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January 11, 2021

Mr. Adam Kaufman  
 Town of North Castle  
 Planning Board  
 c/o Ms. Valerie Desimone  
 17 Bedford Road  
 Armonk, NY 10504

RE: JMC Project 19141  
 One Kent Inc. Zoning Violations  
 1 Kent Place  
 Town of North Castle, NY

Dear Ms. Desimone:

On behalf of our client One Kent Inc. (Amore Pizzeria & Italian Kitchen), JMC submitted an application to the Planning Board on November 9, 2020 to legalize certain construction on their property. Prior to the Planning Board meeting on November 23, 2020, two (2) comment memorandums were issued listing potential variances that may be required. Those comments documents, from Adam Kaufman and Joseph Cermele, indicated the potential need for variances which require concurrence from the Building Department. The Planning Board specifically requested confirmation of these variances, prior to referring this matter to the Zoning Board of Appeals.

On January 7, 2021, representatives of JMC conducted a call with Adam Kaufman and Joe Cermele to discuss what variances will be required. Below we have indicated what we believe are the variances:

**I. Amended Parking Variances**

It was determined that a variance will be required for parking associated with accessory buildings. It should be noted that a variance of 32 parking spaces was obtained from the Town of North Castle Zoning Board of Appeals in 2013 and is reflected in the parking calculation below. The amended parking includes all accessory buildings as part of the gross floor area as discussed with the Town Consultants.

**Existing Building Square Footage:**

1 <sup>st</sup> Floor	=	2,251.43 sq. ft. <sup>(1)</sup>
2 <sup>nd</sup> Floor	=	855.00 sq. ft. <sup>(2)</sup>
<b>Total</b>	<b>=</b>	<b>3,106.43 sq. ft.</b>

Proposed Accessory Building Square Footage: <sup>(3)</sup>

5.75' x 3.83' cooler	=	22.02 sq. ft.
8' x 10' cooler	=	80.00 sq. ft.
3.67' x 9.03' cooler	=	33.14 sq. ft.
9' x 10' shed <sup>(4)</sup>	=	90.00 sq. ft.
7.83' x 10' shed	=	78.30 sq. ft.
Total	=	303.46 sq. ft.

Total Building Gross Floor Area:

Existing Building sq. ft.	3,106.43 sq. ft.
Accessory Building sq. ft.	+ 303.46 sq. ft.
	3,409.89 sq. ft.

- (1) Calculated based upon Sullivan Architecture Drawings
- (2) Calculated based upon Sullivan Architecture Drawings and deducts stairways
- (3) Accessory Building dimensions were field verified
- (4) Cut back shed to 9' x 10'

Parking Calculation:

Minimum parking requirements for Restaurants, Section §355-57A. from the Town Code states:

*1 space for each 3 seats or 1 space for each 75 square feet of gross floor area, whichever is greater.*

3,409.89 sq. ft. / 75 sq. ft. per 1 space = 45.46 or 46 parking spaces

2013 Parking Variance totaled 32 parking spaces. This assumed 11 parking spaces would be provided on the street in front of restaurant, for a total of 43 spaces.

In accordance with the above calculation, the 2013 parking variance would need to be amended to require an additional 3 parking spaces (11 on street spaces + 35 spaces = 46 parking spaces).

**2. Rear and Side Yard Variances Permitting Patios within 5' of a Property Line**

*Section §355-15A. of the Town Code A paved terrace shall not be considered in the determination of floor area ratio or yard requirements; provided, however, that such terrace is without roof, awnings, screens, walls, parapets or other forms of enclosure. Such terrace, however, may have a guard railing, low wall or fence, but such terrace shall not project into any yard to a point closer than five feet from any lot line.*

The newly constructed terraces are within 0' of the southerly and easterly property lines. Therefore, a variance of 5' (0' foot setback) would be required. It should be noted that easements will be provided to the satisfaction of the Town in both instances.

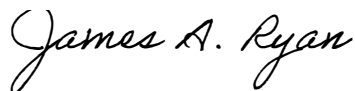
### **3. Point of Clarification**

Mr. Kaufman and Mr. Cermele requested clarification regarding the newly constructed 6' x 4' cooler located on the eastern property line. Upon review of the Town Zoning Code, it is the applicants position that the cooler is in compliance with the **Side Yard Setback** which is indicated as requiring no setback. Therefore, no variance is required in this instance.

In summary, it is the applicants position that variances will be required for 3 additional parking spaces and two (2) side yard setbacks relating to the encroachments of the newly constructed terrace on the southerly and eastly property boundary. We would respectfully request that the Planning Board refer this matter to the Zoning Board of Appeals for decision regarding those variances. If you have any questions, please feel free to contact our office at (914) 273-5225.

Sincerely,

JMC Planning Engineering Landscape Architecture & Land Surveying, PLLC



James A. Ryan, RLA  
Principal

Cc: Mr. Joe Cermele  
Ronald Baroni, Esq.  
Mark Mazzotta, client  
Joe Mazzotta, client