



**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**

<b>Action:</b>	Site Plan Approval
<b>Application Name:</b>	873 N. Broadway [2021-037]
<b>Applicant:</b>	873 Holding Company LLC
<b>Owner:</b>	RLA Holdings, LLC
<b>Designation:</b>	122.12-4-27
<b>Zone:</b>	CB Zoning District
<b>Acreage:</b>	0.36 acres
<b>Location:</b>	873 North Broadway
<b>Date of Approval:</b>	March 28, 2022
<b>Expiration Date:</b>	March 28, 2023 (1 Year)

WHEREAS, the Applicant is proposing the adaptive reuse of an approximately 3,435 square foot commercial building at 873 North Broadway with a new restaurant and accessory brewing operation and tap room; and

WHEREAS, the site was previously a car repair garage and a green dry cleaner; and

WHEREAS, improvements include interior renovations to accommodate restaurant space on the upper level fronting on North Broadway; and

WHEREAS, the lower level is proposed to be renovated for a 10-barrel brewing operation with small tap room; and

WHEREAS, the existing paved parking area in the rear will provide 20 off-street parking spaces and 1 loading space accessed from Washington Place East by an easement over the adjacent property; and

WHEREAS, no grading or building expansion is being proposed; and

WHEREAS, the Applicant proposes to replace approximately 210 s/f of paved area along the rear of the building with pavers where a small outdoor seating area will be located; and

WHEREAS, the Applicant also proposes a new landscaped sidewalk along North Broadway, raised planters, and benches for seating in the front of the property; and

WHEREAS, the building exterior will be updated with a repainted facade, new branded signage, awnings, and wall sconces; and

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

- Traffic & Parking Management Plan dated November 21, 2021 prepared by Kimley Horn.
- Plan labeled “SP-1,” entitled “Layout & Landscape Plan,” dated September 27, 2021, last revised October 25, 2021, prepared by Insite Engineering, Surveying & Landscape Architecture, P.C.
- Plan labeled “SP-2,” entitled “Grading & Utilities Plan,” dated September 27, 2021, last revised October 25, 2021, prepared by Insite Engineering, Surveying & Landscape Architecture, P.C.
- Plan labeled “LP-1,” entitled “Lighting Plan,” dated October 25, 2021, prepared by Insite Engineering, Surveying & Landscape Architecture, P.C.
- Plan labeled “A-050.00,” entitled “Exterior and Interior Scope of Work,” dated September 23, 2021, prepared by Wid Chapman Architects
- Plan labeled “A-050.00,” entitled “Interior Proposed Plans & Exterior Elevations,” dated September 22, 2021, prepared by Wid Chapman Architects.
- Stormwater Pollution Prevention Plan dated October 25, 2021, prepared by Insite Engineering, Surveying & Landscape Architecture, P.C.

WHEREAS, the Planning Board has determined that permitting vehicular access along the North Broadway frontage would be dangerous; and

WHEREAS, since N. Broadway vehicular access is not safe, handicap access and vehicular access will be provided at the rear of the site; and

WHEREAS, the 3,435 square foot former dry cleaner building is proposed to be converted into a 1,720 square foot restaurant and 1,715 square foot accessory brewing area and tap room; and

WHEREAS, the CB Zoning District permits “restaurants, taverns, cafes, bakeries not exceeding 5,000 square feet of floor area”(via CB-A principal use reference) as well as “any accessory buildings or uses customarily incident to a permitted use” (via CB-B accessory use reference); and

WHEREAS, since the proposed brewing area and tap room are less than 50% of the area devoted to the principal restaurant use and given the submitted documentation demonstrating that the brewing component is integral to the restaurant operation, the Planning Board determined that the brewing area and tap room is a permitted accessory use to the permitted principal restaurant use; and

WHEREAS, Haredesty & Hanover, LLC (H&H) was hired to review proposed parking on the site; and

WHEREAS, H&H submitted a December 7, 2021 letter to the Planning Board stating that the proposed parking lot, with the valet parking plan and off-site parking at a neighboring property for employees, can accommodate a 45-seat restaurant; and

WHEREAS, the site plan depicts a total of 20 off-street parking spaces where 46 are required;

WHEREAS, the Applicant obtained an off-street parking variance from the Zoning Board of Appeals on February 3, 2022; and

WHEREAS, the Architectural Review Board approved the proposed building design at the March 16, 2022 meeting; and

WHEREAS, water/wastewater impacts have been calculated as approximately 2,300 gpd; and

WHEREAS, on days when brewing will occur, an additional 500-1,000 gpd may be used; and

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 October 15, 2021; and

WHEREAS, on March 14, 2022, the Planning Board, pursuant to § 355-44 of the North Castle Code, conducted a duly noticed public hearing 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 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, the Fire Department and Police Department provided the Planning Board with comments regarding providing emergency services to the site and such comments were incorporated into the plans and/or this resolution; and

WHEREAS, the site plan was forwarded to the Water and Sewer department so that they may make any pertinent recommendations to the Planning Board including, but not limited to, the capacity of the sewer and water infrastructure to handle the proposed amount of effluent and water demand; 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

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, is hereby conditionally approved, subject to the following conditions and modifications; and

BE IT FURTHER RESOLVED that, this site plan approval 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. 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.
- \_\_\_\_\_ 2. Payment of all applicable fees, including any outstanding consulting fees.
- \_\_\_\_\_ 3. The Applicant shall submit to the Planning Board Secretary one electronic PDF set 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.
- \_\_\_\_\_ 4. 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. All proposed building/site signage will require ARB approval.

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- \_\_\_\_\_2. The approved site plan shall be signed by both the Planning Board Chair and Town Engineer.
- \_\_\_\_\_3. The proper construction type stickers shall be affixed to the building to the satisfaction of the Building Department.
- \_\_\_\_\_4. 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.
- \_\_\_\_\_5. The applicant shall submit an engineering inspection fee equal to 3% of the estimated cost of construction.
- \_\_\_\_\_6. 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. A Knox Box shall be installed at the entrances to the building (or an alternate location) to the satisfaction of the Building Department.
- \_\_\_\_\_2. The plan proposes improvements, including curb, sidewalk, pavement and landscaping, within the New York State Department of Transportation (NYSDOT) right-of-way of New York State Route 22. The applicant shall submit receipt of a NYSDOT Highway Work Permit to the satisfaction of the Town Engineer.

**[APPLICANT WISHES TO DISCUSS THIS CONDITION WITH THE PLANNING BOARD]**

- \_\_\_\_\_3. The fire department shall walk through during and post construction to review the fire safety system for the building and building addition to the satisfaction of the Building Department.
- \_\_\_\_\_4. Prior to the issuance of a certificate of occupancy/compliance, the actual construction, installation and implementation of all landscaping shall be certified by a licensed landscape architect as being in compliance with the approved plans and conditions, at the sole cost and expense of the Applicant.
- \_\_\_\_\_5. The submission to the Town Building Inspector of an "As Built" site plan.

**Other Conditions:**

1. Restaurant/Bar seating shall be limited to 45 seats at all times.
2. Bar seating shall only be used for dining purposes and no stand up bar service shall be provided.
3. Valet parking shall be required on weekdays before 5:00 p.m. whenever parking demand is anticipated to exceed 20 vehicles and on weekday evenings and weekends whenever parking demand is anticipated to exceed 25 vehicles. Regardless of the previous requirement, valet parking shall be required on Friday and Saturday evenings except when weather or other circumstances indicate a lower attendance at the restaurant.
4. Evening dinner service shall be by reservation only.
5. 5 -7 off-site parking spaces shall be provided on a neighboring property.
6. An outdoor dining permit, issued by the Building Department, will be required prior to utilizing any outdoor/sidewalk area for outdoor dining.
7. Vehicles shall be prohibited from using the North Broadway frontage.
8. 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.
9. 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.
10. 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.
11. 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.

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12. 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.

**[APPLICANT WISHES TO DISCUSS THIS CONDITION WITH THE PLANNING BOARD]**

13. 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.
14. Compliance with all applicable local laws and ordinances of the Town of North Castle and any conditions attached to permits issued thereunder.
15. 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.
16. 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.
17. The applicant shall provide confirmation from the NYSDOT, to the satisfaction of the Town Engineer, that all improvements in the NYS right-of-way have been satisfactorily completed in accordance with the Highway Work Permit.

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

\_\_\_\_\_  
Date  
873 Holding Company LLC, Applicant

\_\_\_\_\_  
Date  
RLA Holdings, LLC, Owner

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