



TOWN OF NORTH CASTLE
WESTCHESTER COUNTY
17 Bedford Road
Armonk, New York 10504-1898

PLANNING BOARD
Christopher Carthy, Chair

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RESOLUTION

Action:	Site Plan Approval for Church Change of Use
Application Name:	901 N. Broadway [2022-039]
Owner:	901 Properties LLC
Applicant:	Praise Church Inc.
Designation:	122.12-4-51
Zone:	CB Zoning District
Acreage:	1.79 acres
Location:	901 N. Broadway
Date of Approval:	February 13, 2023
Expiration Date:	February 13, 2024 (1 Year)

WHEREAS, the Town of North Castle Planning Town Board has received a site plan application for the establishment of a new place of worship; and

WHEREAS, Praise Church is a Christian Contemporary Church based in White Plains, NY for more than 19 years; and

WHEREAS, the congregation includes approximately 50 members; and

WHEREAS, the Applicant is seeking to occupy 3,990 square feet of the 31,350 square foot office building at 901 N. Broadway, an existing office building; and

WHEREAS, the Church has planned weekday evening programs as well as Saturday and Sunday morning programs; and

WHEREAS, programs will occur at times the balance of the office building will not be heavily in use; and

WHEREAS, the property is located at 901 N. Broadway in the CB Zoning District; and

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

- Plan labeled, "SP-1," entitled "Site Plan," dated November 13, 2022, last revised, December 1, 2023, prepared by James Fleming, Architect.

WHEREAS, the Town Code requires 100 off-street parking spaces for the proposed mix of uses (church and office uses); and

WHEREAS, 105 off-street parking spaces are provided (not including the leased area to the adjacent gas station); and

WHEREAS, pursuant to Section 355-58 of the Town Code, two loading spaces are required; and

WHEREAS, the submitted site plan depicts a loading space; however, that space appears to be leased to an adjoining property owner; and

WHEREAS, 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; and

WHEREAS, the depicts the location of the rear parking being utilized for vehicle parking for the adjacent gas station; and

WHEREAS, Section 355-56.A(1)(b) of the Town Code permits the Planning Board to approve 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; and

WHEREAS, the application was referred to the Westchester County Planning Board pursuant to Section 239 L, M and N of the New York State General Municipal Law and Section 277.61 of the County Administrative Code by the Town Clerk; and

WHEREAS, the Planning Board, conducted a public hearing which was conducted on February 13, 2023, pursuant to §355-44 of the North Castle Code, 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 Town Board issued a special use permit for the establishment of a church in the building on February 8, 2023; 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 pursuant to Section 355-58 of the Town Code, that upon consideration of all factors entering into the loading and unloading needs of the church and offices, the Planning Board hereby eliminates the required loading requirements; and

BE IT FURTHER RESOLVED that, pursuant to Section 355-56.A(1)(b) of the Town Code the Planning Board finds that it is impractical to provide additional off-street parking at the adjacent gas station and permits parking spaces to be located on the subject lot; and

BE IT FURTHER 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. The site plan shall be revised as depicted in comment 4 of the December 5, 2022 memorandum from the Planning Department to the Town and Planning Boards to the satisfaction of the Planning Department.
- _____2. The site plan shall be revised to reference the February 2, 2023 ZBA variance to the satisfaction of the Planning Department.
- _____6. Payment of all applicable fees, including any outstanding consulting fees.
- _____7. The applicant shall submit to the Planning Board Secretary 1 PDF set of plans (with required signature block located in the lower right corner of all plan sheets) 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.

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 for review and approval by the Town Building Inspector prior to the issuance of a building permit.
- _____3. Payment of all outstanding fees, including professional review fees.

Prior to the Issuance of a Certificate of Occupancy:

(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 parking lot shall be restriped to the satisfaction of the Town Engineer.
- _____2. Payment of all outstanding fees, including professional review fees.

Other Conditions:

1. Compliance with all applicable local laws and ordinances of the Town of North Castle and any conditions attached to permits issued thereunder.

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

Date 901 Properties LLC, owner

Date Praise Church Inc, applicant

NORTH CASTLE PLANNING OFFICE, as to approval by the North Castle Planning Board

Date Adam R. Kaufman, AICP
Director of Planning
Certified as Approved by the North Castle Planning Board

KELLARD SESSIONS CONSULTING P.C.
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