

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

November 14, 2022



**APPLICATION NUMBER & NAME**  
 #2020-048 – 360 Main Street – Site  
 Plan and Wetlands Permit Applications

SBL  
 101.03-1-69

**MEETING DATE**  
 November 28, 2022

**PROPERTY ADDRESS/LOCATION**  
 360 Main Street, Armonk

**BRIEF SUMMARY OF REQUEST**

The Applicant is seeking site plan approval for the placement of three, 2.6-ft deep x 6-ft high x 4.5-ft wide, resin vertical storage sheds and to bring existing conditions (ice storage area, oil storage area, dumpster/refuse area, vacuum area, propane exchange area, air pump area) into conformance. In addition, the Applicant intends to re-stripe the site to delineate 32 parking spaces. Finally, the Applicant is seeking a special use permit (Town Board) to allow outdoor sales (e.g., firewood, window wiper fluid). No changes are proposed to the buildings and no ground disturbance is proposed.



**PENDING ACTION:**       Plan Review       Town Board Referral       Preliminary Discussion

| EXISTING ZONING                 | EXISTING LAND USE            | SURROUNDING ZONING & LAND USE               | SITE IMPROVEMENTS | SIZE OF PROPERTY |
|---------------------------------|------------------------------|---|-------------------|------------------|
| CB<br>Central Business District | Gasoline and Service Station | Commercial development along NYS Route 128; | See above         | 0.4 acres        |

| PROPERTY HISTORY                        | COMPATIBILITY with the COMPREHENSIVE PLAN   |
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| - Existing gasoline and service station | The Comprehensive Plan is silent with respect to gas stations in general in the CB Zoning District. |

**STAFF RECOMMENDATIONS**

- Once all staff and consultant's comments are addressed, the Planning Board should give consideration to approving the requested permits.

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| <p><u>Procedural Comments</u></p> <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 a Type II Action pursuant to the State Environmental Quality Review Act (SEQRA).</li> <li>3. A Public Hearing for the proposed site plan 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>6. Any new signage would require referral to the Architectural Review Board pursuant to Section 355-16(3) of the Town Code.</li> </ol> | <p><u>Staff Notes</u></p> <p>The referral was made on November 30, 2020.</p> <p>Construction or expansion of a primary or accessory/appurtenant, nonresidential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities;</p> <p>The referral was made on November 30, 2020.</p> |
| <p><u>General Comments</u></p> <ol style="list-style-type: none"> <li>1. The Planning Board, at the November 23, 2020 meeting, directed that the Applicant revise the site plan to depict plantings in the island fronting NYS Route 128.</li> <li>2. The Applicant previously proposed to eliminate the auto repair shop and expand the existing convenience store. The current application has been revised to abandon this proposal.</li> <li>3. The Applicant (or tenant) is not currently leasing space from the Town of North Castle. The site plan should be revised to provide a fence or landscaping along the side property line. The site plan should be revised to eliminate the note stating "Area Subject to Lease Agreement Benefiting Surveyed Parcel..."</li> <li>4. The Applicant received a violation on January 25, 2022 for an illegal car wash, sign and tent.</li> <li>5. The site plan should be revised to move the existing fence located on lot 108.03-1-67 and place it on the subject property.</li> <li>6. The proposed vacuum and ice storage box are depicted to be partially within a fenced area. If the existing fence is proposed to be removed, the site plan should be revised to include a note stating such. If the fence is proposed to remain, the Applicant should clarify what exactly is proposed.</li> </ol>  | <p>The Applicant should confirm that the violations have been removed and the Applicant is not seeking permission to legalize the use at this time.</p>  |

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| <p>7. The site plan depicts a proposed 1,000 gal oil storage tank that is proposed to be covered. A detail of the tank and roof should be submitted for review. The proposed structure would not appear to meet the rear yard setback requirement.</p> <p>8. The site plan should be revised to include a detail of the proposed refuse enclosure.</p> <p>9. The site plan should include a detail of the proposed ice storage box.</p> <p>10. The site plan should include a detail of the proposed vacuum.</p> <p>11. The site plan should include a detail of the proposed air pump.</p> <p>12. The site plan depicts a number of existing zoning non-conformities. The Applicant should submit a copy of the previous ZBA resolutions of approval as well as revise the Zoning Bulk Table to reference the date the Zoning Board of Appeals granted the required variances for the following non-conformities:</p> <ul style="list-style-type: none"> <li>• Rear yard setback of 22.7 ft where 30 ft is required.</li> <li>• Front yard setback for pump of 9.1 ft where 10 ft is required.</li> <li>• The site depicts 12 off-street parking spaces where 32 are required.</li> </ul> <p>13. The zoning bulk table references that a variance is needed because disturbance is proposed within 100 feet of the stream. This note should be revised to indicate that a wetlands permit will be required (not a variance).</p> <p>14. The off-street parking analysis states that 32 off-street parking spaces are provided; however, the submitted site plan only depicts 12 spaces. The chart should be revised.</p> <p>15. A photometric plan should be submitted for review. The plan shall clearly demonstrate conformance with Section 355-15.N and Section 355-45.M of the Town Code.</p> <p>16. The site plan should quantify the proposed amount of Town-regulated wetland buffer disturbance (in sq. ft.). The Applicant will be required to prepare a wetland mitigation plan that is twice the size the proposed area of wetland buffer disturbance.</p> <p>17. The Applicant stated that outdoor display and sales is proposed. While outdoor sales and display is subject to a Town Board special use permit, the site plan should also be revised to depict the location, design and material proposed to be displayed and sold.</p> | <p>The Building Department should opine as to whether the structures require a setback.</p> <p>The Building Department should opine as to whether the structures require a setback.</p> <p>The Building Department should opine as to whether the structures require a setback.</p> |
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