



**TOWN OF NORTH CASTLE
WESTCHESTER COUNTY
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**PLANNING BOARD
Christopher Carthy, Chair**

R E S O L U T I O N

Action:	Site Plan Approval [#2020-027]
Project Name:	77 Lafayette Ave
Owner:	77 Lafayette LLC
Designation:	122.12-1-35
Zoning District:	IND-A
Location:	77 Lafayette Ave
Area:	0.6 acres
Approval Date:	September 14, 2020
Expiration Date:	September 14, 2021 (1 year)

WHEREAS, on July 13, 2020, an application for site plan approval was submitted to the Planning Board and the requisite fee was paid; and

WHEREAS, the application consists of the following drawings:

- Plan labeled “A-1,” entitled “Plot Plan,” dated July 13, 2020, last revised August 4, 2020, prepared by Edward G. Swaby, Registered Architect.
- Plan labeled “A-2,” entitled “Floor Plans,” dated July 13, 2020, last revised August 4, 2020, prepared by Edward G. Swaby, Registered Architect.

WHEREAS, the Applicant is seeking to establish a new sign manufacturing business at the subject site; and

WHEREAS, however, 77 Lafayette Ave does not have a valid site development plan approved by the Planning Board; and

WHEREAS, in order for the new use to be established on the site, the Planning Board must first adopt a site plan for the property; and

WHEREAS, since the Applicant is not proposing any new construction and the building has existed since the 1950s, the goal of this limited site plan review is to ensure that all uses established and proposed on the site comply with the use requirements of the IND-A Zoning District, that off-street parking meets the minimum required for the uses existing and proposed on the site and to ensure that adequate site safety lighting is provided; and

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WHEREAS, the site plan depicts an existing personal training use in the building;and

WHEREAS, a personal training use is considered a personal service establishment in the Zoning Chapter; and

WHEREAS, personal service establishments are not permitted in the IND-A Zoning District; and

WHEREAS, the Applicant obtained a use variance for the personal service establishment from the Zoning Board of Appeals on INSERT DATE; and

WHEREAS, the site plan depicts a parking configuration where the 9 spaces fronting Lafayette Avenue would be required to back-out into Lafayette Avenue; and

WHEREAS, pursuant to Section 355-56.G of the Town Code, access drives shall provide unobstructed access to and from the street and shall be designed so as to avoid the backing of any vehicle across the sidewalk or into the street right-of-way; and

WHEREAS, the Applicant obtained the required variance to permit the backing of vehicles onto the road from the Zoning Board of Appeals on INSERT DATE; and

WHEREAS, the 9 parking spaces fronting on Lafayette Avenue are not located entirely on the subject lot; and

WHEREAS, the Applicant obtained a variance with respect to the size of the proposed parking spaces from the Zoning Board of Appeals on INSERT DATE; and

WHEREAS, the six outdoor fenced in employee parking spaces are not provided with an access aisle of 25 feet (15 feet provided) as required by Section 355-56.E of the Town Code; and

WHEREAS, the Applicant obtained a variance with respect to the aisle size depth from the Zoning Board of Appeals on INSERT DATE; and

WHEREAS, the site does not contain the required amount of off-street parking; and

WHEREAS, an off street parking space variance form Section 355-57.A of the Town Code would be required since a total of 37 (or 28 if the spaces fronting Lafayette are not counted) off-street parking spaces are provided where 52 off-street parking spaces are required; and

WHEREAS, the Applicant obtained the required off-street parking variance from the Zoning Board of Appeals on INSERT DATE; and

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WHEREAS, the approximately 0.6 acre property is located in the IND-A Zoning District and is designated on the Tax Maps of the Town of North Castle as lots 122.12-1-35; and

WHEREAS, an Environmental Assessment Form dated July 13, 2020 was prepared by the Applicant and submitted to the Planning Board for its review and consideration; and

WHEREAS, the Proposed Action would be classified as a Type II Action pursuant to the State Environmental Quality Review Act (SEQRA) and the Town of North Castle Environmental Quality Review Law; and

WHEREAS, 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) since the subject site is located within 500 feet of the Bronx River Parkway; and

WHEREAS, the project was referred to the County; and

WHEREAS, the site plan was forwarded to the Chief of Police, Fire Inspector and the North White Plains 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; and

WHEREAS, the Police Department noted that vehicles are parking on the property, south of fire hydrant, in an area not designated for parking on the site plan. The site plan should be revised to include signage in this area indicating that parking is not permitted; and

WHEREAS, a duly advertised public hearing regarding the site plan was opened on September 14, 2020 at which time all those wishing to be heard were given the opportunity to be heard; and

WHEREAS, the Planning Board has requested, received and considered comments from the Town Attorney, the Consulting Town Engineer and Planner regarding the proposed development; and

WHEREAS, the Planning Board is familiar with the nature of the site, the surrounding area and the proposed development; and

WHEREAS, the requirements of the Zoning Ordinance and the Town of North Castle Comprehensive Plan Update have been met; and

NOW THEREFORE BE IT RESOLVED, that the application for site plan approval, as described herein, is hereby conditionally approved, subject to the following conditions and modifications; and

BE IT FURTHER RESOLVED that, this site plan approval shall expire one (1) year after the date of this resolution unless all of the conditions and modifications identified below have been substantially completed or an extension of time has been requested by the applicant or granted by the North Castle Planning Board.

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Prior to the Signing of the Site Plan:

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

- _____ 1. The site plan shall be revised to demonstrate that no vehicular feature is located within 15 feet of the existing fire hydrant (e.g., parking space, dumpster access) to the satisfaction of the Planning Department.
- _____ 2. The site plan shall be revised to depict the area south of the fire hydrant signed with "NO PARKING" signs to the satisfaction of the Planning Department.
- _____ 3. It is noted that the 9 parking spaces fronting on Lafayette Avenue are not located entirely on the subject lot. The Applicant will need to obtain a license from the Town Board to utilize the right-of-way for parking to the satisfaction of the Planning Department.
- _____ 4. Based upon the submitted site plan, it appears that the site contains only one building mounted scone light. It is not clear whether the existing lighting adequately illuminates the parking area. The Applicant should demonstrate that the site lighting is sufficiently safe and meets the minimum requirements of Section 355-45.M of the Town Code to the satisfaction of the Planning Department.
- _____ 5. The site plan shall be revised to depict additional landscaping (in planters) with the asphalt area fronting the street to the satisfaction of the Planning Department.
- _____ 6. Payment of all applicable fees, including any outstanding consulting fees.
- _____ 7. The Applicant shall submit to the Planning Board Secretary two sets of plans (with required signature block) incorporating all required amendments to the plans as identified in this resolution of approval to the satisfaction of the Town Planner, Town Engineer and Town Attorney.

Prior to the Issuance of a Building Permit:

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

- _____ 1. The approved site plan shall be signed by both the Planning Board Chair and Town Engineer.
- _____ 2. The submission of a complete set of building plans for review and approval by the Town Building Inspector prior to the issuance of a building permit.
- _____ 3. Payment of all outstanding fees, including professional review fees.

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Prior to the Issuance of a Certificate of Occupancy:

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

_____ 1. The submission to the Town Building Inspector of an "As Built" site plan.

Other Conditions:

1. Compliance with all applicable local laws and ordinances of the Town of North Castle and any conditions attached to permits issued thereunder.
2. All landscaping shown on this plan shall be maintained in a vigorous growing condition throughout the duration of the use. All plants not so maintained shall be replaced with new plants of comparable size and quality at the beginning of the next immediately following growing season.

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APPLICANT, agreed and understood as to contents and conditions, including expiration, contained herein

Date

77 Lafayette LLC

NORTH CASTLE PLANNING OFFICE,
as to approval by the North Castle Planning Board

Date

Valerie B. Desimone, Planning Board Secretary

KELLARD SESSIONS CONSULTING
As to Drainage and Engineering Matters

Date

Joseph M. Cermele, P.E.
Consulting Town Engineer

STEPHENS BARONI REILLY & LEWIS LLP
As to Form and Sufficiency

Date

Roland A. Baroni, Jr. Esq., Town Counsel

NORTH CASTLE PLANNING BOARD

Date

Christopher Carthy, Chairman