



TOWN OF NORTH CASTLE
WESTCHESTER COUNTY
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PLANNING BOARD
Christopher Carthy, Chair

R E S O L U T I O N

Action:	Site Plan, Steep Slope and Tree Removal Approvals
Application Name:	Mistis Properties 100 Inc. [2021-017]
Applicant/Owner:	Mistis Properties 100 Inc.
Designation:	122.16-1-3
Zone:	IND-A Zoning District
Acreage:	0.38 acres
Location:	176 Virginia Road
Date of Approval:	April 25, 2022
Expiration Date:	April 25, 2023 (1 Year)

WHEREAS, the Applicant is proposing the construction of 2 metal prefab buildings (totaling approximately 5,000 square feet) which will be primarily used as parking bays for trucks, including one wash bay; and

WHEREAS, the Planning Board on November 25, 2019 approved an identical project that has since expired; and

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

- Plan labeled "1 of 14," entitled "Site Plan, Map & Notes," dated March 8, 2021, last revised March 23, 2022, prepared by ARQ Architecture P.C.
- Plan labeled "2 of 14," entitled "Drainage, Grading & Erosion Control," dated March 8, 2021, last revised March 29, 2022, prepared by ARQ Architecture P.C.
- Plan labeled "3 of 14" entitled "Turns & Sight Distance," dated March 8, 2021, last revised March 23, 2022, prepared by ARQ Architecture P.C.
- Plan labeled "4 of 14," entitled "Site Details," dated March 8, 2021, last revised March 29, 2022, prepared by ARQ Architecture P.C.
- Plan labeled "5 of 14," entitled "Site Details," dated March 8, 2021, last revised March 23, 2022, prepared by ARQ Architecture P.C.
- Plan labeled "6 of 14," entitled "Site Details," dated March 8, 2021, last revised March 23, 2022, prepared by ARQ Architecture P.C.
- Plan labeled "7 of 14," entitled "Section & Site Details," dated March 8, 2021, last revised March 23, 2022, prepared by ARQ Architecture P.C.
- Plan labeled "8 of 14," entitled "2-Bay Warehouse Floor Plans," dated March 8, 2021, last revised March 23, 2022, prepared by ARQ Architecture P.C.
- Plan labeled "9 of 14," entitled "4-Bay Warehouse Floor Plans," dated March 8, 2021, last revised March 23, 2022, prepared by ARQ Architecture P.C.

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- Plan labeled “10 of 14,” entitled “2-Bay Warehouse Elevations,” dated March 8, 2021, last revised March 23, 2022, prepared by ARQ Architecture P.C.
- Plan labeled “11 of 14,” entitled “4-Bay Warehouse Elevations,” dated March 8, 2021, last revised March 23, 2022, prepared by ARQ Architecture P.C.
- Plan labeled “12 of 14,” entitled “Lighting Plan,” dated March 8, 2021, last revised March 23, 2022, prepared by ARQ Architecture P.C.
- Plan labeled “13 of 14,” entitled “Photometric Plan,” dated March 8, 2021, last revised March 23, 2022, prepared by ARQ Architecture P.C.
- Plan labeled “14 of 14,” entitled “Schedules, Specifications & Detail,” dated March 8, 2021, last revised March 23, 2022, prepared by ARQ Architecture P.C.

WHEREAS, the site plan depicts the removal of 6 Town-regulated trees; and

WHEREAS, the site plan depicts a truck washing bay; and

WHEREAS, truck washing is limited to the trucks stored on the site and a maximum use of 200 gallons/day; and

WHEREAS, on May 10, 2021 the Planning Board requested that the Applicant reevaluate the height of the proposed buildings in relation to the property frontage and the historic Miller House property; and

WHEREAS, the Applicant at the May 10, 2021 Planning Board meeting the Applicant indicated that the property owner would have a discussion with the project architect with respect to this issue; and

WHEREAS, this issue has not been addressed in the most recent submission to the Planning Board and the plans have not been updated to address this issue; and

WHEREAS, the Architectural Review Board approved the proposed building design at the November 13, 2019 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 March 12, 2019; and

WHEREAS, on April 25, 2022, the Planning Board, pursuant to § 355-44 of the North Castle Code, conducted a duly noticed public hearing with respect to the site plan application, 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

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

WHEREAS the site plan was forwarded to the Chief of Police, Fire Inspector and the North White Plains 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 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 Water & Sewer Department, most recently on October 25, 2019, has provided the following comments:

- With regard to sewer capacity, based upon the owner projections there should not be any impact on SD1 infrastructure. All waste is conveyed via gravity sewer to Westchester County for treatment.
- Water supply and the ability to serve should also be manageable, based upon the water service size designed, and our rate structure that is in place to handle volumes of excess.
- As noted on the plans all existing water and sewer services that are no longer intended to be used must be abandoned in the street at the main connection, and require inspection by this department.
- Although the plan illustrates a new 1” water service in a “Hot Box” with an RPZ, an appropriate engineer’s plan and application for the backflow device must be submitted to my office for review, which will then be forwarded on the Westchester County Health Department for their approval.
- I did not see a fire service in the design, although not a requirement of this department, just wanted to make sure it was not an oversight.
- The water service connection detail shows the curb stop within 5’ of the water main. That is unlikely as the water main is closer to the middle of Virginia Road. When the water tap is installed the curb box is set at the property line.
- The detail of the sewer connection at the main would be cleaner and easier to install by utilizing a “Dog House” manhole over the existing sewer main. The 4” ductile iron service can be connected directly with an invert rather than the transition connection on the Clay Sewer main. This would eliminate multiple fittings and various types of materials at the connection point. This will also enable the Sewer District to monitor the discharge of the facility, in particular any accumulation of grease discharge should the oil and grease separator maintenance become neglected.
- Applications for both water and sewer service require filing of applications with this department for inspection, a water tap, and meter. Our maximum water tap size is 1” anything larger than that will require a contractor with the proper equipment for such purpose.

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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 the application for site plan and tree removal 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, steep slopes permit and tree removal 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.

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 plan requires a retaining wall along the rear and sides of the property with a maximum height of approximately 28 feet. The Grading Plan shall illustrate the required grading of the slopes above the retaining wall necessary to maintain the proposed 1V:2H slope and include a detail of the armored slope referenced in the typical retaining wall sections to the satisfaction of the Town Engineer. The Landscaping Plan shall be revised as needed to accommodate the armored slope to the satisfaction of the Town Engineer.
- _____2. The plan shall clearly state that retaining wall design calculations, prepared by a New York State Licensed Professional Engineer, shall be provided prior to the issuance of a Building Permit.
- _____3. The proposed outlet structure, detailed on Sheet S-5, is not illustrated Sheet S-2 (Drainage & Grading Plan). It appears this is no longer required. Please clarify to the satisfaction of the Town Engineer.

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- _____4. 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.
- _____5. The site plan shall be revised to depict and quantify (in square feet) any proposed Town-regulated steep slope disturbance to the satisfaction of the Planning Department.
- _____6. Payment of all applicable fees, including any outstanding consulting fees.
- _____7. The Applicant shall submit to the Planning Board Secretary two (2) sets 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.
- _____8. 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. A final design of the proposed retaining walls, prepared by a New York State Licensed Engineer, shall be submitted demonstrating appropriate factors of safety against sliding, overturning and bearing capacity to the satisfaction of the Town Engineer.
- _____2. The Applicant shall address all of the issues identified in the October 25, 2019 letter from the Water & Sewer Department to the satisfaction of the Water and Sewer Department, the Town Engineer and Building Department.
- _____3. The applicant will be required to obtain a Curb Cut Permit and/or Highway Work Permit from the North Castle Highway Department and/or Westchester County Department of Public Works.
- _____4. All proposed building/site signage shall require ARB approval.
- _____5. The approved site plan shall be signed by both the Planning Board Chair and Town Engineer.

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- _____6. The proper construction type stickers shall be affixed to the building to the satisfaction of the Building Department.
- _____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 applicant shall submit an engineering inspection fee equal to 3% of the estimated cost of construction.
- _____9. 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. A Knox Box shall be installed at the entrances to the building (or an alternate location) to the satisfaction of the Building Department.
- _____2. The plan proposes improvements, including curb, sidewalk, pavement and landscaping, within the Town of North Castle and/or Westchester County right-of-way. The applicant shall submit proof of compliance and satisfaction of any required Highway Work Permits to the satisfaction of the Town Engineer.
- _____3. Provide proof of closure of any Town Water & Sewer Department Permits
- _____4. 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.
- _____5. The submission to the Town Building Inspector of an "As Built" site plan.

Other Conditions:

- 1. Truck washing is limited to the trucks stored on the site and a maximum use of 200 gallons/day.
- 2. Vehicle Repair shall be prohibited on site.
- 3. Any outdoor storage of vehicles and material not depicted on the approved site plan shall be prohibited.
- 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

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- 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.
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 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 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.
 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 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.
 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 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.

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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.
13. The applicant shall provide confirmation from the North Castle Highway Department and/or the Westchester County Department of Public Works, to the satisfaction of the Town Engineer, that all improvements in the right-of-way have been satisfactorily completed in accordance with the Highway Work Permit.

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

Date

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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