

**Application of Wael Rozeik**

**Property: 1 Mount Vernon Avenue (Sheet 169.69, Block 1069, Lot 7 and CB Zone)**

**RESOLUTION  
CITY OF MOUNT VERNON PLANNING BOARD  
(Adopted November 3, 2021)**

**Application of Wael Rozeik**

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CB Zone)**

**Resolution of Site Plan and Special Permit Approval**

**Background**

After due deliberation, on motion by Chairman Selsey, seconded by Commissioner Zamor and carried, the following resolution was adopted:

1. Applicant is requesting site plan and special permit approval for Proposed Gas Station Renovation with 1 new underground storage tank (UST) and two gas pump islands and conversion of auto repair to Convenience Store at 1 Mount Vernon Avenue. The two pumps will accommodate four fueling positions. The existing building is a repair facility which will be converted into 842 sf convenience store and 1,998 sf garage repair facility.

2. The Planning Board on September 8, 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 1,800 sf. Therefore, no further environmental review is required.*

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

4. The Planning Board has carefully examined the Application and reviewed the Applicant's Civil Engineering drawings, landscaping, zoning analysis, elevations, and floor layout. The Planning Board also reviewed applicant's revised plans (last revised 11/1/21) which showed the requested changes including four cultec chambers and runoff calculations for stormwater pollution prevention plan, change from 4' chain link rear fence to 4' black aluminum, the 3000 lumen limit on the lighting, 3' wide landscape buffer along adjacent streets, two added security camera locations (total of 7 security cameras) and note retaining video for at least 30 days, specification of granite curbing, the Plan Examiner's Report dated 6/21/21, and received comments and recommendations from the City Planning Administrator in a work session memoranda dated 10/2/210 and 11/1/21 which they have considered.

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5. The Planning Board requested the Applicant to conduct a traffic study for the site focusing on pedestrian/vehicle safety considerations. The Applicant submitted a *Traffic and Parking Impact Analysis for 1 Mount Vernon Avenue* prepared by Ferrandino & Associates October 2021. The Planning Board reviewed the study and noted that the consultant reviewed the access configuration and recommended two left-turn restrictions including *No Left Turn into the site from West Lincoln Avenue* and *No Left Turn exiting the site onto Mount Vernon Avenue*. The consultant noted that there left turn restrictions will minimize potential congestion on the adjacent streets and improve on pedestrian safety by minimizing vehicle/pedestrian conflict points. Additional safety measures include the reduction of the width of the existing curb cuts on West Lincoln and Mount Vernon Avenues from 38 and 59’ feet wide respectively to 30 feet.’ Moreover, the sidewalks around the site will be replaced with all new sidewalks per DPW standards. The Consultant’s report reviewed the parking on-site and concluded that it will be sufficient to accommodate customers and staff. The report also reviewed the levels of service on the adjacent roads and concluded that while there will be a slight increase in control delay times, Levels of Service (LOS) will not change due to traffic from the site and will continue to be acceptable. The Report concluded that the Project will not negatively impact traffic parking safety conditions on the adjacent streets and sidewalks. All of the recommended measures have been incorporated into the Applicant’s site plans.

5. The Planning Board closed their public hearing on October 6, 2021. After closing the public hearing, the Planning Board deliberated in public on November 3, 2021, regarding 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 motor vehicle filling station 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. The subject property is a 7,890 sf gas station located at 1 Mount Vernon Avenue at the corner of West Lincoln Avenue and Mount Vernon Avenue. West Lincoln Avenue has a north/south alignment near the site. It has one travel lane in each direction. Mount Vernon/Stevens Avenue is an east/west arterial that intersects West Lincoln Avenue. Th intersection is controlled by a traffic signal. Mount Vernon/Stevens has a travel lane in each direction with parking on both sides.

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The site has 93' frontage along West Lincoln Avnue and approximately 76' along Mount Vernon Avenue. The site proposes 13 parking spaces where 11 spaces are required for the two pump islands, the 842 sf C-Store and the 1,998-sf garage repair facility.

The proposed project consists of renovations to the existing gas station. Renovations include a new fuel dispensing canopy, renovating and converting the existing building into a 842 sf C-store and one service bay. There will be no expansion to the existing footprint of the building. The existing building was formerly used completely for motor vehicle repair work. Applicant proposes to install two new fuel dispensing islands. These will accommodate four fueling positions. The Applicant will install two 10,000 gallon underground storage fuel tanks. A canopy (24' x 42') will cover the fuel pumps. The height of the canopy is 18'. There are two curb cuts on Mount Vernon Avenue and West Lincoln Aveue. The curb cuts will both be reduced to 30 feet in width. Security cameras have been placed at seven locations on the building covering all directions. Video from the security cameras shall be maintained for a period of at least 30 days.

Applicant has added skip laurel (9) and azalea (4) at the rear of the site and Green Velvet boxwood in a 3' wide planting strip with two 4' caliper European Hornbeam trees along Mount Vernon and West Lincoln Avenues. This will reduce the existing impervious coverage of 100 percent by 12 percent. This results in reduced runoff from the site. There is no existing stormwater management system on the site. A new stormwater management system will be installed using four underground cultec chambers as shown on the Stormwater Pollution Prevention Plan. 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 wall mounted luminaires on the proposed C-Store. Generally, the lighting directly under the canopy (mounted at 15') should not exceed 35 fc (which is now shown on the lighting plan) and the color temperature was lowered to 3000 lumens which is a warmer light. The Site Photometric Plan submitted shows that all exterior site lighting shall not extend beyond the property line and do not exceed 1.0-foot candle at the property line. There will be no potential glare onto residential properties as well as for motorists along Mount Vernon Avenue and West Lincoln Avenue.

In addition, the Planning Board has considered the special permit standards set forth in the City of Mount Vernon Zoning Code ("Zoning Code") for motor vehicle filling stations §267-28 (G) (4) Chapter 305, Article VII and finds that the proposed plan provides the landscaping along all streets and property lines, all repair work in the one bay will be in completely enclosed building, and meets the 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:

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Architectural Drawings and Site Civil Drawings prepared by Shahin Badaly, PE for *Convenience Store & Gas Station at 1 Mount Vernon Ave. Mt. Vernon, NY 10550* dated 3/6/20 and last revised 1/12/22 unless otherwise noted entitled:

### Architectural Drawings

- T-001.00 “*Title Page*”
- A-001.00 “*General Notes*”
- Z-001.00 “*Zoning Analysis & Existing Site Plan*”
- A-100.00 “*Demolition Floor Plan*”
- A-110.00 “*Construction Floor Plan*”
- A-300.00 “*Building Elevations*”
- A-300.00 “*Accessibility Details*”

### Site Civil Drawings

- C-001.00 “*Site Landscaping Plans*”
  - C-002.00 “*Site Lighting Plan*”
  - C-100.00 “*Stormwater Pollution Prevention Plan*”
  - C-101.00 “*Stormwater Details*”
  - C-200.00 “*Construction Details*”
  - C-201.00 “*Gas Station Details*”
  - C-202.00 “*Canopy & Fence Details*”
- (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 except as considered by condition d, 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 Village Engineer, 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.

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- (d) Field Changes: In the event, the Building Inspector 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 Inspector may, 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.
- (e) Commencing Work: No work may be commenced on any portion of the site without first contacting the Building Inspector to ensure that all permits and approvals have been obtained and to establish an inspection schedule.
- (f) ARB Review: No construction may take place and a building permit may not be issued until Applicant has obtained approval from the Board of Architectural Review in accordance with applicable provisions of the City of Mount Vernon Code.
- (g) 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.
2. Security Camera videos shall be retained for at least 30 days unless the Mount Vernon Police Department requests a longer time period.
3. Appropriate “*No Left Turn Signs*” entering into the site at West Lincoln Avenue have been included. Appropriate “*No Left Turn Signs*” for exiting and entering vehicles at Mount Vernon Avenue will be installed as shown on the site plan. Applicant’s Engineer has provided revised site plan dated 1/12/22 addressing City Engineer’s comments.

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Vote Record				
Resolution Re: 1 Mount Vernon Avenue				
Date: <u>11/3/2021</u>				
Ayes: <u>6</u>				
Nays: <u>0</u>				
	Yes/Aye	No/Nay	Abstain	Absent
Chair Darryl Selsey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cathlin Gleason	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jamel Thompson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Helene Thompson-Njenga	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Frank Trolio	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Charles Whites	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lesley Zamor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date Approved: 11/3/2021

Date Signed: 11/10/21

By:   
Darryl Selsey, Chair