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Village of Mamaroneck Planning Board # \_\_\_\_\_ - 2021

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Date of Planning Board Meeting – December 22, 2021

VILLAGE OF MAMARONECK  
Application of Chop't Restaurant for Site Plan Approval to convert a vacant bank building into a restaurant.

Moved by Cindy Goldstein; Seconded by Richard Litman

**WHEREAS**, Chop't Restaurant ("Applicant") has applied for site plan approval to convert a vacant bank building into a new restaurant on SBL #9-56-4B; and

**WHEREAS**, the property, zoned C-1, is located at 1043 West Boston Post Road in the Village of Mamaroneck ("Village") and Chop't Restaurant is applying for site plan approval pursuant to § 342-75(B) of the Village of Mamaroneck Zoning Code; and

**WHEREAS**, the existing building envelope will remain, interior renovations are proposed, a 167-square foot addition is proposed off the rear of the existing building to accommodate a walk-in cooler, an 812 square foot seasonal patio is proposed for the front of the property, and the existing parking lot will be reconfigured to increase the parking spaces from 17 to 24; and

**WHEREAS**, a six-foot stockade fence along the rear property line would provide screening from the adjoining residential RM-1 district; and

**WHEREAS**, some stormwater improvements and replacement landscaping is also proposed; and

**WHEREAS**, the application was submitted on June 22, 2021, and was supplemented and revised over the course of several months; and

**WHEREAS**, the Applicant received approvals from the Village of Mamaroneck Zoning Board of Appeals on November 16, 2021; and

**WHEREAS**, all application materials are on file with the Village and are available for public review and comment; and

**WHEREAS**, the Planning Board determined at its meeting on July 28, 2021, that the application is a Type II action under the State Environmental Quality Review Act per § 617.5(c)(2) and (9); and

**WHEREAS**, the Village Planning Board at its meetings on July 14, 2021, July 28, 2021, October 10, 2021, and November 11, 2021, and December 8, 2021 considered the Application and any additional materials submitted by the Applicant to address the concerns raised about the Project, primarily related to traffic and pedestrian safety and landscaping on the site; and

**WHEREAS**, the Village Planning Board's consultants assisted in the review of the Application including AKRF Environmental Consultants assisting with the traffic and pedestrian safety review, Terra Bella Land Design LLC, assisting with the review of the landscaping plans, and Kellard Sessions assisting with the review of the soil erosion and sedimentation controls and the post-construction stormwater design; and

**WHEREAS**, the Applicant submitted a Stormwater Pollution Prevention Plan ("SWPPP") prepared by Provident Design Engineering, PLLC, on June 23, 2021, which was revised and resubmitted on October 28, 2021 and November 24, 2021; and

**WHEREAS**, the Applicant submitted a landscape plan prepared by DTS Provident Design Engineering LLP on October 28, 2021; and

**WHEREAS**, the Applicant submitted a lighting plan for the site on November 10, 2021, developed by KLH Mechanical/Electrical Engineers; and

**WHEREAS**, the Applicant submitted a pedestrian safety study conducted by DTS Provident Design Engineering, LLP with multiple conclusions and recommendations; and

**WHEREAS**, DTS Provident Design Engineering LLP submitted a revised site development plan on November 24, 2021; and

**WHEREAS**, the Applicant proposes to remove six trees to complete the project, and to comply with § 318-7 and § 318-8 the Village of Mamaroneck Tree Preservation Law, the Applicant is required to replace said trees with 10 new ones; and

**WHEREAS**, the applicant has adequate space and conditions to plant only 5 trees, but has volunteered to donate 5 additional trees to the Village of Mamaroneck in response to the Village of Mamaroneck's Tree Preservation Law and Terra Bella Land Design's letter from December 15, 2021 recommending potential landscape options; and

**WHEREAS**, John Kellard P.E, of Kellard Sessions in a memorandum to the Planning Board on December 3, 2021 wrote that the Applicant has addressed the previous comments about the SWPPP and the other aspects of the parking lot, trash enclosure, and construction entrance;

**WHEREAS**, a meeting was held with NYSDOT on November 9, 2021 regarding the project and concerns about pedestrian safety and traffic patterns and NYSDOT submitted a comment letter dated December 7, 2021 as a follow up to that meeting and requested further information from the Applicant's traffic engineer DTS Provident Design Engineering; and

**WHEREAS**, DTS Provident Design Engineering submitted a letter on December 16, 2021 in response to the NYSDOT letter and Planning Board comments on December 8, 2021, stating that "maintaining left turns out of the Chop't Driveway is recommended at this time;" and

**WHEREAS**, the Village Planning Board's consultants AKRF, agreed in their memorandum of December 17, 2021, with the conclusions of DTS Provident Design Engineering with respect to maintaining left turn access; and

**WHEREAS**, the Village Planning Board members considered each and every comment, and concern in evaluating whether the site plan for the proposed renovations met the standard for such site plans articulated in the Village Zoning Code; and

**WHEREAS**, in accordance with applicable site plan general considerations the Planning Board has considered the ecological considerations, the landscape, the relation of the renovations to the environment, the scenic and historic considerations, the surface water drainage, the driveway connections to public streets, the traffic effects, pedestrian safety, on-site parking and circulation, utility services, disposal of wastes, noise, advertising features, special features, and reservation of parkland as set forth in § 342-76 of the Village Zoning Code;

**Now Therefore be it Resolved**, that the Village Planning Board confirms the action is a Type 2 action under SEQRA; and

**Be it Further Resolved**, that the Village Planning Board hereby approves the application including the most recent site plan prepared by DTS Provident Design Engineering LLP, and imposes the following conditions:

1. The tree planting shall be undertaken at the same time as the renovation of the building and that the landscaping planted, including the trees, be warranted by the supplier of the materials and that any dead or non-thriving trees shall be replaced over the life of the project by the Applicant at the Applicant's cost;
2. That the Applicant will revise the landscape plan to an additional tree, as recommended in the Terra Bella Land Design memo, dated December 15, 2021;
3. The Village of Mamaroneck Planning Board waives the requirement that the Applicant must plant 10 trees and instead, the Applicant will offer to provide funds to the Village to purchase and plant 5 trees 2" to 2.5" diameter at breast height because the Applicant has insufficient space due to shallow bedrock to successfully plant the number of replacement trees required by the Village of Mamaroneck Tree Preservation Law;
4. The Professional Engineer for the Project shall submit a certification to the Village Building Department that the renovations were constructed in accordance with the approved site plans;
5. All local, State and federal permits required for the project shall be obtained prior to issuance of the Certificate of Occupancy; All outstanding escrow or other fees shall be paid to the Village prior to the issuance of the building permit;
6. The Applicant shall continue to work with the New York State Department of Transportation, the Mamaroneck Union Free School District and the Village of Mamaroneck's Traffic Commission to ensure the roads and walkways are safe and compliant with the American with Disabilities Act, to obtain the necessary highway work permits from NYSDOT for the Project and the applicant shall submit a written report on these efforts to the Planning Board; and

7. To implement the changes at the site related to stormwater the Applicant, prior to the issuance of a certificate of occupancy, shall--
- provide a maintenance schedule and procedures for all proposed stormwater management infrastructure; and
  - provide a maintenance agreement for the proposed stormwater management features for review by the Village Consulting Engineer; and
  - submit a Stormwater As-Built Survey that includes topography and the location, description, rim elevations and invert elevations of all newly installed stormwater facilities for review by the Village Consulting Engineer; and
  - submit a fully executed Construction, Maintenance and Inspection Declaration for the stormwater management facilities to be installed, in a form satisfactory to the Village to the Building Department with proof that the Declaration has been recorded in the Westchester County Clerk's Office.

By (unanimous/majority) vote of the Planning Board of the Village of Mamaroneck at its regular meeting of December 22, 2021.

<u>Roll Call Vote:</u>	<u>Yes</u>	<u>No</u>	<u>Abstain/Absent</u>
Kathleen Savolt, Planning Board Chair	x		
Cindy Goldstein, Board Member	x		
Richard Litman, Board Member	x		
Ellen Styler, Board Member	x		
Seamus O'Rourke, Board Member			Abstain

Planning Board of the Village of Mamaroneck

  
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Kathleen Savolt, Planning Board Chair

12/23/2021  
Date