

STAFF REPORT - TOWN OF NORTH CASTLE PLANNING DEPARTMENT

November 29, 2021



APPLICATION NUMBER & NAME
#2020-049 – 1 Kent Place – Site Plan
and Wetlands Permit

SBL
108.03-1-76

MEETING DATE
December 13, 2021

PROPERTY ADDRESS/LOCATION
1 Kent Place, Armonk

BRIEF SUMMARY OF REQUEST

Site plan and wetlands permit applications to legalize work on the property without the benefit of Planning Board or Building Department approval. Legalization requested includes new sheds, coolers and patios.



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	Restaurant	Commercial development along NYS Route 128;	See above	0.39 acres

PROPERTY HISTORY

2013 Approval for Amore restaurant
2015 Site plan amendment regarding shed.

COMPATIBILITY with the COMPREHENSIVE PLAN

Small business and professional offices should continue to be permitted in the hamlet areas. Such uses are often complementary to retail stores. These, uses do, however, need to be carefully controlled to ensure that they do not interrupt the pedestrian shopping pattern or cause excessive parking or traffic demands.

STAFF RECOMMENDATIONS & PLANNING BOARD POLICY DECISIONS

1. The Applicant should be directed to address all staff and consultant's comments.

<u>Procedural Comments</u>	<u>Staff Notes</u>
<ol style="list-style-type: none"> 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. 2. The Proposed Action would be classified as a Type II Action pursuant to the State Environmental Quality Review Act (SEQRA). 3. A Public Hearing for the proposed site plan and wetlands permit will need to be scheduled. 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. 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. 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. 	<p>The referral was made on November 30, 2020.</p> <p>Construction or expansion of a primary or accessory/ appurtenant, non-residential 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>The Applicant should proceed to the ARB at this time.</p>
<p><u>General Comments</u></p> <ol style="list-style-type: none"> 1. The Applicant has made several improvements to the site without the benefit of Planning Board site plan approval and building permits: <ul style="list-style-type: none"> • New patio, fire pit and water fountain located in the Town-regulated wetland buffer. • New 10'x8' shed located in the Town-regulated wetland buffer. • New trellis over a portion of the existing patio located in the Town-regulated wetland buffer. • New 6'x4' cooler located in the Town-regulated wetland buffer. • New 8'x10' cooler and new 4'x9' cooler replacing the previously approved 8'x8' cooler located in the Town-regulated wetland buffer. 2. The site plan depicts several zoning non-conformities that will need variances from the Zoning Board of Appeals: <ul style="list-style-type: none"> • 6'x4' cooler is not located entirely on the subject lot. The Applicant will need to secure a rear yard variance from the Zoning Board of Appeals. • The outdoor patio does not meet the five foot setback requirement for terraces from the side and rear lot lines pursuant to Section 355-15.A of the Town Code. • The existing off-street parking variance will need to be amended to accommodate the additional FAR associated with the new sheds and coolers. 	<p>The Planning Board will need to determine whether the proposed location of the new structures and patio is acceptable.</p> <p>The Applicant has obtained the required variances from the Zoning Board of Appeals.</p>

3. The site plan depicts 1,110 square feet of disturbance within the Town-regulated wetland buffer and 2,220 square feet of proposed mitigation.

The Conservation Board has reviewed the proposed disturbance and has recommended approval of the requested wetlands permit in their December 7, 2021 memo to the Planning Board, subject to plan amendments described in that memo.

4. The plan depicts encroachments on the adjacent shell station which are proposed to remain as part of an existing agreement between the two property owners.

The Town Attorney will need to review the easement documentation (not submitted) and advise the Planning Board as to whether the site plan, as depicted, can be approved by the Board.