



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

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PLANNING BOARD
Christopher Carthy, Chair

RESOLUTION

Action: Site Plan Approval
Application Name: 162 Bedford Road Residential Development
Owner: 154 Bedford Road LLC
Applicant: Michael Fareri
Designation: Existing 108.03-1-42 – Proposed 108.03-1-41 & 108.03-1-42
Zone: R-MF-SS District
Acreage: 1.26 acres
Location: 162 Bedford Rd
Date of Approval: June 14, 2021
Expiration Date: June 14, 2022 (1 year)

WHEREAS, on April 5, 2021, an application for site plan approval was submitted to the Planning Board and the requisite fee was paid; and

WHEREAS, the application consists of the following drawings:

- Plan labeled “Sheet 1 of 8,” entitled “Existing Conditions Plan,” dated May 25, 2021, prepared by Nathaniel J. Holt, PE.
- Plan labeled “Sheet 2 of 8,” entitled “Site Plan,” dated May 25, 2021, prepared by Nathaniel J. Holt, PE.
- Plan labeled “Sheet 3 of 8,” entitled “Water and Sewer Plan,” dated May 25, 2021, prepared by Nathaniel J. Holt, PE.
- Plan labeled “Sheet 4 of 8,” entitled “Drainage Plan,” dated May 25, 2021, prepared by Nathaniel J. Holt, PE.
- Plan labeled “Sheet 5 of 8,” entitled “Sediment and Erosion Control Plan,” dated May 25, 2021, prepared by Nathaniel J. Holt, PE.
- Plan labeled “Sheet 6 of 8,” entitled “Details,” dated May 25, 2021, prepared by Nathaniel J. Holt, PE.
- Plan labeled “Sheet 7 of 8,” entitled “Details,” dated May 25, 2021, prepared by Nathaniel J. Holt, PE.
- Plan labeled “Sheet 8 of 8,” entitled “Details,” dated May 25, 2021, prepared by Nathaniel J. Holt, PE.
- Plan labeled “T-1.1,” entitled “Title Sheet,” dated January 19, 2021, last revised May 27, 2021, prepared by Joseph R. Crocco Architects.
- Plan labeled “A-1.1,” entitled “Bld. #1 Garage & First Floor,” dated January 19, 2021, last revised May 27, 2021, prepared by Joseph R. Crocco Architects.

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- Plan labeled “A-1.2,” entitled “Bld. #1 Second & Third Floor,” dated January 19, 2021, last revised May 27, 2021, prepared by Joseph R. Crocco Architects.
- Plan labeled “A-1.3,” entitled “Bld. #2 Garage & First Floor,” dated January 19, 2021, last revised May 27, 2021, prepared by Joseph R. Crocco Architects.
- Plan labeled “A-1.4,” entitled “Bld. #2 Second & Third Floor,” dated January 19, 2021, last revised May 27, 2021, prepared by Joseph R. Crocco Architects.
- Plan labeled “A-2.1,” entitled “Bld. #1 Elevations,” dated January 19, 2021, last revised May 28, 2021, prepared by Joseph R. Crocco Architects.
- Plan labeled “A-2.1,” entitled “Bld. #2 Elevations,” dated January 19, 2021, last revised May 27, 2021, prepared by Joseph R. Crocco Architects.
- Plan labeled “A-3.1,” entitled “Sections,” dated January 19, 2021, last revised April 9, 2021, prepared by Joseph R. Crocco Architects.
- Plan labeled “L-701,” entitled “Planting Plan,” dated April 30, 2021, prepared by Yost Design Landscape Architecture.

WHEREAS, the amended site plan application contemplates the redevelopment former lumber yard and Green properties; and

WHEREAS, the proposed redevelopment contemplates a site plan on two lots consisting of two new multi-family buildings with a total of 20 total units (12 3-bedroom units and 8 2-bedroom units) in the R-MF-SS Zoning District; and

WHEREAS, 10 percent of the apartments will be AFFH units and will be located on-site; and

WHEREAS, on July 13, 2015, the Planning Board previously granted site plan approval for the demolition of all existing structures and the construction of an approximately 48,000 square foot, three story, building that contained 2 studio apartments, 15 1-bedroom apartments (3 AFFH) and 19 2-bedroom apartments (3 AFFH); and

WHEREAS, the 1.26-acre development site is located in the RMF-SS District and is designated on the Tax Maps of the Town of North Castle as lots 108.03-1-41 & 108.03-1-42; and

WHEREAS, the Applicant received Architectural Review Board approval on XXX XX, 2021; and

WHEREAS, an Environmental Assessment Form (EAF), dated April 5, 2021, was prepared by the Applicant and submitted to the Planning Board for its review and consideration; and

WHEREAS, the site plan does not depict the removal of Town-regulated trees; and

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WHEREAS, pursuant to Chapter 225 of the Town Code, the Planning Board determined that a fully suitable recreation area cannot be properly located on the property; and

WHEREAS, the Board may require a payment to the Town of \$56,000 to be placed in a trust fund to be used by the Town Board exclusively for neighborhood park, playground or recreation purposes, including the acquisition of property; and

WHEREAS, the Planning Board finds that a recreation fee of \$56,000 would be an appropriate recreation fee to be collected; and

WHEREAS, the Applicant has paid a total of \$47,000 in recreation fees associated with the 2015 approval on the subject property; and

WHEREAS, the Town Board adopted an affordable housing local law on May 14, 2014; and

WHEREAS, 10% of the market rate units within the project must be AFFH units; and

WHEREAS, the building on Lot 1 is 3.5 stories in height, where only 2.5 stories are permitted; and

WHEREAS, the building on Lot 2 is 3.5 stories in height, where only 2.5 stories are permitted; and

WHEREAS, the building on Lot 1 is 36 feet in height which exceeds the maximum permitted height of 30 feet; and

WHEREAS, the building on Lot 2 is 36 feet in height which exceeds the maximum permitted height of 30 feet; and

WHEREAS, the proposed dumpster does not meet the minimum required side yard setback of 15 feet on Lot 1; and

WHEREAS, the proposed dumpster does not meet the minimum required side yard setback of 15 feet on Lot 2; and

WHEREAS, the Applicant secured all required variance from the Zoning Board of Appeals on June 3, 2021; and

WHEREAS, the Building Department previously determined that it would be appropriate for dedicated outside of unit storage space be counted toward the minimum size requirement of the AFFH units; and

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WHEREAS, most units depicted on the site plan contain private outdoor space provided through the use of decks; and

WHEREAS, the Planning Board has the ability to waive this requirement for some of the proposed units; and

WHEREAS, the proposed action is an Unlisted Action under the State Environmental Quality Review Act (SEQRA); and

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

WHEREAS, the application was referred to the Westchester County Planning Board (WCPB) pursuant to the requirements of the General Municipal law and Westchester County Administrative Codes; and

WHEREAS, the County provided comments in an April 20, 2021 letter to the Town where the County stated that the proposal was generally consistent with the County Planning Board's long-range planning policies; and

WHEREAS, the County also noted that the Planning Board should give consideration to reducing the number of proposed off-street parking spaces, provide that adequate space for recycling is provided and to encourage the Applicant to provide green building technology; and

WHEREAS, the site plan has been forwarded to the Chief of Police, Building 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

WHEREAS, the plans were forwarded to the Sewer and Water 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, a duly advertised public hearing regarding the site plan was held on said application before the Planning Board on June 14, 2021 at which time all those wishing to be heard were given the opportunity to be heard; and

WHEREAS, the Planning Board has requested, received and considered comments from the Town Attorney, the Consulting Town Engineer and Town Planner regarding the proposed development; 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 requirements of the Zoning Ordinance and the Town of North Castle Comprehensive Plan Update have been met;

NOW THEREFORE BE IT RESOLVED, that the Planning Board based upon its review of the full environmental record finds that the proposed action will not result in any significant adverse environmental impacts and hereby adopts a Negative Declaration; and

BE IT FURTHER RESOLVED, pursuant to Section 225-5.A of the Town Code, the Planning Board finds that a recreation fee of \$56,000 would be an appropriate recreation fee to be collected; and

BE IT FURTHER RESOLVED, the Planning Board waives the requirement for all units to be provided with private outdoor space through the use of decks, terraces or patios; and

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

BE IT FURTHER RESOLVED, that this site plan approval 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.

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 update the zoning conformance table to include all variances (and date) issued by the Zoning Board of Appeals to the satisfaction of the Planning Department.
- _____ 2. The site plan shall be revised to include a driveway profile, demonstrating compliance with Section 355-59, Driveways of Town Code to the satisfaction of the Town Engineer.
- _____ 3. The site plan shall be revised to provide detail related to the proposed sanitary sewer and water (domestic and fire) services for the project to the satisfaction of the Town Engineer. Any public or private connections shall be illustrated and detailed, as well as any easements that may be required.

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- _____ 4. The site plan shall be revised to provide fire lanes and signage per Section 503.3, D103.6 and D103.6.1 of the 2020 NYS Fire code to the satisfaction of the Building Department.
- _____ 5. The plans shall be revised to depict construction type, sprinklers information (if proposed), hydrant location and standpipe locations to the satisfaction of the Armonk Fire Chief.
- _____ 6. The Applicant shall submit documentation demonstrating that the extension of WD4 and the water has been approved by the Westchester County Department of Health to the satisfaction of the Town Engineer.
- _____ 7. The floor area calculations on plan T.1.1 are not correct. All market rate units should not include decks as part of floor area. Storage areas that are dedicated to a specific unit, however, have been previously determined to count as floor area. 1/3 of the floor area of decks for AFFH units can be counted pursuant to Section 355-24.I(6)(c) of the Town Code. The chart shall be revised to depict the total size of the deck as well as the 1/3 calculation used for floor area purposes to the satisfaction of the Planning Department.
- _____ 8. Section 355-24.I.6 of the Town Code requires that the AFFH units shall not be less than 80% of the average floor area of non-restricted housing units in the development. The Applicant shall submit an exhibit demonstrating compliance with the Town Code to the satisfaction of the Planning Department.
- _____ 9. Pursuant to Section 355-56.H of the Town Code, the landscape plan shall be revised to provide at least one tree, not less than three inches caliper at time of planting, within the parking area for each 10 parking spaces. The plan shall be revised to demonstrate compliance with the Town Code to the satisfaction of the Planning Department.
- _____ 10. Pursuant to Section 355-56.H of the Town Code, the landscape plan shall be revised to depict at least 10% of the interior of the parking area curbed and landscaped with trees, shrubs and other plant material. The site plan shall be revised to demonstrate compliance with the Town Code to the satisfaction of the Planning Department.
- _____ 11. The Applicant shall submit a lighting plan meeting the minimum standards of Section 355-45.M of the Town Code to the satisfaction of the Planning Department.
- _____ 12. The proposed standard dumpster shall be revised to be enclosed in a high quality

building compatible with the proposed multifamily architecture to the satisfaction of the Planning Department. In addition, the Applicant shall demonstrate that the dumpster area is large enough for the garbage and recycling requirements of all 20 units to the satisfaction of the Planning Department.

- _____ 13. The proposed garbage area straddles lots 1 and 2, but serves both lots. The Applicant shall prepare an easement agreement, to the satisfaction of the Town Attorney, which would permit the sharing of the garbage facility between the properties.
- _____ 14. The proposed site plan requires that people and vehicles circulate between the two proposed lots. The Applicant shall prepare appropriate cross access easements for review by the Town Attorney.
- _____ 15. The apartment unit breakdown on Plan T.1.1 indicates that the two required AFFH units are both 2-bedroom units; however, the off-street parking analysis on the site plan indicates a two-bedroom AFFH unit and a three-bedroom AFFH units. The unit breakdown and off-street parking analysis should be coordinated to the satisfaction of the Planning Department.
- _____ 16. The Applicant shall submit a \$9,000.00 recreation fee balance as stated in Section 225-5 of the Town Code to the satisfaction of the Planning Department.
- _____ 17. The applicant shall submit documentation, to the satisfaction of the Town Engineer, demonstrating that approval for the sanitary sewer connection has been granted by the Westchester County Department of Health (WCHD).
- _____ 18. The Applicant shall be required to submit an agreement, in recordable form satisfactory to the Town Attorney, concerning the construction, maintenance and inspection of the features of the stormwater management plan. Such agreement shall specify that the property owner shall be responsible in perpetuity for maintenance of the stormwater basins to the satisfaction of the Town Engineer.
- _____ 19. The Applicant shall submit a permanent easement agreement, in recordable form satisfactory to the Town Attorney, providing for access by the individual property owner and/or the Town of North Castle, if necessary, to perform maintenance of the features of the stormwater management system.
- _____ 20. The applicant shall submit, as necessary and appropriate, final details to the satisfaction of the Town Engineer of site, final grading and storm drainage, utility connections, sight lines and curbing, parking, driveway and pavement specifications.

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- _____ 21. 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.
- _____ 22. Payment of all applicable fees, including any outstanding consulting fees.
- _____ 23. 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.

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. Pursuant to Section 355-24.I.4 of the Town Code, a property containing any affordable AFFH units shall be restricted using a mechanism such as declaration of restrictive covenants in recordable form acceptable to the Town which shall ensure that the affordable AFFH unit shall remain subject to affordable regulations for the minimum 50 year period of affordability. The covenants shall require that the unit be the primary residence of the resident household selected to occupy the unit upon approval such declaration shall be recorded against the property containing the affordable AFFH unit prior to the issuance of a Certificate of Occupancy for the development.
- _____ 2. The Applicant shall submit documentation demonstrating that the North Castle Highway Department has issued a curb cut permit for the proposed new curbcuts along Bedford Road.
- _____ 3. The applicant shall obtain approval by the Westchester County Department of Health (WCHD) for the proposed Sanitary Sewer Service Connection to the satisfaction of the Town Engineer.
- _____ 4. The Applicant shall demonstrate to the satisfaction of the Town Engineer that all required approvals from the Westchester County Health Department and/or the North Castle Sewer and Water Department have been issued.

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- _____5. The applicant shall submit a Notice of Intent (NOI) and MS4 SWPPP Acceptance Form for Town signature and obtain coverage under the New York State Department of Environmental Conservation (NYSDEC) GP-0-20-001 to the satisfaction of the Town Engineer.
- _____6. The approved site plan and shall be signed by both the Planning Board Chair and Town Engineer.
- _____7. 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.
- _____8. The proper construction type stickers shall be affixed to the building to the satisfaction of the Building Department.
- _____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:

(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 the extension of WD4 and the water main for the fire hydrant has been dedicated to the district at a Town Board meeting to the satisfaction of the Town Engineer.
- _____2. Prior to issuance of a Certificate of Occupancy for the structure, the Applicant shall submit documentation confirming that all AFFH units are available for sale/rental and comply with the AFFH requirements of Section 355-24.I of the Town Code to the satisfaction of the Town Planner.
- _____3. The submission to the Town Building Inspector of an "As Built" site plan.
- _____4. The Applicant shall install a Knox Box to the satisfaction of the Fire Inspector.
- _____5. 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.

- _____ 6. 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.
- _____ 7. Payment of all outstanding fees, including professional review fees.

Other Conditions:

1. All affordable AFFH units, whether for purchase or for rent, shall be marketed in accordance with the Westchester County Fair & Affordable Housing Affirmative Marketing Plan.
2. All AFFH units shall comply with Section 355-24.I.2. Maximum Rent and Sales Price Section of the Town Code.
3. Pursuant to Section 355-24.I.3 of the Town Code, Units designated as affordable AFFH units shall remain affordable for a minimum of 50 years from date of initial certificate of occupancy for rental properties and from date of original sale for ownership units.
4. 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, 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.
5. 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.
6. 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/or the Town Engineer.
7. 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/or the 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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8. 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.
9. 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/or the 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 and/or the Town Engineer, 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 and/or the Town Engineer, 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.
10. Compliance with all applicable local laws and ordinances of the Town of North Castle and any conditions attached to permits issued thereunder.
11. 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.
12. 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.

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

154 Bedford Road LLC

Michael Fareri

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

Date Valerie Desimone, Planning Board Secretary
Certified as Approved by the North Castle Planning Board

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