



**TOWN OF NORTH CASTLE**  
**WESTCHESTER COUNTY**  
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Armonk, New York 10504-1898

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**PLANNING BOARD**  
Christopher Carthy, Chair

## **RESOLUTION**

<b>Action:</b>	Site Plan Approval
<b>Project Name:</b>	12 Maple Avenue [2023-029] – Site Development Plan
<b>Applicant:</b>	Remix Properties, LLC
<b>Owner:</b>	GMS 12 Maple, LLC
<b>Designation:</b>	108.01-1-6-26
<b>Zone:</b>	CB-A2 (Central Business District)
<b>Acreage:</b>	0.32 acres
<b>Location:</b>	12 Maple Avenue, Armonk
<b>Date of Approval:</b>	March 11, 2024
<b>Expiration Date:</b>	March 11, 2025 (1 Year)

WHEREAS, the Applicant is seeking to expand the existing 1,700 square foot building built in the 1820s to house a new 3,600 square foot restaurant with 90 indoor seats and 54 outdoor dining seats; and

WHEREAS, the property is approximately 0.32 acres in size and lies within the CB-A2 zoning district; and

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

- Plan labeled “C-0.0,” entitled “Cover Sheet,” dated July 7, 2023, last revised December 22, 2023, prepared by Kimley-Horn Engineering and Landscape Architecture of New York, P.C.
- Plan labeled “C-1.0,” entitled “General Notes,” dated July 7, 2023, last revised December 22, 2023, prepared by Kimley-Horn Engineering and Landscape Architecture of New York, P.C.
- Plan labeled “C-2.0,” entitled “Existing Conditions Plan,” dated July 7, 2023, last revised December 22, 2023, prepared by Kimley-Horn Engineering and Landscape Architecture of New York, P.C.
- Plan labeled “C-2.1,” entitled “Demolition Plan,” dated July 7, 2023, last revised December 22, 2023, prepared by Kimley-Horn Engineering and Landscape Architecture of New York, P.C.
- Plan labeled “C-3.0,” entitled “Layout Plan,” dated July 7, 2023, last revised December 22, 2023, prepared by Kimley-Horn Engineering and Landscape Architecture of New York, P.C.

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- Plan labeled “C-4.0,” entitled “Grading and Drainage Plan,” dated July 7, 2023, last revised December 22, 2023, prepared by Kimley-Horn Engineering and Landscape Architecture of New York, P.C.
- Plan labeled “C-5.0,” entitled “Utility Plan,” dated July 7, 2023, last revised December 22, 2023, prepared by Kimley-Horn Engineering and Landscape Architecture of New York, P.C.
- Plan labeled “C-6.0,” entitled “Erosion and Sediment Control Plan,” dated July 7, 2023, last revised December 22, 2023, prepared by Kimley-Horn Engineering and Landscape Architecture of New York, P.C.
- Plan labeled “C-6.1,” entitled “Erosion and Sediment Control Details,” dated July 7, 2023, last revised December 22, 2023, prepared by Kimley-Horn Engineering and Landscape Architecture of New York, P.C.
- Plan labeled “C-7.0,” entitled “Landscaping Plan,” dated July 7, 2023, last revised December 22, 2023, prepared by Kimley-Horn Engineering and Landscape Architecture of New York, P.C.
- Plan labeled “C-7.1,” entitled “Landscaping Details,” dated July 7, 2023, last revised December 22, 2023, prepared by Kimley-Horn Engineering and Landscape Architecture of New York, P.C.
- Plan labeled “C-8.0,” entitled “Lighting Plan,” dated July 7, 2023, last revised December 22, 2023, prepared by Kimley-Horn Engineering and Landscape Architecture of New York, P.C.
- Plan labeled “C-8.1,” entitled “Lighting Details,” dated July 7, 2023, last revised December 22, 2023, prepared by Kimley-Horn Engineering and Landscape Architecture of New York, P.C.
- Plan labeled “C-9.0,” entitled “Sight Distance Plan,” dated July 7, 2023, last revised December 22, 2023, prepared by Kimley-Horn Engineering and Landscape Architecture of New York, P.C.
- Plan labeled “C-10.0,” entitled “Site Details,” dated July 7, 2023, last revised December 22, 2023, prepared by Kimley-Horn Engineering and Landscape Architecture of New York, P.C.
- Plan labeled “C-10.1,” entitled “Site Details,” dated July 7, 2023, last revised December 22, 2023, prepared by Kimley-Horn Engineering and Landscape Architecture of New York, P.C.
- Plan labeled “C-10.2,” entitled “Site Details,” dated July 7, 2023, last revised December 22, 2023, prepared by Kimley-Horn Engineering and Landscape Architecture of New York, P.C.
- Plan labeled “C-10.3,” entitled “Site Details,” dated July 7, 2023, last revised December 22, 2023, prepared by Kimley-Horn Engineering and Landscape Architecture of New York, P.C.
- Plan entitled “Concept Design Furniture Plan,” dated December 21, 2023, prepared by Fowler Fowler Architecture & Design.
- Valet Parking Plan (undated) prepared by Kimley-Horn Engineering and Landscape Architecture of New York, P.C.

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WHEREAS, 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; and

WHEREAS, the Applicant received ARB approval for the project on March 7, 2024; and

WHEREAS, the application for site plan approval was sent to the Westchester County Planning Board pursuant to § 239-m of New York State General Municipal Law (GML); and

WHEREAS, the Westchester County Planning Board noted that the Applicant should be commended for proposing to repurpose an underutilized structure, providing economic development while maintaining the character of the Armonk downtown and

WHEREAS, the Westchester County Planning Board also noted that the Applicant should be commended for proposing to install a green roof atop the building addition, though the majority of the stormwater management system for the site would continue to utilize the existing storm drains, directing all flow off the property; and

WHEREAS, the Westchester County Planning Board further noted that the Applicant should be commended for proposing a shared parking solution for the lack of available space within the development site since as development opportunities arise within the Town, transportation demand management solutions such as this will enable commercial centers to remain pedestrian friendly, while lessening the need for an increase in impermeable surfaces; and

WHEREAS, the site plan was 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; and

WHEREAS, the Police Department expressed concerns relating to the flow of vehicles from the site to the adjacent 20 Maple Avenue via Maple Ave and also expressed further concern that vehicles will queue on Maple Avenue and disrupt traffic operations; and

WHEREAS, the Police Department also is concerned with pedestrians crossing on Maple Avenue in the area of the Applicant's property without a crosswalk if they park or travel from other areas of the hamlet; and

WHEREAS, the Police Department also expressed concern with the long-term reliance on satellite parking agreements at locations not owned by the Applicant, and the potential for ownership and usage to changes at those locations; and

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WHEREAS, the site plan was forwarded to the Sewer and Water Department so that they may make any pertinent recommendations to the Planning Board the capacity of the sewer and water infrastructure to handle the proposed amount of effluent and water demand; and

WHEREAS, the Sewer and Water department noted that additional data is required so that the Town has a better understanding of water and sewer impacts; and

WHEREAS, the Water and Sewer Department recommended that the Applicant reconsider the grease trap location. In addition, the Water and Sewer Department noted that irrigation water demand should be included in the calculations. Furthermore, the Department noted that the plan should be revised to depict the location of the water meter, backflow preventer and appurtenances; and

WHEREAS, the site plan depicts a total of 15 off-street parking spaces where 48 are required; and

WHEREAS, the addition and change of use required an off-street parking variance that was issued by the Zoning Board of Appeals on December 7, 2023; and

**[ZBA VARIANCE BASED UPON VALET PARKING AT 12 MAPLE AND 20 MAPLE]**

WHEREAS, as mitigation for the lack of on-site parking the Applicant has proposed to limit the number of seats to 46 simultaneous seats during lunch service, lease the parking lot at 20 Maple Avenue during dinner service, lease 9 off-street parking spaces at 35 Bedford Road (American Legion) for employee parking and provide valet parking for dinner service at 20 Maple Avenue; and

**[VALET AT 12 MAPLE HAS BEEN REMOVED FROM PLAN – TOWN ATTORNEY WILL NEED TO OPINE WHETHER PB CAN PROCEED WITH SITE PLAN SINCE PARKING PLAN HAS CHANGED SINCE ZBA VARIANCE APPROVAL]**

WHEREAS, given the proposed lack of off-street parking in the hamlet area, the project was referred to the Town’s Traffic Consultant for review and report; and

WHEREAS, the Town’s Traffic Consultant noted that during the evening and on weekends 56 off-street parking spaces will be available via valet parking at the site and at 20 Maple Avenue; and

WHEREAS, the Town’s Traffic Consultant also noted that only 24 spaces will be available during the critical afternoon parking crunch in the Armonk Hamlet; and

WHEREAS, however, the Town’s Traffic Consultant concluded that adequate parking will be available in and around the restaurant once all of the details of the plans are revised to the Town’s satisfaction.

WHEREAS, on March 11, 2024, the Planning Board, pursuant to §355-44 of the North Castle Code, conducted a duly noticed public hearing 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 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 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. All submitted plans shall contain the seal and signature of the professional preparing the plan to the satisfaction of the Planning Department.
- \_\_\_\_\_ 2. The off-street parking leases shall be prepared to the satisfaction of the Town Attorney. The leases shall provide clear conditions documenting how and when the leases can be terminated by the Applicant.
- \_\_\_\_\_ 3. The lighting plan shall be revised, to the satisfaction of the Planning Department, to provide approximately 1 footcandle along the existing sidewalk and parking lot.
- \_\_\_\_\_ 4. The submitted site plan shall be revised, to the satisfaction of the Planning Department, to note that only male Ginko trees shall be planted.

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- \_\_\_\_\_5. The elevations shall be revised, to the satisfaction of the Planning Department, to depict proposed building height (average grade to roof midpoint).
- \_\_\_\_\_6. Spaces 1 – 7 are located adjacent to an existing sidewalk located along the Eden Enterprises, LLC access drive, permitting vehicles parked within these spaces to overhang the sidewalk. The applicant shall provide wheel stops or other measures along the curb line which will prevent vehicles from overhanging the walkway to the satisfaction of the Town Engineer.
- \_\_\_\_\_7. Vehicles exiting Spaces 1 and 15 may have difficulty exiting the spaces due to the location of the refuse enclosure and no back out area having been provided to permit the vehicle to maneuver. Typically, the curb or refuse enclosure is set back 5 – 10 feet from the spaces, which provides the necessary room to back out of the spaces. The applicant shall address this issue to the satisfaction of the Town Engineer.
- \_\_\_\_\_8. Considering the extent of work occurring through and adjacent to the sidewalk, it is apparent that the work will damage the walkway to the extent that the complete sidewalk should be replaced along the Maple Avenue frontage and along the side yard up to the driveway curb cut. The site plan shall be revised to depict the reconstruction of the sidewalk to the satisfaction of the Town Engineer.
- \_\_\_\_\_9. The existing Maple Avenue sidewalk is located on the subject property. The sidewalk shall be relocated into the Town right-of-way or an easement shall be provided to the satisfaction of the Town Attorney.
- \_\_\_\_\_10. The proposed project will result in an increase of impervious surfaces which shall be mitigated prior to discharge to the Town drainage system. The Applicant shall prepare a stormwater mitigation design, to the satisfaction of the Town Engineer, that would, at a minimum, maintain peak discharge from the site to existing discharge rates. The design shall address storms up to the 25-year, 24-hour event.
- \_\_\_\_\_11. If the stormwater practice is an infiltration system, the Applicant shall perform deep soil tests and infiltration tests in the vicinity of the proposed mitigation system to the satisfaction of the Town Engineer. Testing shall be scheduled with the Town Engineer. Test locations and results shall be provided on the project plans or within the stormwater report.
- \_\_\_\_\_12. The applicant shall prepare a cut and fill analysis for the project to the satisfaction of the Town Engineer.

- \_\_\_\_\_ 13. The Applicant will be opening the travelway within Maple Avenue at three (3) separate locations to connect sewer, water and gas services to the restaurant. Maple Avenue is a primary vehicle route through the Armonk hamlet and therefore requires careful planning and coordination with emergency responders prior to work being performed within the right-of-way. The Applicant shall prepare a Traffic Management Plan for Maple Avenue during the installation of utilities, during the construction of a new sidewalk and during deliveries of materials and equipment to the satisfaction of the Town Engineer. The Applicant shall consult with the Town Police Chief while preparing the plan.
- \_\_\_\_\_ 14. The Applicant has prepared an erosion and sediment control plan for the project. The plan shall be expanded to detail project phasing, construction equipment storage, material storage, worker parking and a construction office to the satisfaction of the Town Engineer. If Maple Avenue or the access drive needs to be used at certain times during construction for deliveries, then the Applicant shall address the traffic management measures to be implemented, within the Traffic Management Plan to the satisfaction of the Town Engineer.
- \_\_\_\_\_ 15. The Applicant is proposing an eight (8) foot wide by five (5) foot deep refuse dumpster area within the rear yard. The Applicant shall meet with the refuse carter servicing the restaurant to confirm that adequate space will be available for dumpsters, compactors and recyclable storage for the facility. Additionally, the proposed dumpster location appears to restrict maneuvering out of Spaces 1 and 15.
- \_\_\_\_\_ 16. Construction details shall be provided for all site improvements and restoration procedures to the satisfaction of the Town Engineer. All utilities within the Maple Avenue travelway shall be backfilled with K-crete. All pavement surface restoration shall include 2 ½ inches of asphalt top course, 4 inches of binder course and 8 inches of Item 4. Also, all drainage inlets shall include an 18 inch deep sump.
- \_\_\_\_\_ 17. Pursuant to Section 127-17 of the Town Code, the applicant shall submit a detailed quantity cost estimate for all site improvements proposed, with the quantities certified to by the applicant's engineer, to the satisfaction of the Town Engineer.
- \_\_\_\_\_ 18. Payment of all applicable fees, including any outstanding consulting fees.
- \_\_\_\_\_ 19. The Applicant shall submit to the Planning Board Secretary one PDF set of plans (with required signature block) 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.

- \_\_\_\_\_ 20. 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. A Road Opening Permit shall be obtained from the Town Highway Department. The Applicant shall meet with the Town Highway Superintendent at this time, confirming his concurrence with the details for improvements and restoration within the Town right-of-way.
- \_\_\_\_\_ 2. If required, the Applicant shall obtain a Fill Permit from the Town Building Department
- \_\_\_\_\_ 3. The approved site plan shall be signed by both the Planning Board Chair and Town Engineer.
- \_\_\_\_\_ 4. 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.
- \_\_\_\_\_ 5. The proper construction type stickers shall be affixed to the building to the satisfaction of the Building Department.
- \_\_\_\_\_ 6. All proposed building/site signage will require ARB approval.
- \_\_\_\_\_ 7. The applicant shall submit an engineering inspection fee equal to 3% of the estimated cost of construction.
- \_\_\_\_\_ 8. Payment of all outstanding fees, including professional review fees.

**Prior to the Issuance of a Certificate of Occupancy/Compliance:**

*(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 submitted material indicates that there might be nighttime music/dancing/parties. If such uses are not associated with typical sit down dinner service, those proposed uses may require the issuance of a Town Board Cabaret License pursuant to Chapter 140.



- \_\_\_\_\_ 2. An outdoor dining permit, issued by the Building Department, shall be required prior to utilizing any outdoor/roof area for outdoor dining.
- \_\_\_\_\_ 3. A Knox Box shall be installed at the main entrance to the building to the satisfaction of the Building Department.
- \_\_\_\_\_ 4. The fire department shall walk through during and post construction to review the fire safety system for the building to the satisfaction of the Building Department.
- \_\_\_\_\_ 5. Prior to the issuance of a certificate of occupancy/compliance, the actual construction, installation and implementation of all landscaping shall be certified by a licensed landscape architect as being in compliance with the approved plans and conditions, at the sole cost and expense of the Applicant.
- \_\_\_\_\_ 6. The submission to the Town Building Inspector of an "As Built" site plan.
- \_\_\_\_\_ 7. Payment of all outstanding fees, including professional review fees.

**Other Conditions:**

1. Lunch service shall be limited to 46 simultaneous seats. If the Planning Board determines that adequate parking can't be provided, the Applicant shall be required to reduce lunch occupancy or propose another solution satisfactory to the Planning Board whereby adverse parking impacts to the hamlet are eliminated.
2. Dinner service shall require valet parking at 12 Maple Avenue and 20 Maple Avenue. If the Planning Board determines that adequate parking can't be provided, the Applicant shall be required to reduce dinner occupancy or propose another solution satisfactory to the Planning Board whereby adverse parking impacts to the hamlet are eliminated.
3. The Applicant shall be required to provide off-street employee parking to the satisfaction of the Planning Board. If the Planning Board determines that adequate employee parking can't be provided, the Applicant shall be required to propose another solution satisfactory to the Planning Board whereby adverse parking impacts to the hamlet are eliminated.
4. If requested by the Building Department, the Applicant shall provide occupancy sensor data demonstrating compliance with lunchtime seating occupancy limits.
5. 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.

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6. 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.
7. 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.
8. 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.
9. 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.
10. 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.
11. Compliance with all applicable local laws and ordinances of the Town of North Castle and any conditions attached to permits issued thereunder.

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12. 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 Westchester County Best Management Practices for Construction and Related Activities.
13. 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  
Remix Properties, LLC, Applicant

\_\_\_\_\_  
Date  
GMS 12 Maple, LLC, Owner

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

\_\_\_\_\_  
Date  
Joseline Flores, Planning Board Secretary

KSCJ CONSULTING  
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