



TOWN OF NORTH CASTLE
WESTCHESTER COUNTY
17 Bedford Road
Armonk, New York 10504-1898

PLANNING BOARD
Christopher Carthy, Chair

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RESOLUTION

Action: Site Plan, Tree Removal and Wetland Permit Approvals [2021-016]
Application Name: 100 Business Park Drive
Applicant/Owner: A&R Real Estate Holdings LLC
Designation: 108.03-1-51
Zone: PLI Zoning District
Acreage: 11.27 acres
Location: 100 Business Park Drive
Date of Approval: May 24, 2021
Expiration Date: May 24, 2022 (1 Year)

WHEREAS, the Applicant is seeking site plan approval to construct a 74,850 square foot warehouse with associated off-street parking and landscaping improvements; and

WHEREAS, the building is proposed to be constructed in the undeveloped southern portion of the site, with the existing building proposed to remain; and

WHEREAS, the property is approximately 11.3 acres in size and lies within the PLI zoning district; and

WHEREAS, the site is currently developed with a 62,782 square foot office/light industrial building with associated off-street parking; and

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

- Plan labeled "C-000," entitled "Cover Sheet," dated March 23, 2021, last revised April 12, 2021, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled "C-010," entitled "Overall Site Existing Conditions Map," dated March 23, 2021, last revised April 12, 2021, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled "C-011," entitled "Site Existing Conditions Map," dated March 23, 2021, last revised April 12, 2021, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled "C-020," entitled "Site Demolition & Tree Removal Plan," dated March 23, 2021, last revised April 12, 2021, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.

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- Plan labeled “C-100,” entitled “Site Layout Plan,” dated January 25, 2021, last revised April 12, 2021, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-110,” entitled “Truck Turning Analyses,” dated January 25, 2021, last revised April 12, 2021, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-120,” entitled “Fire Apparatus Turning Analysis,” dated January 25, 2021, last revised April 12, 2021, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-200,” entitled “Site Grading Plan,” dated March 23, 2021, last revised April 12, 2021, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-300,” entitled “Site Utilities Plan,” dated March 23, 2021, last revised April 12, 2021, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-400,” entitled “Site Erosion & Sediment Control Plan,” dated March 23, 2021, last revised April 12, 2021, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-500,” entitled “Site Landscaping & Wetland Mitigation Plan,” dated March 23, 2021, last revised April 12, 2021, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-600,” entitled “Site Lighting Plan,” dated March 23, 2021, last revised April 12, 2021, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-800,” entitled “Existing Interior Landscaped Area Calculations Plan,” dated April 12, 2021, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-810,” entitled “Proposed Interior Landscaped Area Calculations Plan,” dated April 12, 2021, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-900,” entitled “Construction Details,” dated March 23, 2021, last revised April 12, 2021, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-901,” entitled “Construction Details,” dated March 23, 2021, last revised April 12, 2021, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-902,” entitled “Construction Details,” dated March 23, 2021, last revised April 12, 2021, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-903,” entitled “Construction Details,” dated March 23, 2021, last revised April 12, 2021, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.

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- Plan labeled “C-904,” entitled “Construction Details,” dated January 25, 2021, last revised April 12, 2021, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-905,” entitled “Construction Details,” dated January 25, 2021, last revised April 12, 2021, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “A-1,” entitled “Schematic Plan & Elevations,” dated November 1, 2019, last revised March 23, 2020, prepared by J Group Designs LLC.
- Plan labeled “A-2,” entitled “Schematic Exterior Views,” dated November 1, 2019, last revised March 23, 2020, prepared by J Group Designs LLC.

WHEREAS, the proposed southern driveway access is opposite an existing water supply well, potentially to be used as a public water supply for the Town; and

WHEREAS, a portion of this driveway is located within 100 feet of the well control area and the access drive and a portion of the proposed land-banked parking spaces lie within the 200 foot control radius; and

WHEREAS, the owner is working with the Town Attorney to provide the Town with the required easements necessary for the future control of the development of this area of the site; and

WHEREAS, the plan proposes a circulation drive around the south and east perimeter of the proposed building to connect to the existing parking area and driveway access; and

WHEREAS, a portion of this proposed access drive will be submerged by approximately one (1) foot of water during the 100-year storm event ; and

WHEREAS, the Planning Board has discussed this issue and determined that the proposed design is acceptable; and

WHEREAS, plan was referred to the Armonk Fire Department for their review; and

WHEREAS, the Fire Department noted that vehicles would not drive through 1 foot of water and, therefore, the flooded portions of the parking lot would be inaccessible; and

WHEREAS, the Fire Department recommends that the Applicant install sprinklers or standpipes; and

WHEREAS, the proposed warehouse building does not meet the 100 foot minimum front yard setback; and

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WHEREAS, the Applicant secured a 43 foot front yard variance from the Zoning Board of Appeals on April 1, 2021; and

WHEREAS, the Architectural Review Board approved the proposed building design at the May 20, 2020 meeting; and

WHEREAS, the application for site plan approval was referred to the Westchester County Planning Board pursuant to § 239-m of New York State General Municipal Law (GML) on April 14, 2020; and

WHEREAS, the Applicant will need to obtain a County Stream Control Permit from the Westchester County Department of Public Works.

WHEREAS, the plan depicts the disturbance to 5,000 square feet of Town-regulated wetland buffer (if compensatory storage is not constructed); and

WHEREAS, the Applicant is proposing a 36,570 square foot mitigation area; and

WHEREAS, the site plan depicts the removal of 235 Town-regulated trees; and

WHEREAS, pursuant to Section 340-5.B of the Town Code, the Conservation Board is required to review the proposed wetland application and, within 45 days of receipt thereof, file a written report and its recommendation concerning the application with the Planning Board. Such report is required to evaluate the proposed regulated activity in terms of the findings, intent and standards of Chapter 340; and

WHEREAS, the Conservation Board recommended approval of the wetlands permit in a July 1, 2020 memorandum to the Planning Board; and

WHEREAS, on May 24, 2021, the Planning Board, pursuant to §355-44 of the North Castle Code, conducted a duly noticed public hearing 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 declared their intent to act as Lead Agency on April 13, 2020; and

WHEREAS the site plan was forwarded to the Chief of Police, Fire Inspector and the Armonk Fire Chief so that they may make any pertinent recommendations to the Planning Board including, but not limited to, the designation of no-parking zones, emergency vehicle access or any other issued deemed important to providing emergency services; and

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WHEREAS, the site plan was forwarded to the Water and Sewer department so that they may make any pertinent recommendations to the Planning Board including, but not limited to, the capacity of the sewer and water infrastructure to handle the proposed amount of effluent and water demand; 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

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 pursuant to Section 355-56.C of the Town Code, the Planning Board determines that because of the nature of this particular use, 25 required off-street parking spaces shall not be required to be constructed at this time; and

BE IT FURTHER RESOLVED, that the application for site plan, tree removal permit and wetlands permit approvals, as described herein, is hereby conditionally approved, subject to the following conditions and modifications; and

BE IT FURTHER RESOLVED that, this site plan, tree removal permit and wetlands permit approvals shall expire one (1) 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.

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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. The site plan shall be revised to relocate parking spaces in front of the building so that proposed screening can be relocated to minimize sight line impacts at all curb cuts, to the satisfaction of the Town Engineer.
- _____ 2. As part of the prior approval for the existing facility, the Fire Department designated certain areas for fire access and staging. These areas shall be illustrated on the site plan to the satisfaction of the Town Engineer.
- _____ 3. The site plan requires the removal of two trees within the Town right-of-way. The plan shall clearly identify these trees for removal to the satisfaction of the Town Engineer. The plan shall also include sight line profiles for these locations to demonstrate adequate visibility in both directions from both locations to the satisfaction of the Town Engineer.
- _____ 4. The site plan proposes two (2) accessible parking spaces in the front of the building, as required by Town Code. The plan shall illustrate the required "No Parking" directional signage for the access aisle to the satisfaction of the Town Engineer.
- _____ 5. The plan proposes approximately 4.8 acres of disturbance, which will require the owner to obtain coverage under the NYSDEC General Permit (GP-0-20-001) for Stormwater Discharge from Construction Activities. The applicant shall prepare a Stormwater Pollution Prevention Plan (SWPPP) and Erosion and Sediment Control Plan to the satisfaction of the Town Engineer.
- _____ 6. The Site Plan shall dimension the backup aisle provided at the north end of the front parking lot to demonstrate that a minimum of 25 feet has been provided, as required by Town Code to the satisfaction of the Town Engineer.
- _____ 7. The site plan illustrates utility connections for domestic water and sanitary sewer services. The applicant shall clarify whether a water service for Fire Protection is required and whether any fire hydrants are proposed or required by the Armonk Fire Department in the vicinity of the proposed building to the satisfaction of the Town Engineer. Any alternative means of Fire Protection should be noted on the plan.

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- _____ 8. The plan shall clearly delineate the area of road restoration required for the installation of the sewer and water service connections to the satisfaction of the Town Engineer. The plan shall illustrate trench restoration details, as required by the Town Highway Department, including 18-inch cut-back of trench width, k-crete backfill and resurfacing of the top course of asphalt to extend from curb-to-curb.
- _____ 9. The applicant has provided confirmation that the US Army Corps of Engineers (US ACOE) will not require permitting for the proposed development. However, improvements are proposed within 50 feet of the Byram River. A NYSDEC Article 15, Protection of Waters permit may be required to physically disturb the bed or banks (up to 50 feet from stream) of the Byram River. The applicant shall provide confirmation from the NYSDEC as to whether or not the Permit will be required to the satisfaction of the Town Engineer.
- _____ 10. The Disturbance Summary provided on the wetland mitigation plan shall be updated to quantify existing and proposed pervious and impervious surface areas within the buffer to the satisfaction of the Town Engineer.
- _____ 11. Pursuant to Section 127-17 of the Town Code, the applicant shall submit a detailed quantity cost estimate for all site improvements proposed, with the quantities certified to by the applicant's engineer, to the satisfaction of the Town Engineer.
- _____ 12. As required by Town Code, the applicant shall provide a long-term monitoring and maintenance plan for the proposed wetland mitigation for a period of at least five (5) years to the satisfaction of the Town Engineer. The Town Engineer will provide standard conditions for the long-term monitoring and maintenance plan to be included on the Site Landscaping and Wetland Mitigation Plan.
- _____ 13. The Wetland Evaluation and Impact Report makes reference to debris removal along the Byram River and its banks. This work is not shown on the plans and may require permitting by the NYSDEC and/or Westchester County Department of Public Works. The Wetland Mitigation Plan shall clarify whether this work is proposed and, if so, clarify the limits and methods for debris removal to the satisfaction of the Town Engineer.
- _____ 14. The site plan shall be revised to reference the compensatory floodplain storage variance issued by the Town Board and the date the Town Board granted the variance to the satisfaction of the Town Engineer.
- _____ 15. The Applicant shall demonstrate that a County Stream Control Permit has been issued to the satisfaction of the Town Engineer.

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- _____ 16. The applicant shall submit a detailed quantity cost estimate for all improvements proposed for the wetland mitigation with the quantities certified by the applicant's engineer to the satisfaction of the Town Engineer.
- _____ 17. Submission to the Planning Board of a suitable legal agreement, in the form satisfactory to the Town Attorney, assuring the Town that the applicant will deposit cash or file a surety bond or other security acceptable to the Town Board (such as a Letter of Credit) for the construction of the wetland mitigation plantings, maintenance and five year monitoring program, the amount of said bond or other surety to be determined by the Town Board. Such bond shall be released after the completion of the wetland mitigation and monitoring to the satisfaction of the Town Engineer.
- _____ 18. The Applicant shall submit written guaranties, satisfactory to the Town Attorney, for the eventual improvement of the proposed landbanked parking spaces. Such spaces must be constructed within six months of the date of written notice to the property owner by the Planning Board that such spaces have been determined as necessary.
- _____ 19. Payment of all applicable fees, including any outstanding consulting fees.
- _____ 20. The Applicant shall submit to the Planning Board Secretary one (1) 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.
- _____ 21. The Applicant shall submit final construction plans for site improvements to the Town Engineer for his approval of driveways, parking areas, storm drainage system, water and sewer connections, sidewalks, erosion and sediment controls and any other information requested by the Town Engineer to the satisfaction of the Town Engineer.

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 demonstrate that a floodplain development permit was issued pursuant to Chapter 177 of the Town Code to the satisfaction of the Town Engineer.
- _____ 2. The applicant shall demonstrate documentation confirming that a Street Opening Permit was issued by the North Castle Highway Department.

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- _____ 3. The Applicant shall provide proof of filing of the Notice of Intent and MS4 SWPPP Acceptance Form with the NYSDEC for coverage under SPEDES General Permit, GP-0-20-001, to the satisfaction of the Town Engineer.
- _____ 4. All proposed building/site signage will require ARB approval.
- _____ 5. Provide confirmation that the Wetland Mitigation Bond has been posted, to the satisfaction of the Town Engineer
- _____ 6. The approved site plan shall be signed by both the Planning Board Chair and Town Engineer.
- _____ 7. The proper construction type stickers shall be affixed to the building to the satisfaction of the Building Department.
- _____ 8. 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.
- _____ 9. The applicant shall submit an engineering inspection fee equal to 3% of the estimated cost of construction.
- _____ 10. 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 submit documentation demonstrating that all conditions of the Westchester County Stream Control Permit have been satisfied to the satisfaction of the Town Engineer.
- _____ 2. The applicant shall submit documentation demonstrating that Notice of Termination (NOT) filing for the NYSDEC General Permit has been completed to the satisfaction of the Town Engineer.
- _____ 3. The applicant shall submit documentation demonstrating that all conditions of the North Castle Highway Department Street Opening Permit have been satisfied to the satisfaction of the Town Engineer.
- _____ 4. The applicant shall submit documentation demonstrating that all conditions of the Floodplain Development Permit have been satisfied to the satisfaction of the Town Engineer.

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- _____ 5. A Knox Box shall be installed at the main entrance to the building to the satisfaction of the Building Department.
- _____ 6. The fire department shall walk through during and post construction to review the fire safety system for the building to the satisfaction of the Building Department.
- _____ 7. Prior to the issuance of a certificate of occupancy/compliance, the actual construction, installation and implementation of all wetland mitigation to the satisfaction of the Town Engineer.
- _____ 8. Prior to the issuance of a certificate of occupancy/compliance, the actual construction, installation and implementation of all landscaping shall be certified by a licensed landscape architect as being in compliance with the approved plans and conditions, at the sole cost and expense of the Applicant.
- _____ 9. The submission to the Town Building Inspector of an "As Built" site plan.

Other Conditions:

1. Vehicle washdown shall be prohibited.
2. Prior to the start of construction and throughout the construction period, area of disturbance lines shall be clearly delineated in the field with snow fence or another demarcation acceptable to the Building Department and Town Engineer, which shall be placed around the entire proposed construction area. Except as necessary to provide mitigation plantings, no encroachment beyond these limits by workers or machinery shall be permitted.
3. Grading and clearing and other construction-related activities shall take place only within the delineated area of disturbance lines. These area of disturbance lines represent the maximum limits of construction activities. Every attempt shall be made to further reduce grading and clearing activities within the area of disturbance lines by maintaining natural vegetation and topography wherever practicable.
4. Prior to the commencement of any site work, the Applicant shall stake the location of the proposed construction for inspection and approval by the Building Department and Town Engineer.
5. All soil erosion and sedimentation control measures shown on this plan shall be in place prior to the start of any site work. The Building Department and Town Engineer shall have inspected the installation of all required soil erosion and sedimentation control measures prior to the authorization to proceed with any phase of the site work.

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6. Throughout the construction period, a qualified professional retained by the Applicant shall, on at least a weekly basis, prior to any predicted rain event and after any runoff-producing rain event, inspect the soil erosion and sedimentation control measures to ensure their proper functioning. Soil shall be removed from the silt fence when bulges develop in the fence in accordance with Westchester County recommendations. Records shall be kept onsite and made available for review by Town personnel. Inspections shall be in accordance with the NYSDEC Phase II regulations.
7. If the Applicant, during the course of construction, encounters such conditions as flood areas, underground water, soft or silty areas, improper drainage, or any other unusual circumstances or conditions that were not foreseen in the original planning, he shall report such conditions immediately to the Building Department and Town Engineer. The Applicant may submit, if he so desires, his recommendations as to the special treatment to be given such areas to secure adequate, permanent and satisfactory construction. The Building Department, without unnecessary delay, shall investigate the condition or conditions, and shall either approve the Applicant's recommendations to correct the conditions, order a modification thereof, or issue his own specifications for the correction of the conditions. In the event of the Applicant's disagreement with the decision of the Building Department, or in the event of a significant change resulting to the site plan or any change that involves the wetlands regulated areas, the matter shall be decided by the Planning Board. Any such conditions observed by the Planning Board or its agents shall be similarly treated.
8. Compliance with all applicable local laws and ordinances of the Town of North Castle and any conditions attached to permits issued thereunder.
9. The applicant shall provide sedimentation and erosion control measures to the satisfaction of the Town Engineer and in accordance with the measures set forth in the Westchester County Best Management Practices for Construction and Related Activities.
10. All landscaping shown on this plan 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.

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

Date

A&R Real Estate Holdings 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