



PLANNING BOARD
Christopher Carthy, Chair

TOWN OF NORTH CASTLE
WESTCHESTER COUNTY
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RESOLUTION

Action: Site Plan Approval Requirements Waiver
Application Name: 731 N. Broadway Site Plan Waiver [2022-014]
Designation: 122.16-3-37
Zone: CB
Location: 731 N. Broadway
Date of Approval: March 28, 2022

WHEREAS, the Applicant is proposing to establish a bagel store (bakery/delicatessen) in space previously occupied as a dry cleaner at 731 N. Broadway; and

WHEREAS, a bakery/delicatessen is a permitted principal use as set forth in Attachment 2 to Section 355-22 of the Town of North Castle Zoning Code; and

WHEREAS, the proposed change of use would not require additional off-street parking or loading spaces; and

WHEREAS, no site changes are proposed; and

WHEREAS, pursuant to Section 355-41 of the Town Code no building permit shall be issued, and no structure or use shall be established or changed, other than for one single-family dwelling approved in accordance with the procedures specified in Article VII of the Town Code except in conformity with a site development plan approved and endorsed by the Planning Board with its date of approval, and no certificate of occupancy for such structure or use shall be issued until all the requirements of such site plan and any conditions attached thereto have been met; and

WHEREAS, pursuant to Section 355-41 of the Town Code, where the Building Inspector finds that a change of use or occupancy will not require an increase in the number of off-street parking or loading spaces, as required by Article IX, beyond that required for the previous use, or in the number of spaces actually approved for construction to serve the previous use, site plan approval requirements may be waived by said Board; and

WHEREAS, the proposed change of use would not require additional off-street parking or loading spaces given the issuance of the off-street parking variance by the Zoning Board of Appeals issued on May 5, 2005; and

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WHEREAS, the Building Inspector, in a March 22, 2022 letter, recommended to the Planning Department that a site plan waiver be issued; and

WHEREAS, the proposed change of use is a Type II Action under the State Environmental Quality Review Act (SEQRA); and

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

WHEREAS, the Planning Board has requested, received and considered comments from the Town Attorney, the Consulting Town Engineer and Consulting Town Planner regarding the proposed change of use.

NOW, THEREFORE, BE IT RESOLVED, that in accordance with Section 355-41 of the Town Code, the Planning Board hereby waives the site plan approval requirements for the proposed change of use; and

BE IT FURTHER RESOLVED, that this site plan approval waiver shall be deemed to authorize only the particular change of use or uses specified in the permit; and

BE IT FURTHER RESOLVED, that this resolution shall not, except as described herein, supercede any previous site plan approval issued by the Planning Board; and