



PLANNING BOARD
Christopher Carthy, Chair

TOWN OF NORTH CASTLE
WESTCHESTER COUNTY
17 Bedford Road
Armonk, New York 10504-1898

Telephone: (914) 273-3542
Fax: (914) 273-3554
www.northeastleny.com

RESOLUTION

Action:	Amended Site Plan Approval
Application Name:	575 Main Street Outdoor Dining Patio [#2021-006]
Owner:	JG Armonk LLC
Applicant:	Brett Garson
Designation:	108.01-1-34
Zone:	CB Zoning District
Acreage:	1.88
Location:	575 Main Street
Original Date of Approval:	February 23, 1998
Date of Approval:	July 12, 2021
Expiration Date:	July 12, 2021, 2022 (1 Year)

WHEREAS, the Applicant is seeking permission to extend the sidewalk on the south side of the building to accommodate additional outdoor dining; and

WHEREAS, an outdoor dining permit, issued by the Building Department, will be required prior to utilizing patio area for outdoor dining.

WHEREAS, the property is 1.88 acres and is located at 575 Main Street and located within the CB Zoning District; and

WHEREAS, the site is currently developed as an existing shopping center; and

WHEREAS, in connection with the proposed development, the Applicant has submitted the following plans:

- Plan entitled "Island Geometry Plan," dated March 22, 2021, last revised June 8, 2021, prepared by Nathaniel J. Holt, PE.
- Plan labeled "A-1," entitled "Existing/Demo Plan," dated January 22, 2021, last revised April 6, 2021, prepared by Joseph R. Crocco Architects.
- Plan labeled "A-2," entitled "Proposed Plan," dated January 22, 2021, last revised April 6, 2021, prepared by Joseph R. Crocco Architects.
- Plan labeled "A-3," entitled "Elevations," dated January 22, 2021, last revised April 6, 2021, prepared by Joseph R. Crocco Architects.
- Undated rendering depicting outdoor dining area with trellis (preparer unknown).

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WHEREAS, 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 23, 2021; and

WHEREAS, the Planning Board, pursuant to § 355-44 of the North Castle Code, conducted a duly noticed public hearing on July 12, 2021 with respect to the site plan application, at which time all those wishing to be heard with respect to the site plan were given an opportunity to be heard; and

WHEREAS, the Proposed Action would be classified as a Type II Action pursuant to the State Environmental Quality Review Act (SEQRA); and

WHEREAS the site plan was 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 issue deemed important to providing emergency services; and

WHEREAS, the existing parking lot provides for one-way circulation around the rear of the building for vehicle access; and

WHEREAS, the existing drive in the area of the proposed outdoor seating is approximately 30 feet wide; and

WHEREAS, the plan proposes to construct an expanded sidewalk area for seating in this area, resulting in a 16'-8" wide driveway; and

WHEREAS, this minimum dimension complies with Section 355-55 of the Town Code for one-way access; and

WHEREAS, the applicant recently obtained confirmation from the Building Inspector that this access drive is not required for fire access (which would have required a minimum width of 20 feet) for compliance with the NYS Fire Code; and

WHEREAS, the plan has also been revised to include vehicle movements through this one-way access, to demonstrate adequate maneuverability for a box truck; and

WHEREAS, the Applicant received approval from the Architectural Review Board for the proposed building modifications on June 16, 2021; and

WHEREAS, the Planning Board has inspected the site and is familiar with the nature of the site, the surrounding area, and the proposed development; and

WHEREAS, the Planning Board has requested, received, and considered comments from the Town Attorney, Town Engineer, and Town Planner regarding the proposed development; and

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WHEREAS, the requirements of the Zoning Ordinance of the Town of North Castle have been met by said application; and

NOW THEREFORE BE IT RESOLVED, that the application for site plan approval, as described herein, be and is hereby conditionally approved, subject to the following conditions and modifications; and

BE IT FURTHER RESOLVED that, the site plan approval shall expire one year after the date of this resolution unless all of the conditions and modifications identified below have been substantially completed or an extension of time has been requested by the applicant or granted by the North Castle Planning Board.

Prior to the Signing of the Site Plan:

(The Planning Board Secretary's initials and date shall be placed in the space below to indicate that the condition has been satisfied.)

- _____ 1. The submitted zoning data chart is not correct. Restaurant uses are calculated using 1 space for every three seats or 1 space for every 75 sq. ft. of gross floor area, whichever is greater. The off-street parking chart for the vacant restaurant and Kira Sushi shall be revised, as required to the satisfaction of the Planning Department.
- _____ 2. The off-street parking chart shall only round up parking spaces after totaling all required off-street parking for the site. By rounding after summing each use, the off-street parking requirement for the uses on site is 137 spaces (not 141).
- _____ 3. The off-street parking chart on the site plan shall be revised to reference the May 4, 2017 11 space off-street parking variance issued by the Zoning Board of Appeals to the satisfaction of the Planning Department.
- _____ 4. The site is located partially within the FEMA 100-year Floodplain, Zone AE, with an elevation of approximately 376 feet. The plan shall be revised to illustrate the boundaries of the 100-year floodplain and include specific references to the FEMA FIRM Maps and effective date, to the satisfaction of the Town Engineer.
- _____ 5. The plan shall include a note regarding the source of the survey and topographic data and vertical datum, to the satisfaction of the Town Engineer.
- _____ 6. The Bulk Zoning Table shall be revised to include site specific data regarding lot size and bulk requirements, i.e., frontage, yards, coverage, etc. The required minimum yard setbacks should be illustrated and dimensioned on the plan, to the satisfaction of the Town Engineer.

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- _____ 7. The proposed sidewalk expansion should be dimensioned, to the satisfaction of the Town Engineer.
- _____ 8. The plan should include construction details for all site improvements, to the satisfaction of the Town Engineer.
- _____ 9. The plan shall clarify the limits of areas adjacent to the seating area to be top soiled and seeded, to the satisfaction of the Town Engineer.
- _____ 10. Pursuant to Section 127-17 of the Town Code, the applicant shall submit a detailed quantity cost estimate for all site improvements proposed, with the quantities certified to by the applicant's engineer, to the satisfaction of the Town Engineer.
- _____ 11. Payment of all applicable fees, including any outstanding consulting fees.
- _____ 12. The Applicant shall submit to the Planning Board Secretary two sets of plans (with required signature block) incorporating all required amendments to the plans as identified in this resolution of approval to the satisfaction of the Town Planner, Town Engineer and Town Attorney.
- _____ 13. The Applicant shall submit final construction plans for site improvements to the Town Engineer for his approval of driveways, parking areas, storm drainage system, water and sewer connections, sidewalks, erosion and sediment controls and any other information requested by the Town Engineer to the satisfaction of the Town Engineer.

Prior to the Issuance of a Building Permit:

(The Planning Board Secretary's initials and date shall be placed in the space below to indicate that the condition has been satisfied.)

- _____ 1. The Applicant shall obtain a floodplain development permit from the Building Department pursuant to Chapter 177 of the Town Code to the satisfaction of the Town Engineer.
- _____ 2. The approved site plan shall be signed by both the Planning Board Chair and Town Engineer.
- _____ 3. The submission of a complete set of building plans for review and approval by the Town Building Inspector prior to the issuance of a building permit.
- _____ 4. The applicant shall submit an engineering inspection fee equal to 3% of the estimated cost of construction.

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_____5. Payment of all outstanding fees, including professional review fees.

Prior to the Issuance of a Certificate of Occupancy/Compliance:

(The Planning Board Secretary's initials and date shall be placed in the space below to indicate that the condition has been satisfied.)

_____1. Provide confirmation that the Floodplain Development Permit has been closed, to the satisfaction of the Town Engineer

_____2. The submission to the Town Building Inspector of an "As Built" survey.

Other Conditions:

1. An outdoor dining permit, issued by the Building Department, will be required prior to utilizing covered patio area for outdoor dining.
2. Compliance with all applicable federal, state, county and local laws and ordinances and any conditions attached to permits issued thereunder.
3. All landscaping shown on this plan shall be maintained in a vigorous growing condition throughout the duration of the use. All plants not so maintained shall be replaced with new plants of comparable size and quality at the beginning of the next immediately following growing season.

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APPLICANT, agreed and understood as to contents and conditions, including expiration, contained herein

Date

JG Armonk LLC

Date

Brett Garson.

NORTH CASTLE PLANNING OFFICE,
As to approval by the North Castle Planning Board

Date

Valerie B. Desimone, Planning Board Secretary

KELLARD SESSIONS CONSULTING
As to Drainage and Engineering Matters

Date

Joseph M. Cermele, P.E.
Consulting Town Engineer

STEPHENS BARONI REILLY & LEWIS LLP
As to Form and Sufficiency

Date

Roland A. Baroni, Jr. Esq., Town Counsel

NORTH CASTLE PLANNING BOARD

Date

Christopher Carthy, Chairman