, Corcoran, Gabrielson, Burdick
Nays:	None
Absent:	None

RESOLVED that as Local Law #5 – 2010, which amends the Zoning Code of the Town of Bedford related to food uses specifically changes the definitions of food uses as set forth in Section 125-3 and changes in the parking requirements for certain food uses as set forth in Section 125-102 (c) of the Town Zoning Code shall not have any adverse physical or environmental effects, the Town Board does hereby issue a negative declaration under the provisions of the State Environmental Quality Review (SEQR).

On a motion by Mr. Chryssos, seconded by Mr. Corcoran, the following resolution was ADOPTED

Ayes:	Roberts, Chryssos, Corcoran, Gabrielson, Burdick
Nays:	None
Absent:	None

RESOLVED that the Town Board does hereby adopt the following legislation:

LOCAL LAW NO. 5 - 2010 TO AMEND CHAPTER 125 OF THE TOWN CODE

BE IT RESOLVED, that the Town of Bedford Amends Chapter 125 of the Code of the Town of Bedford regarding Zoning as follows:

BE IT ENACTED by the Town Board of the Town of Bedford as follows:

Section 1. Chapter §125-3 of the Code of the Town of Bedford entitled “§ 125-3. Definitions” is hereby amended to revise the definitions of various food uses and shall read as follows:

§125-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

CAFÉ

A business enterprise such as, but not limited to, a deli, bakery, bar, ice cream store or coffee shop, primarily engaged in the retail sale of food and beverages, or, as an accessory use to other retail sales, with a customer service area accessible to the public of under 450 square feet, with a maximum of 20 interior seats, where a substantial portion of the sales to the public is by stand-up service, for consumption either on or off the premises. Additional outdoor seating may be permitted seasonally by the Planning Board.

RESTAURANT

A business enterprise engaged in serving and preparing food and beverages selected from a full menu by patrons seated at a table or counter, served by a waiter or waitress and consumed on the premises. ~~[Alcoholic beverages may also be sold for consumption on the premises.]~~ **Additional outdoor seating may be permitted seasonally by the Planning Board.**

RESTAURANT, FAST-FOOD

A business enterprise primarily engaged in the retail sale of food and beverages served in disposable containers and selected by patrons from a limited number of prepared, specialized items ~~[, such as but not limited to hamburgers, chicken, fish and chips, pizza, tacos and hot dogs,]~~ for consumption either on or off the premises, in a facility where a substantial portion of the sales to the public is by drive-in or stand-up service. ~~[The term]~~ **A ~~[“]fast-food restaurant[“] shall not include bakeries, delicatessens or similar types of retail establishments.] may include outdoor seating. Additional outdoor seating may be permitted seasonally by the Planning Board.~~**

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Section 2. Chapter 125-102 entitled “Schedule of Off Street Parking Requirements – Location” shall be amended to add a new provision regarding the amount of parking required for café uses in the Central Business and Neighborhood Business zoning districts, as follows:

C. For café uses in the CB and NB District, the Planning Board, after notice and hearing, may waive up to 50% of the off-street parking spaces required by Section 125-102A under the following conditions:

- (1) The Board must determine that the proposed use and parking waiver will be in accordance with the principles of the Town Comprehensive Plan.**
- (2) The proposed parking waiver may be granted only for an existing building in the CB and NB districts and shall be in effect so long as the existing building remains in its current area and the use remains the same as approved by the Planning Board.**
- (3) The Planning Board shall determine that the proposed waiver will not significantly affect the use and availability of parking spaces in the immediate area of the subject building due to the schedule of parking space use by patrons and employees. In granting a parking waiver, the Planning Board may restrict the hours of operation of the proposed use.**
- (4) The Board may require a legal instrument satisfactory to the Town Attorney documenting the permanent parking waiver and its relationship to the continued use of the building. This legal instrument shall be filed in the office of the Planning Board.**
- (5) The Board may require the applicant to furnish parking studies to determine the need for parking in the area.**

Section 3. Schedule of Principal Uses is amended to permit Café uses as a principal use in the PB-R, NB, CB and RB zones.

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Section 4. This Local Law shall become effective upon filing with the Office of the Secretary of State.

[-----] – deleted material

Bold - added material

On a motion by Mr. Burdick, seconded by Mr. Chryssos, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Gabrielson, Burdick
Nays: None
Absent: None

RESOLVED that the Town Board does hereby close the public hearing to consider Local Law #5 – 2010 – certain amendments to the Zoning Code of the Town of Bedford related to food uses specifically changes the definitions of food uses as set forth in Section 125-3 and changes in the parking requirements for certain food uses as set forth in Section 125-102 (c) of the Town Zoning Code.

The hearing was adjourned at 7:52 pm.

Lisbeth Fumagalli, Town Clerk