

### TOWN OF NORTH CASTLE

# WESTCHESTER COUNTY 17 Bedford Road Armonk, New York 10504-1898

Telephone: (914) 273-3542 Fax: (914) 273-3554 www.northcastleny.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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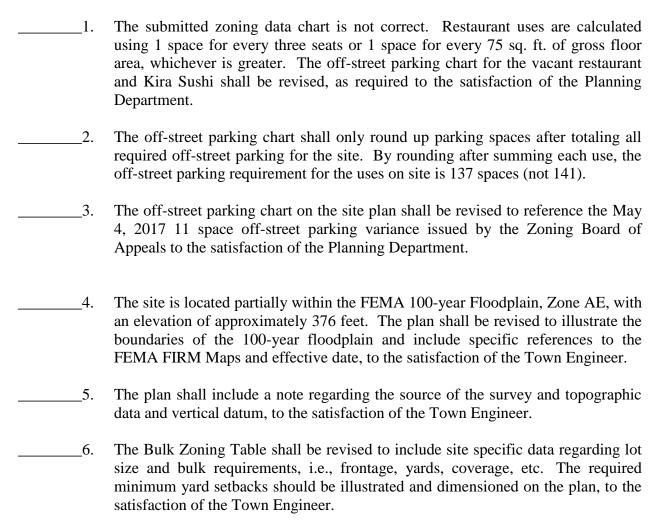
WHEREAS, the requirements of the Zoning Ordinance of the Town of North Castle have been met by said application; and

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.

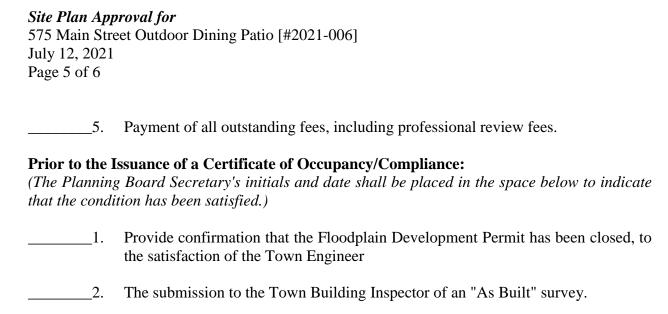
# **Prior to the Signing of the Site Plan:**

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



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7	7.	The proposed sidewalk expansion should be dimensioned, to the satisfaction of the Town Engineer.
8	3.	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.
1	0.	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.
1	3.	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.
(The Plann	ing	ssuance of a Building Permit:  Board Secretary's initials and date shall be placed in the space below to indicate ion 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	2.	The approved site plan shall be signed by both the Planning Board Chair and Town Engineer.
3	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	l.	The applicant shall submit an engineering inspection fee equal to 3% of the estimated cost of construction.



### **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