

**STAFF REPORT - TOWN OF NORTH CASTLE PLANNING DEPARTMENT**

November 10, 2022



APPLICATION NUMBER & NAME  
#2021-045 – 731 N. Broadway – Site  
Plan Approval

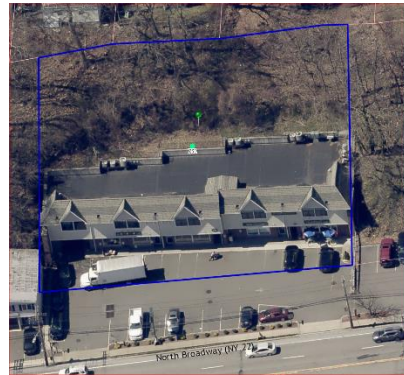
SBL  
122.16-3-37

MEETING DATE  
November 28, 2022

PROPERTY ADDRESS/LOCATION  
731 N. Broadway, NWP

**BRIEF SUMMARY OF REQUEST**

The Applicant is proposing to convert two existing office suites into three new apartments. The second floor will be converted into a total of four apartments (1 apartment exists). Existing Apartment #1 contains 2 Bedrooms and is 1,160 square feet in size. Proposed Apartment #2 contains 2 Bedrooms and is 1,582 square feet in size. Proposed Apartment #3 contains 1 Bedroom and is 820 square feet in size. Apartment #4 contains 1 Bedroom and is 1,487 square feet in size.



PENDING ACTION:             Plan Review             Town Board Referral             Preliminary Discussion

EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING & LAND USE	SITE IMPROVEMENTS	SIZE OF PROPERTY
CB Central Business District	Office and Retail Building w/apartment	Commercial Development Along NYS Route 22;	None	18,181 sq. ft.

PROPERTY HISTORY	COMPATIBILITY with the COMPREHENSIVE PLAN
<ul style="list-style-type: none"> <li>- Existing commercial building containing a variety of uses.</li> </ul>	Avoid expansion of the existing retail areas in Town, focusing on enhancing them through transportation improvements, landscaping and beautification, strong site design and targeted infill housing as appropriate.

**STAFF RECOMMENDATIONS**

1. The Applicant should be directed to address all staff and consultant's comments.

<p><u>Procedural Comments</u></p> <ol style="list-style-type: none"> <li>1. The application for site plan approval requires referral to the Westchester County Planning Board pursuant to § 239-m of New York State General Municipal Law (GML). This referral is required because the subject site is located within 500 feet of NY Route 22.</li> <li>2. The Proposed Action would be classified as a Type II Action pursuant to the State Environmental Quality Review Act (SEQRA).</li> <li>3. A Public Hearing for the proposed site plan will need to be scheduled.</li> <li>4. The site plan should be 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.</li> <li>5. The building is proposed to have more than one apartment. 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.</li> </ol>	<p><u>Staff Notes</u></p> <p>Construction or expansion of a primary or accessory/appurtenant, nonresidential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities;</p> <p>Prior to the Planning Board approving the amended site plan, the Applicant will need to obtain the Town Board special use permit for the three additional second floor apartments.</p>
<p><u>General Comments</u></p> <ol style="list-style-type: none"> <li>1. The site plan should be revised to include two sheets. Sheet 1 should depict uses on the first floor (not submitted). Sheet 2 should depict uses on the second floor (submitted).</li> <li>2. The submitted 2003 variance appears to grant a variance for office uses for the property (no retail). However, a 2005 variance issued by the ZBA clearly approved retail uses on the first floor and office space on the second floor.</li> <li>3. The existing office space requires 16 off-street parking spaces. The conversion of this space to three apartments requires 9 parking spaces. Given the previously issued variance, the proposed change of use does not exacerbate the off-street parking deficiency. In fact, the site will require substantially less off-street parking with the proposed mix of uses.</li> </ol>	<p>The site plan should 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.</p> <p>In addition, the note stating "Previous variance granted for..." should be removed.</p>