

STAFF REPORT - TOWN OF NORTH CASTLE PLANNING DEPARTMENT

September 22, 2020

APPLICATION NUMBER & NAME
#2020-011 – 375 Main StreetSBL
101.01-1-6MEETING DATE
September 30, 2020PROPERTY ADDRESS/LOCATION
375 Main Street, Armonk**BRIEF SUMMARY OF REQUEST**

The subject property is an existing legal nonconforming gasoline filling and service station use in the CB Zoning District. In accordance with the prior Site Plan Approval Resolution dated December 9, 2019, the Applicant is seeking approval to redevelop the property. Specifically, the Applicant is proposing to remove the existing structure and fuel dispensers and construct a new 1,800 square foot convenience store, two fuel dispensers, a canopy and other associated site improvements (i.e. sidewalks, curbing, landscaped areas, etc.). There are 11 proposed parking spaces. New and enhanced curbing, sidewalks and landscaped areas are proposed on site and in the immediately adjacent rights-of-way for Kent Place and Main Street.


 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	Nonconforming Gasoline and Service Station	Commercial development along NYS Route 128;	See above	0.28 acres

PROPERTY HISTORY

- Existing non-conforming gasoline and service station

COMPATIBILITY with the COMPREHENSIVE PLAN

The Comprehensive Plan is silent with respect to non-conforming uses and gas stations in general in the CB Zoning District.

STAFF RECOMMENDATIONS & PLANNING BOARD POLICY DECISIONS

1. The Planning Board will need to determine whether the proposed location and orientation of the proposed new building is acceptable. In addition, the Planning Board will need to determine whether the exterior design of the building is satisfactorily complimentary to the hamlet.

<u>Procedural Comments</u>	<u>Staff Notes</u>
<ol style="list-style-type: none"> 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. 2. The Proposed Action would be classified as an Unlisted Action pursuant to the State Environmental Quality Review Act (SEQRA). 3. A Public Hearing for the proposed site plan will need to be scheduled. 4. 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. 5. 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. 7. The new signage requires referral to the Architectural Review Board pursuant to Section 355-16(3) of the Town Code. 7. The site plan depicts several elements that are located within the NYSDOT right-of-way for NYS Route 128. The Applicant will need to secure approval from the NYSDOT. 8. The site plan depicts several elements that are located within the Kent Place right-of-way. The Applicant will need to secure approval from the North Castle Highway Department. 	<p>This referral was made on March 20, 2020.</p> <p>The Planning Board has declared their intent to act as Lead Agency for the review of this project.</p> <p>This referral was made on March 20, 2020.</p>
<p><u>General Comments</u></p> <ol style="list-style-type: none"> 1. The Town Board has provided the following comments to the Planning Board with respect to this application: <p>With regard to the proposed site plan, Town Board members requested that the Planning Board consider the following:</p> <p>Positioning of the building and whether the front of the convenience store face Kent Place or Main Street; the proposed number of fuel bays; and that the exterior design of the building is complementary to existing Town architecture.</p> 2. The Applicant at the May 28, 2020 Planning Board meeting stated that outdoor sales and display of merchandise may be proposed. If so, the Applicant will need to obtain a Town Board special use permit pursuant to Section 355-40.F. of the Town Code. The site plan should also be revised to depict any area proposed for outside display and sales. 3. As requested, the proposed fence along the side property line has been removed and replaced with landscaping on the adjacent property. 4. The site plan depicts the proposed canopy no closer than 8 feet to Main Street. The Building Department should confirm that the proposed encroachment is permitted. 	<p>The Planning Board will need to determine whether the proposed location and orientation of the proposed new building is acceptable. In addition, the Planning Board will need to determine whether the exterior design of the building is satisfactorily complimentary to the hamlet.</p> <p>The Applicant will need to submit an easement agreement for review by the Town Attorney.</p>

<p>5. The site contains encroachments from the adjacent property located at 1 Kent Place. The site plan has been revised to depict the location of the encroachments and their future status.</p> <p>6. Generally, the Planning Department continues to have concerns with the proposed site circulation and access. It is recommended that the Applicant investigate whether a one way circulation pattern may better serve this constrained site with one curb cut off of Main Street and an exit onto Kent Place.</p> <p>7. The site plan depicts a new paved picnic area. While this feature can be a nice amenity, it is strongly recommended that the surface be revised. The Applicant should think about a grass picnic area or a paver patio. In addition, this area should be improved with attractive street furniture, which should be depicted on the site plan as this area will be a highly visible feature in the Armonk Hamlet.</p> <p>8. The proposed air pump and vacuum cleaner are located in off street parking spaces. The Planning Board at the May 28, 2020 meeting directed the Applicant to remove the vacuum from the site plan. The Applicant should also give consideration to relocating the air pump to a location that is less impactful to the adjacent restaurant.</p> <p>9. The site plan appears to depict 5,566 square feet of Town-regulated wetland buffer disturbance. The Applicant will need to prepare a mitigation plan that is twice the area of proposed disturbance within the buffer.</p> <p>10. 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>11. The Applicant should explain the note on the site plan stating that all drawings shall be read and not scaled. All submitted site plans should be able to be scaled when being reviewed.</p>	<p>The “rear” bump out at the restaurant appears to be located on the subject property. The site plan indicates that the building is proposed to remain on the gas station property. The Town Attorney should opine whether the building is permitted to be located on the gas station lot. In addition, it would appear that the restaurant would need to secure a rear yard variance for this addition.</p> <p>In addition, a patio and wall are also located on the subject property in the vicinity of the shed. Pursuant to Section 355-15.A of the Town Code, the subject property, and the adjacent restaurant property, will need a variance from the ZBA to permit the terrace within 5 feet of the property line.</p> <p>If the encroachments are to remain, the Applicant will need to establish the required easement, obtain a wetlands permit and address stormwater impacts.</p> <p>Additionally, the Building Department should opine as to whether the air and vacuums are structures that require a rear yard setback.</p>
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