



**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**

**Action:** Amended Site Plan Approval  
**Application Name:** Oamic Ingredients – 6 Labriola Ct [#17-016]  
**Owner/Applicant:** Oamic Ingredients LLC  
**Designation:** 107.04-2-19  
**Zone:** RELIP Zoning District  
**Acreage:** 4.68 acres  
**Location:** 6 Labriola Ct  
**Previous Dates of Approval:** March 12, 2018 [Amended April 9, 2018, May 15, 2018, July 9, 2018, July 24, 2018 and July 29, 2019]  
**Amendment Date of Approval:** August 1, 2022  
**Expiration Date:** August 1, 2023 (1 Year)

WHEREAS, the Applicant previously obtained site plan and wetlands permit approvals associated with changes to the existing warehouse building; and

WHEREAS, specifically, the Applicant obtained approval to operate a warehouse and distribution center that would label, repack, store, and provide quality control for food and fragrance chemicals; and

WHEREAS, the Applicant was approved to store a maximum total of 2,500 55-gallon drums of liquid and solid material; and

WHEREAS, the liquid portion of the stored material was approved not to exceed 50,000 gallons (909 drums); and

WHEREAS, the warehouse was originally approved to only store NFPA Class III chemicals, or less flammable chemicals, and the storage of Class I and Class II chemicals was not proposed; and

WHEREAS, any future storage of NFPA Class I and NFPA Class II chemicals would require amended approval from the Planning Board after consultation with the Fire Inspector and Fire Chief; and

WHEREAS, the Applicant is now proposing to store chemicals that present a higher flammability hazard that previously approved; and

WHEREAS, the proposed additions are primarily alcohol- and aldehyde-based products; and

WHEREAS, the quantity of the products stored at the facility, however, remain limited due to the design characteristics of the building; and

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WHEREAS, based upon the updated submitted list of chemicals and proposed quantity of chemicals to be stored, no approval/permits are required from the NYCDEP or NYSDEC for chemical bulk storage/containment; and

WHEREAS, based upon the previously submitted list of chemicals and proposed quantity of chemicals to be stored, approval/permits are required from the DEA for four chemicals: Benzaldehyde, Phenylacetic acid, Methyl anthranilate and Heliotropin natural(Piperonal); and

WHEREAS, the DEA may require that the above referenced chemicals be stored in a locked room; and

WHEREAS, interior improvements, previously approved, include the establishment of a new rack system to store the chemicals, establishment of an office, space for quality control activities (laboratory/testing space) and the installation of a fire sprinkler system; and

WHEREAS, the warehouse contains a 200,000-gallon containment system consisting of curbing surrounding the entire inner perimeter of the warehouse to prevent the release of any liquid from the building; and

WHEREAS, the property is 4.68 acres and is located at 6 Labriola Court within the RELIP Zoning District; and

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

- Report entitled “New Product Introduction,” dated November 22, 2021, prepared by Midwest Chemical Safety, LLC.
- Document entitled “Combined Ingredient List,” dated February 29, 2022, prepared by Oamic Ingredients, LLC.
- Safety Data Sheets for all Ingredients, dated March 3, 2022, prepared by Oamic Ingredients, LLC.

WHEREAS, the application for site plan approval was referred (notification only) to the Westchester County Planning Board pursuant to § 239-m of New York State General Municipal Law (GML) on January 11, 2022; and

WHEREAS, the project was referred to the New York City Department of Environmental Protection for notice and comment; and

WHEREAS, NYCDEP provided the following comments:

1. New facilities regulated under 6 NYCRR Part 596 are prohibited within 100 feet of a watercourse or wetland. According to the Executive Summary. Oamic will continue to store and redistribute flavoring chemicals and, Oamic seeks to add chemicals with a higher flammability (NFPA Class I and Class II).
2. The applicant/owner must contact DEP if they plan on altering the use of the facility. Any activities that could reasonably result in the discharge of chemicals to the environment are prohibited. For instance, EAF question 17.b is answered in the affirmative, yet a description was not provided. The document also mentions an additional state of the art fire suppression system and interior berm. A

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floor plan should be provided that demonstrates all spilled material and fire suppression water containment.

3. It would also be prudent for the owner/applicant to develop and maintain a spill plan for loading and unloading chemicals from the warehouse as the loading dock is in proximity to a watercourse (Bear Gutter Creek). The owner should provide training (as stated) and maintain spill kits on site during all deliveries.

WHEREAS, the project was referred to the North Castle Police Department for comment; and

WHEREAS, the North Castle Police Department has provided the following comments:

The Police Department has concerns regarding the above application. This department is concerned with how the building is secured (ie. alarm system, CCTV, door locks). This department had an incident at applicant's property in April of 2021 where it was discovered that youths had gained possession of keys for the building and had been routinely accessing same to loiter within. Applicant's property is in close proximity to residential units on Old Route 22/ Whippoorwill Road area, and the transportation of the proposed chemicals to and from the building & storage within raises safety concerns. The Police Department would like to be included in any discussion of how the proposed chemicals would be safeguarded at the site.

WHEREAS, the Armonk Fire Department previously expressed concerns with respect to the amount of stored chemicals and firefighting effectiveness; and

WHEREAS, the project was referred to the North Castle Building Department for review; and

WHEREAS, the Building Department retained FCS Consulting to review the project on behalf of the North Castle Building Department; and

WHEREAS, the Building Department provided an April 9, 2022 operating permit review; and

WHEREAS, the Applicant will need to address all of the issues addressed in the April 9, 2022 Building Department Operating Permit Review; and

WHEREAS, the town retained HydroEnvironmental Solutions, Inc. (HES) to review the subject application with respect to issues associated with the proposed chemical storage at the proposed facility; and

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WHEREAS, HES in a June 10, 2022 memorandum to the Town of North Castle, HES concluded the following:

Based on a review of the latest Applicant report and our May 24, 2022 site visit, HES believes that the proposed additional compounds will be stored in accordance with all OSHA and local fire codes and will not pose a threat to the human health or the surrounding environment. The field visit indicated that the additional compounds will be stored in a separate area that was recently constructed, as outlined in the Applicant's report. HES confirmed the construction of this new storage area, and that the facility was well maintained and operating in accordance with all pertinent local, state and federal rules and regulations where applicable; and

WHEREAS, the Applicant is required to follow all health and safety and handling requirements listed under OSHA and SARA at all times; and

WHEREAS, site workers in the warehouse portion of the facility and those responsible for the routine handling and testing of the stored compounds must meet all OSHA required health and safety training including 24-hour HAZWOPER technician training and annual refresher training requirements pursuant to 29CFR1910.120(q); and

WHEREAS, the warehouse has been designed with a 200,000-gallon containment system consisting of curbing surrounding the entire inner perimeter of the warehouse to prevent the release of any liquid from the building; and

WHEREAS, the Planning Board, pursuant to § 355-44 of the North Castle Code, conducted a duly noticed public hearing on August 1, 2022 with respect to the site plan and wetlands permit applications, 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 an Unlisted Action pursuant to the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Planning Board has elected to conduct an uncoordinated SEQRA review; 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

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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 based upon its review of the full environmental record the Planning Board finds that the proposed action will not result in any significant adverse environmental impacts and hereby adopts a Negative Declaration pursuant to the requirements of Article 8 of the New York State Environmental Quality Review Law and 6 NYCRR Part 617; and

BE IT FURTHER RESOLVED, that the application for amended site plan approval, as described herein, be and are hereby conditionally approved, subject to the following conditions and modifications; and

BE IT FURTHER RESOLVED that, the amended site plan approval shall expire one 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. Payment of all applicable fees, including any outstanding consulting fees.
- \_\_\_\_\_ 2. 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.

**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. The Applicant shall obtain an Operating Permit/Building Permit for the proposed change in chemicals described in this approval to the satisfaction of the Building Department.

Information to be submitted to the Building Department, Planning Department and the Armonk Fire Department shall include, but is not limited to, Safety Data Sheets (SDS), CAS (Chemical Abstract Service) numbers, location of chemical storage, change in either the chemical or the amount of chemical stored, and whether a drum is increased in size to over 1,000 kg. The Operating Permit shall require, at a minimum:

Annual outside consultant inspection of the facility and operations by a Chemical Engineer or Qualified and/or licensed environmental professional familiar with chemical bulk storage and handling.

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Submission of documentation annually demonstrating that all personnel have adequate health and safety training to the satisfaction of the Planning Department and the Town's environmental professionals.

Submission of a Spill Prevention, Control and Countermeasure Plan (SPCCP) to the satisfaction of the Planning Department.

Submission of documentation that all personnel have received technician training pursuant to 29CFR1910.12(q)(6)(iii) (or as amended in the future) (currently OSHA 24-hour HAZWOPER Training) including annual refresher training pursuant to 29CFR1910.12(q)(8)(i) (or as amended in the future).

Submission of a site-specific Health and Safety Plan (HASP) for the facility to the satisfaction of the Planning Department.

Submission of documentation that the Applicant has consulted with the Armonk Fire Department with respect to chemicals stored and firefighting coordination at a minimum on an annual basis along with an updated stored chemical database.

Ability for the Town to inspect the facility at any time and unannounced as well as request an updated chemical inventory.

At a minimum, the facility shall be provided with an on-site shift supervisor who shall be fluent in English.

The SPCC and Site Specific Health and Safety Plan shall be maintained on-site.

The SDS documentation, SPCC and Site Specific Health and Safety Plan shall be updated and redistributed to the Town and Fire Department upon any change to the chemicals stored on-site.

All warehouse inventory shall include an English label with CAS number.

- \_\_\_\_\_2. SDS sheets for all chemicals (in each drum and package) and quantity proposed to be stored in the warehouse shall be submitted to the Building Department, Fire Department and Police Department and updated annually by the Applicant.

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- \_\_\_\_\_ 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. 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 Applicant shall obtain an Operating Permit pursuant to Section 127-10 of the Town Code.

**Other Conditions:**

The liquid portion of the stored material shall not exceed 50,000 gallons (909 55-gallon drums).

Chemical processing, mixing and/or blending shall not be permitted on the property.

Liquid chemicals shall not be repacked onsite.

Outdoor storage of vehicles or materials shall be prohibited without Planning Board site plan approval.

Compliance with all applicable federal, state, county and local laws and ordinances and any conditions attached to permits issued thereunder.

All landscaping 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.

\*\*\*\*\*

APPLICANT, agreed and understood as to contents and conditions, including expiration, contained herein

\_\_\_\_\_  
Date

\_\_\_\_\_  
Oamic Ingredients, LLC

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Valerie B. Desimone, Planning Board Secretary

KELLARD SESSIONS 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