

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

February 1, 2021



APPLICATION NUMBER & NAME  
#2020-011 – 375 Main Street

SBL  
101.01-1-6

MEETING DATE  
February 8, 2021

PROPERTY 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"> <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 an Unlisted Action pursuant to the State Environmental Quality Review Act (SEQRA).</li> <li>3. A Public Hearing for the proposed site plan and wetlands permit 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>7. The new signage requires referral to the Architectural Review Board pursuant to Section 355-16(3) of the Town Code.</li> <li>8. 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.</li> <li>9. 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.</li> </ol>	<p>This referral was made on March 20, 2020. The WCPB response indicates support for the proposed new sidewalks, and recommends additional stormwater management, recycling areas, green building technology and bicycle parking.</p> <p>The Planning Board has declared their intent to act as Lead Agency for the review of this project.</p> <p>The Conservation Board recommended that the off-site mitigation provisions provided in the Town Code be utilized in this situation.</p> <p>This referral was made on March 20, 2020. The Planning Board has not yet received comments from any emergency service provider.</p> <p>The Applicant received ARB approval on January 20, 2021. The ARB requested a few trees in the planting bed behind the proposed structure. The Planning Board should determine whether it concurs with the ARB suggestion.</p> <p>Since this matter was last before the Planning Board the Applicant has eliminated the proposed freestanding sign and is instead proposing a monument sign. The proposed monument sign was further reduced in size in response to comments from the ARB and was ultimately approved by the Architectural Review Board at their meeting on January 20, 2021.</p> <p>The Applicant has stated that they have consulted with the NYSDOT and they have tentatively approved the site driveways and proposed pedestrian improvements.</p>
<p><u>General Comments</u></p> <ol style="list-style-type: none"> <li>1. The Planning Board at the September 30, 2020 meeting asked that the plans be revised to provide for foundation plantings along all visible sides of the building. It is recommended that the plans be revised to add additional foundation planting along the front of the building.</li> <li>2. The Town Board has provided the following comments to the Planning Board with respect to this application: <ul style="list-style-type: none"> <li>With regard to the proposed site plan, Town Board members requested that the Planning Board consider the following:</li> <li>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.</li> </ul> </li> </ol>	<p>The site layout and orientation of the building and location of the fuel pumps was generally accepted by the Planning Board as expressed at previous meetings.</p>

<p>3. 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.</p> <p>4. As requested, the proposed fence along the side property line has been removed and replaced with landscaping on the adjacent property.</p> <p>5. The site plan depicts the proposed canopy no closer than 8 feet to Main Street.</p> <p>6. 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>7. Based upon the size of the proposed monument sign, the Applicant will need to obtain a variance from the Zoning Board of Appeals.</p> <p>8. The backup aisle provided for spaces 10 and 11 (16'3") does not meet the 25 foot backup aisle requirement. The Applicant will need to obtain a variance from the Zoning Board of Appeals.</p> <p>9. The site plan appears to depict 5,566 square feet of Town-regulated wetland buffer disturbance. The Applicant is seeking to pay a fee-in-lieu as provided for in the Town Code. The Conservation Board was supportive of that request.</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>The plans depict the location of the propane exchange to the side of the building and the proposed location of an outdoor display area for items typically stored outdoors at convenience stores like firewood, windshield washer fluid, etc.</p> <p>The Applicant has submitted an easement agreement that will need to be deemed acceptable by the Town Attorney.</p> <p>The Applicant confirmed the canopy encroachment was permitted with the Building Inspector in June 2020. The Building Inspector will follow the determination of the Zoning Board of Appeals from October 1989 concerning Gas Station Canopies.</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.</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>Since the encroachments are proposed to remain, the submitted easement will need to be deemed acceptable by the Town Attorney.</p> <p>The proposed monument sign is six feet in height. Typically, monument signs are in the range of 4 feet in height. The Applicant may wish to reduce the size and height of the monument sign in an effort to reduce or eliminate the zoning con-formity.</p> <p>As proposed, the spaces would not be physically accessible.</p> <p>Pursuant to Section 340-9A.(4) of the Town Code, the Applicant will need to seek Town Board permission to apply the fee in-lieu as mitigation for the proposed disturbance.</p>
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