

Application of CPD Group

Property: 434 Gramatan Avenue (Sheet 165.38, Block 1162, Lot 2 and RMF-15 Zone)

**RESOLUTION
CITY OF MOUNT VERNON PLANNING BOARD
(Adopted October 6, 2021)**

**Application of CPD Group
Property: 434 Gramatan Avenue (Sheet 165.38, Block 1162, Lot 2 and
RMF-15 Zone)**

Resolution of Site Plan and Special Permit Approval

Background

1. The Applicant requested site plan approval for proposed Gas Station alterations and the renovation/conversion of the existing 1,939 sf building from motor vehicle repair/snack shop into a convenience store. The footprint of the existing building is not being expanded and will have 1,030 sf of net retail sales area. The Applicant is proposing a new 24' x 52' canopy proposed above the fuel pumps. The C-Store renovation/conversion will require a special permit pursuant to §267-28 (K).

2. On January 28, 2021, the Applicant petitioned the Mount Vernon City Council for a zoning amendment to allow a convenience store within a gas station at 434 Gramatan Avenue. The City Council referred the request to the Planning Board for a recommendation. On March 3, 2021, the Planning Board issued a recommendation to allow convenience stores as an accessory use to a gas station in the Neighborhood Business, Downtown Business and Industrial zones and within the RMF-10 and RMF-15 zones with a special permit from the Planning Board with specific use standards. On April 28, 2021, the Mount Vernon City Council held a public hearing on the proposed text amendment to allow convenience stores as an accessory use with gas stations in the recommended zones including the RMF-10 and RMF-15 as a special permit from the Planning Board subject to specific use standards. The City Council approved the text amendment by resolution dated April 29, 2021.

3. The Planning Board on June 2, 2021, determined this to be a Type II Action under NYS DEC 617.5 (c) (9) "*construction or expansion of a primary or accessory/appurtenant, non-residential 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.*" *The building's total proposed gross floor area consists of 1,939 sf. Therefore, no further environmental review is required.*

4. The Planning Board has conducted a duly noticed public hearing on June 2, 2021, and continued the public hearing on August 4, 2021, September 8, 2021, and October 6, 2021, at which time all those wishing to be heard were given the opportunity to be heard.

5. The Planning Board has carefully examined the Application and reviewed the Applicant's architectural and engineering drawings including site plan, proposed floor plan indicating the net sales area of 1,030 sf for the proposed convenience store, *Traffic Analysis* (Klein

Application of CPD Group

Property: 434 Gramatan Avenue (Sheet 165.38, Block 1162, Lot 2 and RMF-15 Zone)

Traffic Consultants, 12/4/18), *Field Photo Report* (Morris Associates dated 2/8/18), renderings of the site with views from the Fleetwood intersection, Gramatan Avenue and William Street, the revised gable roof design for the convenience store, Applicant Attorney's *Statement of Compliance* describing how the proposal complies with the standards of the special permit, and comments and recommendations from the City Planning Administrator in memoranda dated 3/3/21 and 5/31/21, which they have considered.

6. The Zoning Board of Appeals held a duly noticed public hearing on September 20, 2021, to review the Applicant's request for a front yard setback relative to the proposed canopy over the fuel pumps. The canopy will encroach into the required front yard setback of 10' resulting in one corner of the canopy being above the property line and the other corner being approximately 2.7' from the property line with no encroachment on the existing sidewalk. The ZBA closed the public hearing and approved the requested area variance on September 20, 2021.

7. The Architectural Review Board reviewed the Applicant's request for a certificate of appropriateness for the canopy and convenience store at a duly noticed public hearing held on July 28, 2021, and continued on August 25, 2021. In response to the ARB, Applicant provided a revised gable roof design for the convenience store. This was reviewed by the ARB which closed the public hearing and approved the requested certificate of appropriateness for the canopy and convenience store on August 25, 2021.

8. The Planning Board closed their public hearing on October 6, 2021. After closing the public hearing, the Planning Board deliberated in public on the Applicant's request for approval.

Determination

The Planning Board determines that based upon the findings and reasoning set forth below, the Application for site plan approval and special permit for a gasoline service station convenience store is granted subject to the conditions set forth below.

I. **Findings**

The Planning Board considered the standards set forth in City of Mount Vernon Zoning Code ("Zoning Code") §267-34, Article VII and finds that subject to the conditions set forth below, the proposed site plan is consistent with the site plan design and development principles and standards set forth therein.

The Planning Board has reviewed the Applicant's site plan and application. Subject property is 10,984 sf and is located at 434 Gramatan Avenue between William Street and Fleetwood Avenue, across from the Westchester Gardens apartments. The Site is on the northwest corner of William Street and Gramatan Avenue. The property currently supports a one-story, 1,939 square foot Mobil service station and snack shop. The gas station has two

Application of CPD Group

Property: 434 Gramatan Avenue (Sheet 165.38, Block 1162, Lot 2 and RMF-15 Zone)

service bays and three gas pumps with six fueling stations. Two large curb cuts access the Site from Gramatan Avenue and one driveway from William Street. The Site is located across William Street from a Shell gas station and food mart on the southwest corner of William Street and Gramatan Avenue.

The subject property is located in the RMF-15 – Multi-Family Residence zoning district. Gas stations and convenience stores were not permitted in this district. This gas station, as well as the adjacent Shell station, which is located in the RMF-10 zone were both pre-existing, non-conforming uses. On April 29, 2021, Applicant received City Council approval for a text change to allow a gas station and accessory convenience store in the RMF-15 zone by special permit from the Planning Board with specific use standards.

The proposed development calls for fully renovating the existing building within the existing footprint to accommodate a convenience store. The net sales area within the convenience store is 1,030 sf. The garage doors will be replaced with a new store front. The existing flat roof would be converted to a pitched roof. A new 24' x 52' canopy is proposed above the fuel pumps. There is no existing canopy over the fuel pumps. The roof drains from the canopy will be connected to the existing drainage system. The fuel pumps would be replaced and upgraded. New sidewalks would be replaced around the site. Additionally, a dumpster and mechanical equipment enclosures are also proposed. The site provides 13 parking spaces which meets the Code's off-street parking requirement. There is one ADA accessible parking space as required on-site adjacent to the convenience store. A search of the DEC Environmental Database has not indicated any spill incidents on the subject property.

Applicant is proposing to illuminate the canopy and provide building mounted luminaires on the proposed C-Store. All exterior site lighting shall not extend beyond the property line and does not exceed 1.0 footcandle at the property line. All luminaires shall be shielded and provided with 90-degree cutoffs. There are no pole-mounted light fixtures on the site. There is and will not be provision for on-site consumption of food by patrons. Safety measures shall include unobstructed windows of an adequate size, which should allow activities inside to be seen from the outside. Additional measures will include drop safes, visible cash registers, video surveillance and panic or holdup alarm systems provided pursuant to the requirements of the City of Mount Vernon Police Department.

In addition, the Planning Board has considered the special permit standards set forth in the City of Mount Vernon Zoning Code ("Zoning Code") for a gasoline service station convenience store §267-28 (K) and finds that the proposed plan complies with the specific conditions of the special permit.

II. Approved Plan:

Except as otherwise provided herein, all work shall be performed in strict compliance with the plan submitted to the Planning Board and approved by the Planning Board as follows:

Application of CPD Group

Property: 434 Gramatan Avenue (Sheet 165.38, Block 1162, Lot 2 and RMF-15 Zone)

Architectural and Engineering plans prepared by CPL Architecture, Engineering, Planning for Chestnut Petroleum Distributors, Inc. *Proposed Convenience Store, City of Mount Vernon, Westchester County, NY* dated 9/19/18 and last revised 9/14/21 and *Sheet A1* prepared by Morris Associates Engineering & Surveying Consultants dated 2/26/18 unless otherwise noted entitled:

- A1 “Existing Building Floor Plan and Elevations, 434 Gramatan Avenue”
- A1 Of 1 “Conceptual Building Floor Plan and Elevations, 434 Gramatan Avenue”
- 1 of 2 “Proposed Site Plan, 434 Gramatan Avenue”
- 2 of 2 “Proposed Site Safety Plan, 434 Gramatan Avenue last revised 1/6/21
- Survey “ALT A/ACSM Land Title Survey, Exxon Mobil, SS#10700, 434 Gramatan Avenue, Mt. Vernon, NY prepared by MKA, a National Land Services Group, dated April 26, 2021, and last revised December 20, 2010.
- (the “Approved Plans”).

III. General Conditions

- (a) Requirement to Obtain Approvals: The Planning Board’s approval is conditioned upon Applicant receiving all approvals required by other governmental approving agencies without material deviation from the Approved Plans.
 - (b) Changes to Approved Plans: If as a condition to approval any changes are required to the Approved Plans, the Applicant shall submit: (i) final plans complying with all requirements and conditions of this Resolution, and (ii) a check list summary indicating how the final plans comply with all requirements of this Resolution. If said final plans comply with all the requirements of this Resolution as determined by the Planning Department, they shall also be considered “Approved Plans.”
 - (c) Force and Effect: No portion of any approval by the Planning Board shall take effect until (1) all conditions are met, (2) this Final Site Plan resolution is signed by the Chair of the Planning Board and (3) the Final Site Plan resolution signed by the Planning Board Chair has been filed with the City Clerk.
2. Field Changes: In the event, the Building Commissioner agrees that, as a result of conditions in the field, field changes are necessary to complete the work authorized by the Approved Plans and deems such changes to be minor, the Building Commissioner, allow such changes, subject to any applicable amendment to the approved building permit(s). If not deemed minor, any deviation from or change in the Approved Plans shall require application to the Planning Board for amendment of this approval. In all cases, amended plans shall be submitted to reflect approved field changes.

Application of CPD Group

Property: 434 Gramatan Avenue (Sheet 165.38, Block 1162, Lot 2 and RMF-15 Zone)

3. Commencing Work: No work may be commenced on any portion of the site without first contacting the Building Commissioner to ensure that all permits and approvals have been obtained and to establish an inspection schedule. **Failure to comply with this provision shall result in the immediate revocation of all permits** issued by the City along with the requirement to reapply (including the payment of application fees) for all such permits, the removal of all work performed and restoration to its original condition of any portion of the site disturbed and such other and additional civil and criminal penalties as the courts may impose.

- (d) Landscaping: All landscaping on the approved planting plan shall be installed in a healthy and vigorous state and shall be inspected at the beginning and end of the growing season within the first and second year of installation. Individual species that do not survive beyond the first and second year shall be replaced at the beginning of the next growing season

IV. Specific Conditions

1. Pursuant to Chapter 210-3 (*Retail and Commercial Establishments*) of the Code of the City of Mount Vernon, the hours of operation for the Convenience Store shall be limited to the following hours on the following days: Monday through Saturday: 5:00 am to 12:00 midnight; and Sunday: 5:00 am to 11:00 pm.

