

**FREDERICK P. CLARK ASSOCIATES, INC.**

Planning/Development/Environment/Transportation  
 Rye, New York and Fairfield, Connecticut

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## **PROJECT REVIEW HIGHLIGHTS REPORT**

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<b>PROJECT NAME [FPCA ACCOUNT #]:</b> Local Ice Cream [163.842]	<b>REPORT DATE:</b> July 15, 2010
<b>APPLICATION TYPE(S) SUBMITTED:</b> Special Use Permit (Carry-Out Restaurant)	
<b>PLANNING BOARD MEETING DATE/TYPE:</b> July 20, 2010 Public Hearing	<b>PRE-APPLICATION MEETING DATE:</b> June 17, 2010
<b>APPLICANT NAME:</b> Adam Strahl	<b>PROPERTY OWNER NAME:</b> Wells Fargo Bank, N.A.
<b>SITE LOCATION [TAX MAP DESIGNATION]:</b> 75 S. Greeley Avenue [#100.11-3-55]	<b>SITE ZONING:</b> B-RP
<b>FIRE DISTRICT:</b> Chappaqua	<b>SCHOOL DISTRICT:</b> Chappaqua
<b>DRAINAGE BASIN:</b> Lower Hudson River	<b>SURROUNDING LAND USE:</b> N - commercial; S - commercial; E – parking and sports field; W - commercial
<b>WITHIN 500 FEET OF AGRICULTURAL DISTRICT:</b> No	<b>ADJACENT TO TACONIC STATE PARKWAY:</b> No
<b>SEQR CLASSIFICATION:</b> Type II (617.5(c)(2))	<b>OTHER INVOLVED AGENCIES (KNOWN TO DATE):</b> WCDOH
<b>REQUIRED REFERRALS/DATE OF 1ST/LAST REFERRALS:</b> None	<b>ADDITIONAL REFERRALS/DATE OF 1<sup>ST</sup>/LAST REFERRALS:</b> None
<b>SUBMISSIONS:</b> See Attachment A	<b>AERIAL PHOTO:</b> See Attachment B
<b>PURPOSE OF APPLICATION:</b> The Applicant is proposing to open a new carry-out restaurant featuring ice cream, sandwiches and salads, in an existing tenant space at 75 S. Greeley Avenue that was formerly occupied by a retail store. The proposed use will have a gross floor area of 567 square feet, with 18 indoor seats and outdoor bench seating.	

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**A. PLANNING BOARD POLICY DECISIONS AND ACTIONS**

1. The Planning Board should determine the acceptability of the identified features and/or choose from among the alternatives listed below:
  - a. Proposed site plan, floor plan and operation plan, in relation to the standards of special use permit approval. *[See Comments B.1.b and B.2.a]*
2. The Planning Board should pursue the following next steps:
  - a. The Planning Board should direct the Applicant to revise its plan(s), if necessary, to comply with the applicable minimum requirements of the Town, and should also identify any other technical issues raised by the Town Planning Consultants, the Town Engineer, the Planning Board Counsel, other advisory boards or Planning Board members themselves that the Applicant will be required to address as part of its next submission.

**B. SUBSTANTIVE COMMENTS**

1. Minimum Requirements of Applicable Regulations
  - a. Applicant should submit a narrative addressing the standards and criteria listed in Sections 60-432.2 through 60-432.5 of the New Castle Town Code.
  - b. The Applicant is proposing to open a new ice cream shop carry-out restaurant in an existing tenant space that was previously occupied by a photo shop. The proposed establishment will have a gross floor area of 567 square feet with 18 indoor seats. Pursuant to § 60-426.31 of the Town Code, the parking requirement for a “carry-out restaurant” is one (1) parking space for each 100 square feet of gross floor area or one (1) parking space for each three (3) seats, whichever requirement is greater. Based on this requirement, the proposed business would be required to provide six (6) off-street parking spaces.

For properties located in the B-RP Zoning District, parking requirements can be satisfied if a parking easement over the designated “Parking/Loading/Circulation/Setback Area” of the B-RP District is established. If so, the requirements of the Zoning Law are satisfactorily addressed.

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There is a shared parking lot located in the rear of the building where the proposed tenant space is located. The off-street parking spaces located in this parking lot are divided amongst all of the tenants located in this building. A parking easement in the Town's favor that allowed for the parking spaces to be used by the public was previously executed, but this easement expired on July 1, 1985. It is our understanding that the property owner and the Town Administrator are currently discussing the potential of a new easement agreement. If the parking easement agreement were to be re-executed between the building owner (Wells Fargo Bank N.A.) and the Town, then the Applicant would not be required to show six (6) off-street parking spaces for the proposed carry-out restaurant. If parking easement is not executed, the Applicant will need to meet the normally applicable requirement or obtain a variance.

- c. The Applicant should correct Question #11 of the EAF to be "No."

2. Discretionary Standards of Applicable Regulations

- a. The hours of operation for the proposed business would be Monday through Thursday: 10:00 A.M.-8:00 P.M., and Friday through Sunday: 10:00 A.M.-9:00 P.M., with summer evenings open until 10:00 P.M. In addition to having 18 indoor seats, the Applicant would like to request permission from the Town to install a bench in front of the subject premises, as well as two (2) benches located in the pedestrian walk-thru along the north facing window wall. The Applicant also plans to have a trash receptacle located outside of the store.

Pursuant to §§ 60-432.2, 60-432.4, and 60-432.5 of the Town Code, the Planning Board should determine if:

- i. The location and size of the use and the nature and intensity of the operation are acceptable, and will be in harmony with the appropriate and orderly development of the district.
- ii. The operation will not be more objectionable to nearby properties by reason of noise, fumes, or other characteristics, than an operation of any permitted use not requiring a special use permit in the district.
- iii. The parking area will be of adequate size for the proposed use, properly located, and laid out to achieve maximum and adequate safety.

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3. Additional Recommendations

- a. The Building Department should provide comments on the acceptability of the proposed bench installation within the pedestrian walk-thru if certain minimum clearances need to be maintained for pedestrian access.
- b. The Town Board may need to review the acceptability of the proposed bench installation if proposed within the S. Greeley Avenue street right-of-way.

**C. MISCELLANEOUS COMMENTS**

- 1. None at this time.

**D. FOLLOW-UP REQUIRED BY APPLICANT**

- 1. Unless waived or modified by the Planning Board, the Applicant shall be required to address all comments in this report and any other advisory report(s) submitted to the Planning Board for its consideration.
- 2. The Applicant shall also be required to address any additional comments raised by the Planning Board during a meeting.

Michael E. Landler, AICP  
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Vice President/Planning

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**ATTACHMENT A**

The following submissions from the Applicant were forwarded to the Town Planning Consultants for review and report:

- Plan labeled "A-1," entitled "Floor Plan," undated (received by Planning Board on June 28, 2010, prepared by Joseph Sullivan.
- Document entitled "local ice cream," (business description), undated (received by Planning Board on June 28, 2010).
- Application for Special Use Permit Approval form, dated June 25, 2010.
- Short Environmental Assessment Form, dated June 20, 2010.
- Photographs (6).
- Google maps (2).
- Description/Specs for proposed bench.

**ATTACHMENT B**



**STRAHL PROPERTY - 2007 AERIAL VIEW**  
Town of New Castle, Westchester County, NY

NOTE: This map was compiled from multiple datasets with different scales and projections and should only be used for general planning purposes.  
DATA SOURCES: 2007 Digital aerial orthophotography (NYS GIS Clearinghouse)



July 8, 2010

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