

**STAFF REPORT - TOWN OF NORTH CASTLE PLANNING DEPARTMENT**

November 18, 2020



APPLICATION NUMBER & NAME  
 #2020-048 – 360 Main Street – Site  
 Plan and Wetlands Permit Applications

SBL  
 101.03-1-69

MEETING DATE  
 November 23, 2020

PROPERTY ADDRESS/LOCATION  
 360 Main Street, Armonk

**BRIEF SUMMARY OF REQUEST**

The subject property is an existing gasoline filling and service station use in the CB Zoning District. The Applicant is seeking site plan approval to renovate the interior of the existing building and convert the existing approximately 1,475 s.f. convenience store and 1,550 s.f. auto repair shop to a larger, more modern 3,025 s.f. convenience store. There would be no change in the existing building's footprint. The Project also requires a Town wetland permit, as it involves construction within 100 feet of a stream.



PENDING ACTION: ☒ Plan Review ☐ Town Board Referral ☐ Preliminary Discussion

EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING & LAND USE	SITE IMPROVEMENTS	SIZE OF PROPERTY
CB Central Business District	Gasoline and Service Station	Commercial development along NYS Route 128;	See above	0.4 acres

**PROPERTY HISTORY**

- Existing gasoline and service station

**COMPATIBILITY with the COMPREHENSIVE PLAN**

The Comprehensive Plan is silent with respect to gas stations in general in the CB Zoning District.

**STAFF RECOMMENDATIONS**

1. Once all staff and consultant's comments are addressed, the Planning Board should give consideration to approving the requested permits.

<u>Procedural Comments</u>	<u>Staff Notes</u>
<ol style="list-style-type: none"> <li>1. The application for site plan approval requires referral to the Westchester County Planning Board pursuant to § 239-m of New York State General Municipal Law (GML). This referral is required because the subject site is located within 500 feet of NY Route 128.</li> <li>2. The Proposed Action would be classified as a Type II Action pursuant to the State Environmental Quality Review Act (SEQRA).</li> <li>3. A Public Hearing for the proposed site plan will need to be scheduled.</li> <li>4. Pursuant to Section 340-5.B(1) of the Town Code, the Conservation Board is required to review the proposed wetland application and, within 45 days of receipt thereof, file a written report and its recommendation concerning the application with the Planning Board. Such report is required to evaluate the proposed regulated activity in terms of the findings, intent and standards of Chapter 340.</li> <li>5. The site plan should be forwarded to the Chief of Police, Fire Inspector and the Armonk Fire Chief so that they may make any pertinent recommendations to the Planning Board including, but not limited to, the designation of no-parking zones, emergency vehicle access or any other issued deemed important to providing emergency services.</li> <li>6. Pursuant to Section 12-18(1) of the Town Code, all site development plans submitted to the Planning Board are required to be referred to the Architectural Review Board (ARB) for review and comment.</li> <li>6. Any new signage would require referral to the Architectural Review Board pursuant to Section 355-16(3) of the Town Code.</li> </ol>	<p>Construction or expansion of a primary or accessory/appurtenant, nonresidential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities;</p>
<p><u>General Comments</u></p> <ol style="list-style-type: none"> <li>1. The site plan depicts a number of existing zoning non-conformities. The Applicant should submit a copy of the previous ZBA resolutions of approval as well as revise the Zoning Bulk Table to reference the date the Zoning Board of Appeals granted the required variances for the following non-conformities: <ul style="list-style-type: none"> <li>• Rear yard setback of 22.7 ft where 30 ft is required.</li> <li>• Front yard setback for pump of 9.1 ft where 10 ft is required.</li> </ul> </li> <li>2. The zoning bulk table references that a variance is needed due to the lack of a 10 foot wide landscaping buffer. The note, however, should be revised to include the language of Section 355-15.M of the Town Code. Pursuant to this Section, the Planning Board has the ability to approve a wall or fence as a substitution for the required planting. Therefore, a variance may not be required in this situation.</li> <li>3. The zoning bulk table references that a variance is needed because disturbance is proposed within 100 feet of the stream. This note should be revised to indicate that a wetlands permit will be required (not a variance).</li> <li>4. The site plan should be revised to indicate the proposed lighting pole height. It is recommended that the pole not exceed a height of 15 feet.</li> <li>5. A photometric plan should be submitted for review. The plan shall clearly demonstrate conformance with Section 355-15.N and Section 355-45.M of the Town Code.</li> </ol>	

<p>6. The Applicant should submit a floor plan for review.</p> <p>7. The site plan should quantify the proposed amount of Town-regulated wetland buffer disturbance (in sq. ft.). The Applicant will be required to prepare a wetland mitigation plan that is twice the size the proposed area of wetland buffer disturbance.</p> <p>8. The cover letter mentions a gate installed adjacent to the Town of North Castle property. The site plan should depict the location of the gate. In addition, a gate detail should be included on the site plan.</p> <p>9. The privacy fence detail should be revised to depict a maximum height of six feet (reduced from 8 feet).</p> <p>10. The site plan should be revised to depict the proposed fence on the southern property line extended to the existing wood retaining wall.</p> <p>11. The site plan should be revised to depict existing and proposed air pump and vacuum cleaners.</p> <p>12. The site plan should be revised to depict all proposed signage – free standing, building mounted and others. The Applicant should submit an exhibit depicting conformance with Section 355-16 of the Town Code.</p> <p>13. The site plan should be revised to contain a note stating that outdoor repair of vehicles shall be prohibited.</p> <p>14. The Zoning Compliance Chart should be revised to provide the off-street parking calculations used to arrive to the conclusion that the off-street parking requirements are met. Pursuant to Section 355-57 of the Town Code, the gasoline station requires 1 space per employee on the largest work shift, plus 3 for each service bay. The convenience store component requires 1 off-street parking space for every 150 square feet of gross floor area.</p>	<p>Additionally, the Building Department should opine as to whether the air and vacuums are structures that require a setback.</p>
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