

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

October 8, 2020

APPLICATION NUMBER - NAME  
#2020-041 – 877 N. Broadway  
Site Development PlanSBL  
122.12-4-45MEETING DATE  
October 15, 2020PROPERTY ADDRESS/LOCATION  
877 N. Broadway**BRIEF SUMMARY OF REQUEST**

The Applicant is seeking site plan approval for the site as well as construct a new single bay garage at the rear of the existing two-family house.



PENDING ACTION:

☒ Plan Review☐ Town Board Referral☐ Preliminary Discussion

EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING & LAND USE	SITE IMPROVEMENTS	SIZE OF PROPERTY
CB Zoning District	Residential	Commercial	New Garage	0.25 acres

**PROPERTY HISTORY**

1934 – Building Permit Issued for Sign

2044 – Building Permit Issued for Porch Enclosure

**COMPATIBILITY with the COMPREHENSIVE PLAN**

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

**STAFF RECOMMENDATIONS & PLANNING BOARD POLICY DECISIONS**

- The Applicant should be directed to address the comments contained in this report.

### Procedural Comments

1. The Proposed Action would be classified as a Type II Action pursuant to the State Environmental Quality Review Act (SEQRA).
2. 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 N. Broadway.
3. A public hearing regarding the site plan will need to be scheduled.
4. The site plan should be 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 issue deemed important to providing emergency services.
5. Pursuant to Section 12-18.A 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.

### General Comments

1. The site is currently being utilized as a two-family house, which is not a permitted principal use in the CB Zoning District. The Applicant should submit documentation from the Building Department demonstrating that the existing use is a permitted legal non-conforming use pursuant to Section 355-65.A of the Town Code.
2. If the two family home is deemed a legal non-conforming use, the Applicant will need to demonstrate, to the satisfaction of the Building Inspector, that the proposed demolition of the garage and reconstruction of the new garage is not a prohibited "enlargement or intensification" of a nonconforming use of land described in Section 355-65.B of the Town Code.
3. The proposed new garage does not meet the minimum required side yard setback along Washington Place E of 10 feet or the required 30 foot minimum rear yard.
4. Pursuant to Section 355-15.O of the Town Code, the site plan should be revised to depict adequate facilities for disposal of refuse. In multifamily and nonresidential districts, all refuse disposal units or locations for deposit must also be screened from view and designed in such fashion as to be fireproof and to prevent access by rodents and blowing away of refuse.
5. Based upon past observation, vehicles associated with the two-family home park along N. Broadway. Given the fact that vehicles would be required to back out into N. Broadway (which is not permitted) and given the high volume of traffic along N. Broadway, it is recommended that parking be prohibited along N. Broadway and off-street parking should be provided at the rear of the property.

In addition, it is strongly recommended that the Applicant re-establish the sidewalk and curb along N. Broadway at this time.

If parking is allowed to continue, the Applicant may need to obtain a variance from Section 355-56.G of the Town Code, which states that parking facilities are required to be designed so as to avoid the backing of any vehicle across the sidewalk or into the street right-of-way.

### Staff Notes

The Applicant will need to obtain the required variances from the Zoning Board of Appeals.



6. The Applicant and the Planning Board should take this opportunity to make improvements to the site's frontage along N. Broadway. Particular attention should be given to architectural enhancements, plantings and/or planters in front of the building.
7. The site plan should be revised to depict the required four off-street parking spaces at the rear of the property.
8. Pursuant to Section 355-45.M of the Town Code, the site plan should provide adequate security and safety lighting for the residents. All proposed lighting fixtures should be full cutoff downlit box type lights. In addition, if proposed, details of any poles (including height) should be submitted. Furthermore, the Applicant should submit a photometric plan for review.
9. The submitted site plan states that the current use is a two-family home. However, a 2019 electrical permit to the Building Department states that the house is a three-family home. The Applicant should provide additional clarification to the Planning Board at this time.