

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

November 15, 2023



APPLICATION NAME & NUMBER  
15 Old Route 22 - Gavi- Site Development Plan  
Approval [2023-021]

SBL  
107.04-2-16

MEETING DATE  
November 27, 2023

PROPERTY ADDRESS/LOCATION  
15 Old Route 22, Armonk

**BRIEF SUMMARY OF REQUEST**

Improvements to existing parking lot, construction of a new 5,000 sf. mixed use building with retail on the first floor and 2 apartments on the second floor. In addition, the site plan depicts a 600 square foot two story addition to the rear of the existing restaurant and the construction of a new 600 square foot deck.



PENDING ACTION:             Plan Review             Town Board Referral             Preliminary Discussion

EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING & LAND USE	SITE IMPROVEMENTS	SIZE OF PROPERTY
RB	Restaurant	Commercial Business	Proposed New Mixed Use Building	0.74 acres

**PROPERTY HISTORY**

The Planning Board and Zoning Board of Appeals, in 2002, approved a plan for the improvement of the existing parking facilities on the property and the use of the subject building as a pizzeria restaurant.

The Applicant previously received two variances for the property, one for a reduction of five off-street parking spaces and another reducing the required amount of landscaping within the parking area. Both of the previously approved variances have expired since construction was not initiated within two years of receiving the variances.

**COMPATIBILITY with the COMPREHENSIVE PLAN**

The Comprehensive Plan states the following with respect to Old Route 22:

- Recent streetscape improvements along Old Route 22 have enhanced the walkability of this area and increased the number of on-street parking spaces.
- The Town is in the process of implementing a series of roadway improvements along Old Route 22 in coordination with the New York City Department of Environmental Protection (NYCDEP), which owns a large parcel just south of Kaysal Court. These improvements – together with the recently built Armonk Commons complex next to the Beehive restaurant and recent development on properties along Old Route 22 to the north – is transitioning the character of the corridor from a scattered commercial and light industrial area to a more cohesive center of activity. Much of Old Route 22 is walkable from the townhome communities of Cider Mill, Whipoorwill Ridge and Whipoorwill Hills, and the corridor is a short drive to downtown Armonk.

**STAFF RECOMMENDATIONS**

1. The Applicant should be directed to address the outstanding comments in this report.

<u>Procedural Comments</u>	<u>Staff Notes</u>
<ol style="list-style-type: none"> <li>1. Pursuant to Section 12-18(1) of the Town Code, all site development plans submitted to the Planning Board are required to be referred to the Architectural Review Board (ARB) for review and comment.</li> <li>2. 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 site is within 500 feet of NYS Route 22.</li> <li>3. The Proposed Action would be classified as an Unlisted Action pursuant to the State Environmental Quality Review Act (SEQRA).</li> <li>4. A Public Hearing for the proposed site plan will need to be scheduled.</li> <li>5. The site plan should be forwarded to the Chief of Police, Fire Inspector and the Armonk 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>6. A small portion of the property is located in a flood zone. The Applicant will need to obtain a floodplain development permit from the Building Department.</li> <li>7. The Town Engineer will need to advise the Planning Board as to whether the proposed site plan will need to be approved by the New York City Department of Environmental Protection since this property is located within the Kensico Watershed.</li> <li>8. The Applicant will need to obtain a curbcut permit from the North Castle Highway Department.</li> <li>9. The site plan depicts a terrace to be used for seasonal outdoor dining. The Planning Department encourages the establishment of outdoor dining facilities and recognizes the fact that outdoor dining is one of the benefits that pleasant weather may bring. It is noted that outdoor dining facilities require a permit to be issued by the Building Department.</li> </ol>	<p>Westchester County in a July 14, 2023 letter noted that the project was consistent with County Planning Board and local policies. The County also noted that NYCDEP will need to review the plans and the Applicant will need to address stormwater management. The County further noted that the Town should look at transportation demand management tool and limit the number of car parking spaces.</p> <p>The Planning Board will need to determine whether to conduct a coordinated or uncoordinated review.</p> <p>The project was referred on October 13, 2023.</p>
<p><u>General Comments</u></p> <ol style="list-style-type: none"> <li>1. The Applicant is proposing a 1,170 square foot retail space and an apartment on the first floor and two apartments on the second floor of a newly proposed 5,000 square foot building. The existing Gavi Restaurant and existing second floor apartment are proposed to be expanded.</li> <li>2. The new building would not be considered a commercial building (most of the building is now residential with only 1,170 s.f. devoted to retail). The RB Use Table references permitted uses in the CB District, the CB District references permitted uses in the CB-A District. The CB-A District permits “*Multifamily dwellings located on the first floor only when the first floor of the building is actively used, at the street, with retail and/or other suitable uses as determined by the Town Board.”</li> <li>3. The proposed 0.3769 FAR exceeds the maximum permitted FAR of 0.3.</li> <li>4. The site plan depicts 50 off-street parking spaces where 56 off-street parking spaces are required.</li> <li>5. It is not clear from the revised site plan whether the site is adequately/appropriately lit at night. The Applicant will need to provide a photometric plan that complies with <a href="#">Section 355-45.M of the Town Code</a> for review by the Planning Board.</li> </ol>	<p>Based upon the CB-A Use Table, the proposed multifamily dwelling requires the Town Board to issue a Special Use Permit for the proposed new building.</p> <p>A variance from the ZBA is required.</p> <p>A variance from the ZBA is required.</p>

6. The site plan should be revised to include details of the proposed refuse enclosure pursuant to [Section 355-15.O of the Town Code](#).
7. The Zoning Schedule on plan SP should be revised to indicate the existing and proposed amount (in % of the total parking area) of landscaping within the parking area.
8. The Town Wetlands Consultant should review the site and the adjacent NYCDEP site to determine whether a wetlands permit would be required for any of the proposed improvements.
9. The Applicant is proposing to continue the sidewalk along Old Route 22 along the property frontage. The plans should be revised to also continue the street lighting along the property frontage.