



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 Additional Apartments
Application Name:	731 N. Broadway
Owner:	731 North Broadway Realty Corp.
Applicant:	Bedrock Plaza Corp.
Designation:	122.16-3-37
Zone:	CB Zoning District
Acreage:	18,181 sq. ft.
Location:	731 N. Broadway
Date of Approval:	January 30, 2023
Expiration Date:	January 30, 2024 (1 Year)

WHEREAS, the Applicant is proposing to convert two existing office suites into three new apartments; and

WHEREAS, the second floor will be converted into a total of four apartments (1 apartment exists); and

WHEREAS, existing Apartment #1 contains 2 Bedrooms and is 1,160 square feet in size; and

WHEREAS, proposed Apartment #2 contains 2 Bedrooms and is 1,582 square feet in size; and

WHEREAS, proposed Apartment #3 contains 1 Bedroom and is 820 square feet in size; and

WHEREAS, apartment #4 contains 1 Bedroom and is 1,487 square feet in size; and

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

- Plan labeled "Sheet 1 of 2," entitled "Site Plan – Notes," dated October 6, 2022, last revised October 30, 2022 (preparer unknown).
- Plan labeled "Sheet 2 of 2," entitled "Second Floor Plan, Wall Det." dated October 6, 2022 (preparer unknown).

WHEREAS, the existing office space requires 16 off-street parking spaces; and

WHEREAS, the conversion of this space to three apartments requires 9 parking spaces; and

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WHEREAS, given the previously issued variance, the proposed change of use does not exacerbate the off-street parking deficiency, and the site will require substantially less off-street parking with the proposed mix of uses; and

WHEREAS, the application for site development plan approval 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; and

WHEREAS, the Westchester County Planning Board referral was a “notification only” and a response was not provided to the Town; and

WHEREAS, the proposed site plan was referred to the North White Plains Fire Department; and

WHEREAS, the Fire Department, in a December 12, 2022 letter, noted that the proposed site changes were acceptable; and

WHEREAS, the Police and Building Department did not provide the Planning Board with any comments; and

WHEREAS, the Planning Board, conducted a public hearing which was conducted on January 30, 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 building is proposed to have more than one apartment; and

WHEREAS, pursuant to Section 355-22 of the Town Code, accessory uses in the CB Zoning District are referenced to the CB-B Zoning District. The CB-B accessory uses limit residential uses to 1 per building with additional residential uses requiring the issuance of a Town Board special use permit; and

WHEREAS, the Town Board issued a special use permit for a total of four apartments in the building on January 11, 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

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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. The site plan shall be revised to identify the name and contact information of the plan preparer to the satisfaction of the Planning Department.
- _____ 2. The site plan shall be revised to contain the seal and signature of the plan preparer.
- _____ 3. The site plan shall be revised to depict uses on the first floor to the satisfaction of the Planning Department.
- _____ 4. The site plan shall be revised to reference the May 5, 2005 ZBA variance in place of the referenced May 1, 2003 ZBA variance as the 2005 variance superseded the 2003 variance. In addition, the note stating "Previous variance granted for..." shall be removed.
- _____ 5. The Applicant shall provide a parkland reservation or recreation fee pursuant to Chapter 225 of the Town Code. The recreation fee is \$3,000 per dwelling unit (\$9,000 for the proposed project).
- _____ 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.

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- _____8. 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. 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 submission to the Town Building Inspector of an "As Built" site plan.
- _____2. Payment of all outstanding fees, including professional review fees.

Other Conditions:

1. 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.
2. 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.

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3. 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.
4. 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.
5. 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.
6. 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.
7. Compliance with all applicable local laws and ordinances of the Town of North Castle and any conditions attached to permits issued thereunder.
8. 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 New York State Standards and Specifications for Erosion & Sediment Control.
9. 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

731 North Broadway Realty Corp., owner

Date

Bedrock Plaza Corp., applicant

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

Date

Valerie Desimone, Planning Board Secretary
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