



TOWN OF NORTH CASTLE
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PLANNING DEPARTMENT
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To: Town of North Castle Town Board
Town of North Castle Planning Board

Date: November 16, 2022

Subject: **Praise Church – 901 North Broadway – Special Use Permit and Site Plan Approvals [2022-039]**

As requested, we have reviewed the Town Board special use permit and Planning Board site plan application for the renovation and adaptive reuse of 3,990 square feet of the existing 31,350 square foot office building as a church. The property is located at 901 North Broadway and located within the CB (Central Business) Zoning District.

We have reviewed the following documents, which were submitted by the Applicant in connection with the above-captioned matter:

- Plan labeled “SP-1,” entitled “Site Plan,” dated November 13, 2022, prepared by James Fleming, Architect.

Procedural Comments

1. The Proposed Action would be classified as a Type II Action pursuant to the State Environmental Quality Review Act (SEQRA).
2. A Town Board Public Hearing regarding the proposed Special Use Permit is required.

Special Permit Comments

1. Pursuant to Section 355-37 of the Town Code, the Town Board must determine that:
 - a. The location and size of the use, the nature and intensity of the operations involved in it or conducted in connection with it, the size of the site in relation to it and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.

It is noted that the property is located within the CB Zoning District. Within close proximity are several commercial and institutional uses also located within the CB Zoning District. The proposed use would appear to be compatible with surrounding uses.

- b. The location, nature and height of buildings, walls, fences and the nature and extent of existing or proposed plantings on the site are such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings.

It is noted that the proposal does not include amending the existing building or parking area.

- c. Operations in connection with any special use will not be more objectionable to nearby properties by reason of noise, fumes, vibration or other characteristics than would be the operations of any permitted uses not requiring a special permit.

The proposed church will not generate any significant noise, fumes or vibrations.

- d. Parking areas will be of adequate size for the particular use, properly located and suitably screened from adjoining residential uses, and the entrance and exit drives shall be laid out so as to achieve maximum convenience and safety.

The proposed site plan with the addition of the proposed church use may contain the minimum required number of off-street parking spaces.

- e. Where required, the provisions of the Town Flood Hazard Ordinance.

No development is proposed within the floodplain.

- f. The Board finds that the proposed special permit use will not have a significant adverse effect on the environment.

The proposed action would be classified as a Type II Action pursuant to SEQRA.

- 2. Pursuant to Section 355-40.H of the Town Code, the following conditions and standards must be met:

- (a) Location. The uses listed in this subsection may be permitted only in locations fronting on or having direct access to major or collector roads as determined by the Planning Board and shown on the Town Development Plan Map.

NYS Route 22 would be considered a major road.

- (b) Coverage. Building coverage, including accessory buildings, shall not exceed 20% of the lot area, nor shall the sum total of the land covered with buildings and parking area, including driveways, exceed 50% of the lot area.

The site plan will need to be revised to include an analysis of existing building coverage and lot coverage. However, based upon a review of the site plan, the existing conditions do not appear to comply with this section of the Town Code.

- (c) Setbacks. All new buildings shall be set back from adjoining properties in residence districts, and street lines directly opposite properties in residence districts, a distance equal to at least twice the normally applicable front yard setback requirement for detached one-family dwellings in the zoning district in which they are located, but in no case less than 50 feet. Off-street parking areas shall not be permitted in any required front yard, nor in any required side or rear yard within 20 feet of any adjoining property in a residence district. Setback requirements may be modified by the Town Board in cases of conversions of existing

buildings.

The proposed site plan does not contemplate the construction of any new buildings.

- (d) Buffer area. A landscaped buffer area, meeting at least the minimum requirements of § 355-15.M of this chapter, shall be required along all lot lines adjoining properties in residence districts.

Section 355-15.M of the Town Code states the following:

Landscaping, screening and buffer areas. All portions of multifamily and nonresidential properties which are not used for locations for buildings, structures, off-street parking and loading areas, sidewalks or similar purposes shall be suitably landscaped and permanently maintained with planting of trees and shrubbery, in accordance with specifications approved by the Planning Board as part of the site plan, so as to minimize erosion and stormwater runoff and harmoniously blend such uses with the residential character of the Town as a whole.

- (1) On all multifamily and nonresidentially developed properties, a landscaped buffer area shall be required to screen and protect neighboring residential properties from the view of uses and parking areas on the site.

- (a) It shall be at least 10 feet in depth along any lot line abutting or directly across the street from a lot in a residence district.

A landscape buffer of at least 10 feet is proposed or exists around the entire periphery of the property.

- (b) It shall be of evergreen planting of such type, height and spacing as, in the judgment of the Planning Board, will effectively screen the activities on the lot from view of persons standing on adjoining properties. The plan and specifications for such planting shall be filed with the approved plan for the use of the lot.

- (c) A wall or fence, of location, height and design approved by the Planning Board, may be substituted for the required planting.

- (2) Where the existing topography and/or landscaping provides adequate screening, the Planning Board may modify the planting and/or buffer area requirements.

The Planning Board has the ability to deem that the existing landscape buffer vegetation as providing adequate screening.

It appears that the required screening is provided.

Site Plan Comments

1. The Town Code requires 1 off-street parking space for each 3 seats or for churches without seats, 1 off-street parking space for each 100 square feet of floor space used for public assembly.

The submitted Occupancy Per Floor chart should be revised to specify the use, size of use, required off-street parking rate and number of spaces required.

For example, if all identified Business Uses are Office Uses, the analysis would look like this:

Location	Size	Use	Rate	Req. Parking
Lower Floor	7,412 sq. ft.	Office Use	1 space/250 sq ft	29.65
Main Floor	1,200 sq. ft.	Church Assembly	1 space/100 sq. ft.	12
Main Floor	6,612 sq/ ft	Office Use	1 space/250 sq ft	26.45
Second Floor	7,812	Office Use	1 space/250 sq ft	31.25
				99.35 Required

The Applicant should confirm that all identified Business Occupancy is in actuality an office use.

The submitted plan states that 125 spaces are provided, but once the area of commercial parking is removed, the site contains 100 parking spaces. The off-street parking chart should be updated to reflect spaces available for 901 N. Broadway (excluding the area used for truck parking).

The site plan should be revised to include an updated zoning conformance chart and updated off-street parking conformance chart identifying the off-street parking requirement of all uses within the building **(including square footage) and backup floor plan sketches.**

As submitted, it appears that an off-street parking variance may not be required as 100 off-street parking spaces are provided.

2. Pursuant to Section 355-58 of the Town Code, two loading spaces are required. The submitted site plan depicts a loading space; however, that space appears to be leased to an adjoining property owner. It is noted, however, that upon consideration of all factors entering into the loading and unloading needs of each use, the Planning Board may make appropriate reductions in the loading requirements.
3. The site plan has been revised to depict the location of the rear parking being utilized for vehicle parking for the adjacent gas station (see photo at end of this report). The Planning Board will need to evaluate the parking of vehicles on this site. Section 355-56.A(1)(b) states that the Planning Board may permit all or part of the required parking spaces to be located on any lot within 250 feet of the building in the same zoning district or another zoning district where such parking is a lawful use, if the Board determines that it is impractical to provide parking on the same lot with the building.

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Aerial View of Site