

STAFF REPORT - TOWN OF NORTH CASTLE PLANNING DEPARTMENT

June 26, 2020

APPLICATION NAME & NUMBER
Sunshine Buddha - #19-020SBL
122.16-3-15MEETING DATE
July 13, 2020PROPERTY ADDRESS/LOCATION
736 N Broadway, North White Plains**BRIEF SUMMARY OF REQUEST**

Site plan approval for the reconfiguration of the North Broadway frontage to include a new deck, portico and sidewalk. Change of use of the ground floor from restaurant to retail. Additionally, the Applicant is seeking to legalize the existing second floor apartment and legalize storage on the third floor.



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	Commercial/Restaurant	Commercial development along NYS Route 22	New deck, portico and sidewalk along North Broadway	0.78 acres

PROPERTY HISTORY

1992 – Approvals issued for Imperial Wok Chinese Restaurant

COMPATIBILITY with the COMPREHENSIVE PLAN

The Comprehensive Plan states the following:

In North White Plains, the emphasis should be on improving the Route 22 corridor (see Chapter 6) to enhance the attraction and viability of retail.

STAFF RECOMMENDATIONS

1. Once all staff and consultant's comments are addressed, the Planning Board should give consideration to approving the requested permits.
2. The project is compatible with the Comprehensive Plan.

Procedural Comments	Staff Notes
<ol style="list-style-type: none"> 1. 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. 2. The application for site plan approval was referred to the Westchester County Planning Board, pursuant to § 239-m of New York State General Municipal Law (GML), on February 13, 2018. This referral is required because the subject site is located within 500 feet of NY Route 22. 3. The Proposed Action would be classified as an Unlisted Action pursuant to the State Environmental Quality Review Act (SEQRA). 4. A Public Hearing for the proposed site plan will need to be scheduled. 5. 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 issued deemed important to providing emergency services. 	<p>The project was referred to the County on February 14, 2020.</p> <p>The Planning Board has not coordinated the SEQRA review of this project and has proceeded with an uncoordinated SEQRA review.</p> <p>The project was referred to Emergency Services on November 26, 2019.</p>
General Comments	
<ol style="list-style-type: none"> 1. The proposed parking lot layout has been revised to be the same as the last October 4, 1993 approval by the Planning Board. 2. It is the Planning Department's understanding that the existing building has apartments that are not currently approved. The most recent submission contains information regarding legalizing the second floor apartment and converting the third floor apartment to storage. <p>Pursuant to Section 355-22 of the Town Code, residential uses, limited to 1 dwelling unit per building are permitted as an accessory use with additional dwellings may be permitted by special permit.</p> 3. The off-street parking calculations are not correct with respect to the retail and restaurant uses. Off-street parking for restaurant uses is calculated by using the following formula: 1 space for every 75 square feet of gross floor area or 1 space for every three seats, whichever is greater. Off-street parking for retail use is calculated by using the following formula: 1 space for every 200 square feet of gross floor area. <p>The Applicant should submit a seating layout for the restaurant space. The off-street parking calculations for the restaurant will then need to be updated to include the total number of seats and the off-street parking requirement for the restaurant should be updated to reflect the correct off-street parking calculation</p> 4. Based upon the submitted off-street parking analysis, the Applicant will need to seek an off-street parking variance from the Zoning Board of Appeals. However, the Applicant will need to address comment three above to ensure that the correct variance is sought from the ZBA. 5. The site plan should indicate whether outdoor dining is proposed on the proposed deck. 	<p>The Applicant should explain why the third floor storage space is divided into several rooms. It appears that the space could be used for SRO units. It is recommended that the walls in the storage area be completely removed.</p> <p>The Applicant should coordinate with the Building Department regarding the apartment and storage area at this time.</p> <p>Based upon the submitted plans, it appears that common corridors, storage areas, "existing mer" are not being counted in the gross floor area and off-street parking calculations. The entire building should included in a use, be it retail, restaurant, apartment, or storage. If sections are not to be counted, a note explaining the exemption should be placed on the plan.</p> <p>If outdoor dining is proposed, the Applicant will need to secure approval from the North Castle Building Department.</p>

6. The Applicant should coordinate with the Building Department to discuss whether the proposed plans meet minimum accessibility requirements for the site and building. Based upon the proposed changes to the site and the legalization of the apartments, it is possible that significant changes to the site and building are required. These changes could potentially impact the site plan. It is, therefore, imperative for the Applicant to discuss this issue with the Building Department at this time.
7. As requested, the Applicant has revised the sign plan to reduce the height of the sign and convert it to a monument sign.

Amended approval from the ARB and Building Department will be required.