



TOWN OF NORTH CASTLE
WESTCHESTER COUNTY
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PLANNING BOARD
Christopher Carthy, Chair

R E S O L U T I O N

Action: Site Plan and Steep Slope Permit Approvals Amendment [2021-014]
Project Name: Sir John's Plaza Site Plan
Owner: Sir John's Plaza, John A. Magnotta Realty Inc.
Designation: 122.12-4-52 & 53
Zoning District: CB
Location: 909 and 913 North Broadway
Area: 3.09 acres
Approval Date: May 10, 2021
Expiration Date: May 10, 2022 (1 year)

WHEREAS, on April 12, 2021, an application for site plan approval was submitted to the Planning Board and the requisite fee was paid; and

WHEREAS, the Applicant has submitted a revised site plan that depicts 3,088 square feet of previously approved deli/restaurant space being converted to retail space, the reconfiguration of the rear parking lot and a reduction of proposed parking from 137 spaces to 133 spaces.

WHEREAS, the application consists of the following drawings:

- Plan labeled "P-1," entitled "Commercial Parking," dated April 23, 2019, last revised April 26, 2021, prepared by Gabriel E. Senor, P.C.
- Plan labeled "SP-1," entitled "Sir John's Plaza," dated November 7, 2019, last revised April 26, 2021, prepared by Gabriel E. Senor, P.C.
- Plan labeled "SP-2," entitled "Sir John's Plaza," dated November 7, 2019, last revised April 26, 2021, prepared by Gabriel E. Senor, P.C.
- Plan labeled "D-1," entitled "Detail Sheet," dated November 7, 2019, last revised April 21, 2021, prepared by Gabriel E. Senor, P.C.
- Plan labeled "D-2," entitled "Details Sheet," dated November 7, 2019, last revised April 21, 2021, prepared by Gabriel E. Senor, P.C.
- Plan labeled "Geotechnical P-1," entitled "Commercial Parking," dated April 23, 2019, last revised April 29, 2021, prepared by Gabriel E. Senor, P.C.

WHEREAS, the approximately 3.09 acre property is located in the CB Zoning District and is designated on the Tax Maps of the Town of North Castle as lots 122.12-4-52 and 53; and

WHEREAS, an Environmental Assessment Form dated March 19, 2021 was prepared by the Applicant and submitted to the Planning Board for its review and consideration; and

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WHEREAS, the Proposed Action would be classified as an Unlisted Action pursuant to the State Environmental Quality Review Act (SEQRA) and the Town of North Castle Environmental Quality Review Law; and

WHEREAS, 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) since the subject site is located within 500 feet of North Broadway (NYS Route 22); and

WHEREAS, the project was referred to the County; and

WHEREAS, the site plan was forwarded to the Chief of Police, Fire Inspector and the North White Plains 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; and

WHEREAS, a duly advertised public hearing regarding the site plan was conducted on May 10, 2021, at which time all those wishing to be heard were given the opportunity to be heard; and

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

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

WHEREAS, the requirements of the Zoning Ordinance and the Town of North Castle Comprehensive Plan Update have been met; and

NOW THEREFORE BE IT RESOLVED, that based upon its review of the full environmental record the Planning Board finds that the proposed action will not result in any significant adverse environmental impacts and hereby adopts a Negative Declaration pursuant to the requirements of Article 8 of the New York State Environmental Quality Review Law and 6 NYCRR Part 617; and

BE IT FURTHER RESOLVED, that the application for site plan and steep slope permit approvals, as described herein, is hereby conditionally approved, subject to the following conditions and modifications; and

BE IT FURTHER RESOLVED, except as otherwise expressly amended by this site plan, all other terms, provisions and conditions of the Sir John's Site Plan and Steep Slope Permit Approvals [19-008] adopted by the Planning Board shall remain in full force and effect; and

BE IT FURTHER RESOLVED that, this site plan and steep slope permit approvals shall expire one (1) 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 geotechnical plan shall be updated to clarify the limits of all proposed retaining walls and limits of proposed grading and backfill above the walls on the adjoining residential properties and coordinated with the civil engineering plans, to the satisfaction of the Town Engineer.
- _____ 2. The geotechnical report and plans shall be revised to depict the implementation of Option 1 in the geotechnical report, installation of a retaining wall along the entire north property line, as well as to include the findings of the subsequent field evaluation, to the satisfaction of the Town Engineer.
- _____ 3. The applicant shall provide additional detail regarding how the rock cut face along the western border will provide a safe and stable slope which may include, netting, additional tree removal, additional cleaning of the rock face, a short wall and fence at the toe of the slope, or combination thereof to the satisfaction of the Town Engineer.
- _____ 4. The site plans shall clearly indicate the limits of the proposed chain link fence and vinyl fence, to the satisfaction of the Town Engineer.
- _____ 5. As shown on the Stormwater and Erosion Control Plan, it appears that the previous limits of disturbance will be expanded slightly for additional grading and paving in the rear of the parking lot. The limit of disturbance illustrated on the plans shall be updated accordingly to the satisfaction of the Town Engineer.
- _____ 6. The chain link fence detail shall indicate all material specifications including, but not limited to, post and rail diameter and gauge, fence height and gauge and size of fence mesh, to the satisfaction of the Town Engineer.
- _____ 7. 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.
- _____ 8. Payment of all applicable fees, including any outstanding consulting fees.
- _____ 9. 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.

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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 approved site plan shall be signed by both the Planning Board Chair and Town Engineer.
- _____ 2. The submission of a complete set of building plans and retaining wall design for review and approval by the Town Building Inspector prior to the issuance of a Building Permit.
- _____ 3. The applicant shall submit an engineering inspection fee equal to 3% of the estimated cost of construction.
- _____ 4. 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. The submission to the Town Building Inspector of an "As Built" site plan.
- _____ 2. Submit confirmation, to the satisfaction of the Town Engineer, from the Westchester County Department of Public Works and Transportation, that all work associated with any permits that may be required have been satisfied and property closed.
- _____ 3. The submission to the Town Building Inspector a Certification by the Design Engineer for the construction of the retaining wall, to the satisfaction of the Town Engineer.

Other Conditions:

1. The six overnight off-street parking spaces at the rear of the Sir John's Plaza main building may be utilized only by CR Inc., PLS, the Deli and Sir John's Plaza. Modifications to the tenants utilizing overnight parking spaces require amended site plan approval by the Planning Board.
2. Left turns shall be prohibited from entering the property and from exiting the property at the unsignalized driveways fronting North Broadway.

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3. Prior to the start of construction and throughout the construction period, area of disturbance lines shall be clearly delineated in the field with snow fence or another demarcation acceptable to the Building Department and Town Engineer, which shall be placed around the entire proposed construction area. Except as necessary to provide mitigation plantings, no encroachment beyond these limits by workers or machinery shall be permitted.
4. Grading and clearing and other construction-related activities shall take place only within the delineated area of disturbance lines. These area of disturbance lines represent the maximum limits of construction activities. Every attempt shall be made to further reduce grading and clearing activities within the area of disturbance lines by maintaining natural vegetation and topography wherever practicable.
5. Prior to the commencement of any site work, the Applicant shall stake the location of the proposed construction for inspection and approval by the Building Department and Town Engineer.
6. All soil erosion and sedimentation control measures shown on this plan shall be in place prior to the start of any site work. The Building Department and Town Engineer shall have inspected the installation of all required soil erosion and sedimentation control measures prior to the authorization to proceed with any phase of the site work.
7. Throughout the construction period, a qualified professional retained by the Applicant shall, on at least a weekly basis, prior to any predicted rain event and after any runoff-producing rain event, inspect the soil erosion and sedimentation control measures to ensure their proper functioning. Soil shall be removed from the silt fence when bulges develop in the fence in accordance with Westchester County recommendations. Records shall be kept onsite and made available for review by Town personnel. Inspections shall be in accordance with the NYSDEC Phase II regulations.
8. If the Applicant, during the course of construction, encounters such conditions as flood areas, underground water, soft or silty areas, improper drainage, or any other unusual circumstances or conditions that were not foreseen in the original planning, he shall report such conditions immediately to the Building Department and Town Engineer. The Applicant may submit, if he so desires, his recommendations as to the special treatment to be given such areas to secure adequate, permanent and satisfactory construction. The Building Department, without unnecessary delay, shall investigate the condition or conditions, and shall either approve the Applicant's recommendations to correct the conditions, order a modification thereof, or issue his own specifications for the correction of the conditions. In the event of the Applicant's disagreement with the decision of the Building Department, or in the event of a significant change resulting to the site plan or any change that involves the wetlands regulated areas, the matter shall be decided by the Planning Board. Any such conditions observed by the Planning Board or its agents shall be similarly treated.

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9. Compliance with all applicable local laws and ordinances of the Town of North Castle and any conditions attached to permits issued thereunder.
10. The applicant shall provide sedimentation and erosion control measures to the satisfaction of the Town Engineer and in accordance with the measures set forth in the Westchester County Best Management Practices for Construction and Related Activities.
11. 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

Sir John's Plaza

Date

John A. Magnotta Realty Inc.

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