



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

PLANNING DEPARTMENT
Adam R. Kaufman, AICP
Director of Planning

Telephone: (914) 273-3542
Fax: (914) 273-3554
www.northcastleny.com

Application for Site Development Plan Approval

Application Name

Pods at 94 Business Park Drive

I. IDENTIFICATION OF PROPERTY OWNER, APPLICANT AND PROFESSIONAL REPRESENTATIVES

Name of Property Owner: Agro and Grassi LLC + Armh. Ferrigno, LLC
Mailing Address: c/o Veneziano + Associates
Telephone: (914) 273-1300 Fax: _____ e-mail afv@venezianov.com

Name of Applicant (if different): Pods' Moring + Storage
Address of Applicant: 13535 Feather Sound Drive, 4th Floor
Telephone: (727) 538-6461 Fax: _____ e-mail jquerrini@pods.com
Interest of Applicant, if other than Property Owner:
Tenant

Is the Applicant (if different from the property owner) a Contract Vendee?
Yes No
If yes, please submit affidavit stating such. If no, application cannot be reviewed by Planning Board

Name of Professional Preparing Site Plan: Kent Architectural Collaborative, PLLC
Address: 687 Old Willets Path
Telephone: (631) 293-9684 Fax: _____ e-mail rkent+kac@gmail.com

Name of Other Professional: _____
Address: _____
Telephone: _____ Fax: _____ e-mail _____

Name of Attorney (if any): Anthony F. Veneziano Jr
Address: 84 Buxton Park Drive, Suite 200
Telephone: (914) 273-1300 Fax: _____ e-mail afv@venezianov.com

PLEASE SEE ATTACHED ME GATVIE DECLARATION and
SITE PLAN, TREE REMOVAL AND WETLAND PERMIT RESOLUTION

II. IDENTIFICATION OF SUBJECT PROPERTY

DATED August 9, 2024. SETS PLANS ON FILE AT PLANNING DEPT.

Street Address: _____

Location (in relation to nearest intersecting street):

_____ feet (north, south, east or west) of _____

Abutting Street(s): _____

Tax Map Designation (NEW): Section _____ Block _____ Lot _____

Tax Map Designation (OLD): Section _____ Block _____ Lot _____

Zoning District: _____ Total Land Area _____

Land Area in North Castle Only (if different) _____

Fire District(s) _____ School District(s) _____

Is any portion of subject property abutting or located within five hundred (500) feet of the following:

The boundary of any city, town or village?

No _____ Yes (adjacent) _____ Yes (within 500 feet) _____

If yes, please identify name(s): _____

The boundary of any existing or proposed County or State park or any other recreation area?

No _____ Yes (adjacent) _____ Yes (within 500 feet) _____

The right-of-way of any existing or proposed County or State parkway, thruway, expressway, road or highway?

No _____ Yes (adjacent) _____ Yes (within 500 feet) _____

The existing or proposed right-of-way of any stream or drainage channel owned by the County or for which the County has established channel lines?

No _____ Yes (adjacent) _____ Yes (within 500 feet) _____

The existing or proposed boundary of any county or State owned land on which a public building or institution is situated?

No _____ Yes (adjacent) _____ Yes (within 500 feet) _____

The boundary of a farm operation located in an agricultural district?

No _____ Yes (adjacent) _____ Yes (within 500 feet) _____

Does the Property Owner or Applicant have an interest in any abutting property?

No _____ Yes _____

If yes, please identify the tax map designation of that property:

III. DESCRIPTION OF PROPOSED DEVELOPMENT

n/n

Proposed Use: _____

Gross Floor Area: Existing _____ S.F. Proposed _____ S.F.

Proposed Floor Area Breakdown:

Retail _____ S.F.; Office _____ S.F.;

Industrial _____ S.F.; Institutional _____ S.F.;

Other Nonresidential _____ S.F.; Residential _____ S.F.;

Number of Dwelling Units: _____

Number of Parking Spaces: Existing _____ Required _____ Proposed _____

Number of Loading Spaces: Existing _____ Required _____ Proposed _____

Earthwork Balance: Cut _____ C.Y. Fill _____ C.Y.

Will Development on the subject property involve any of the following:

Areas of special flood hazard? No _____ Yes _____

(If yes, application for a Development Permit pursuant to Chapter 177 of the North Castle Town Code may also be required)

Trees with a diameter at breast height (DBH) of 8" or greater?

No _____ Yes _____

(If yes, application for a Tree Removal Permit pursuant to Chapter 308 of the North Castle Town Code may also be required.)

Town-regulated wetlands? No _____ Yes _____

(If yes, application for a Town Wetlands Permit pursuant to Chapter 340 of the North Castle Town Code may also be required.)

State-regulated wetlands? No _____ Yes _____

(If yes, application for a State Wetlands Permit may also be required.)

Applicant Acknowledgement

By making this application, the undersigned Applicant agrees to permit Town officials and their designated representatives to conduct on-site inspections in connection with the review of this application.

The Applicant also agrees to pay all expenses for the cost of professional review services required for this application.

It is further acknowledged by the Applicant that all bills for the professional review services shall be mailed to the Applicant, unless the Town is notified in writing by the Applicant at the time of initial submission of the application that such mailings should be sent to a designated representative instead.

Signature of Applicant: _____ Date: _____

Signature of Property Owner: _____ Date: _____

MUST HAVE BOTH SIGNATURES

VENEZIANO & ASSOCIATES
84 Business Park Drive
Suite 200
Armonk, New York 10504

April 25, 2022

Chris Carthy, Planning Board Chair
Town of North Castle
15 Bedford Road
Armonk, NY 10504

Re: Amended Site Plan Application
94 Business Park Drive

Honorable Chairman and Members of the Board:

As you may recall, our firm represented Aggro and Brassie, LLC & Armonk Fairview, LLC, the property owner with respect to a 71,574 square foot warehouse building that was approved on August 9, 2021 by your Board. The site is currently under construction by the owner.

We have recently been retained by PODS Enterprises LLC to secure all necessary approvals to allow them to occupy this building. They are close to finalizing a lease transaction with the owner. An amendment to the approved site plan is an issue that must be resolved before consummating the deal.

Attached is a proposed concept plan for the site. The containers are stacked three-high, and the interior of the building will have 286 at-grade containers, for a total of 858 interior containers. There will also be an additional 120 drive-aisle containers, organized in three levels on a 40 space footprint. The overall total for the inside of the building is 978 containers.

Most of the PODS locations nationwide, some 200, also have outdoor storage. As reflected on this concept plan, there are 36, at-grade, outdoor containers, stacked three-high, totaling 108 outdoor storage spaces. We have been advised your Planning Board can grant an outdoor storage approval. The total on-site storage will be 1,086 containers.

PODS anticipates initially having between 3 and 5 employees at the site, growing eventually to as many as 10. It also anticipates minimum truck movement (including ingress and egress) as follows: small box trucks (approximately 30-36 per day), and tractor trailers (4-6 per day). All of the outdoor storage containers are empty and are shipped to their destination throughout the year.

Chris Carthy, Planning Board Chair
Town of North Castle

April 25, 2022
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In addition to the concept plan, attached is an Amended Site Plan Application form for your consideration. All of the outdoor containers are located on what were to be loading docks; thereby, avoiding the need to calculate additional runoff from hard surfaces.

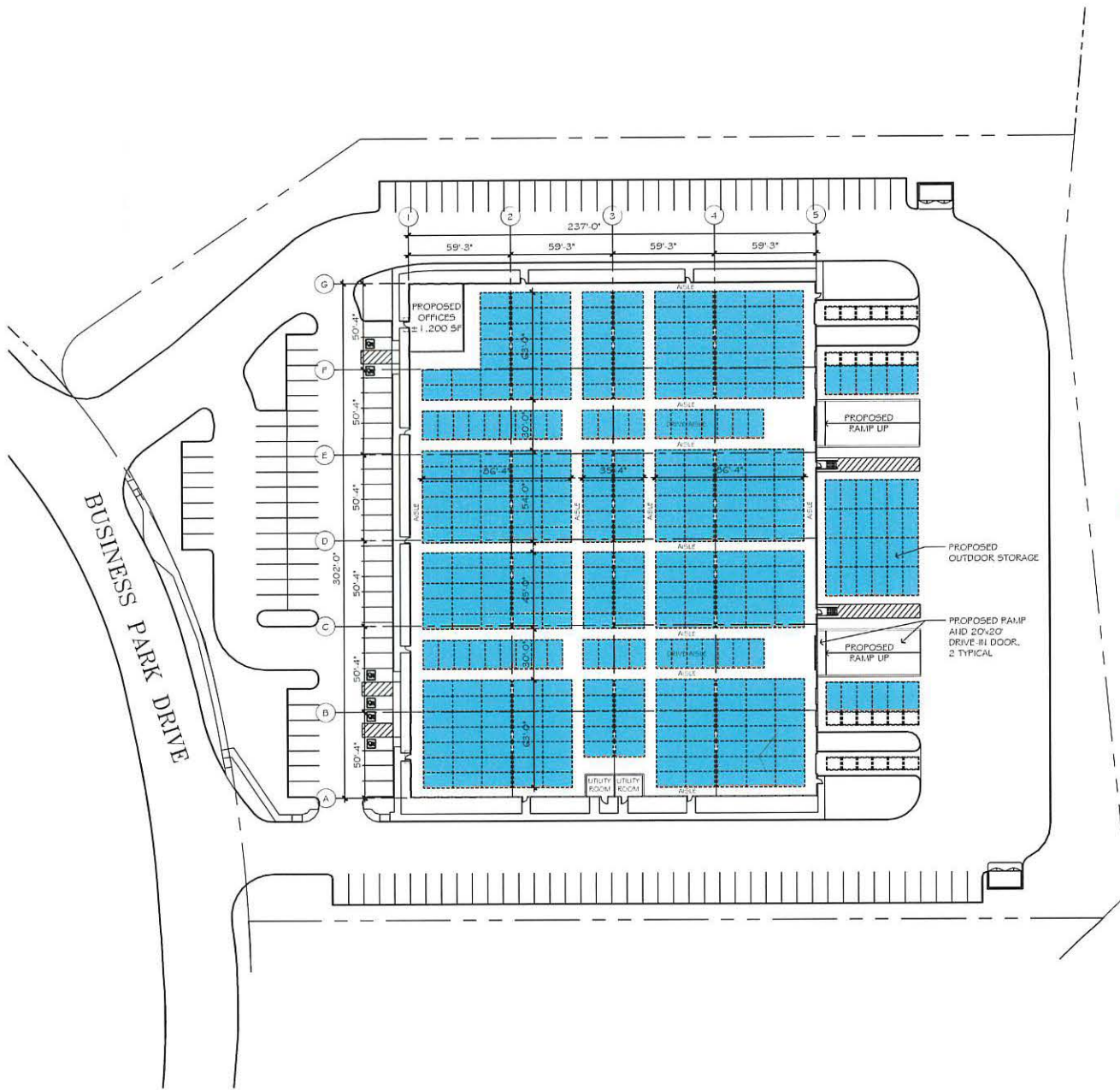
Kindly place this matter on the Board's next agenda, May 9, 2022, for discussion. Thank you.

Very truly yours,

Anthony F. Veneziano, Jr.

Anthony F. Veneziano, Jr.

AFV/kj
Encls.



CONCEPT PLAN

SCALE: 1" = 30'-0"

94 BUSINESS PARK DRIVE
ARMONK, NY 10504

PROPOSED TENANT SUITE = ± 71,574 SF




PODS BRANDED CONTAINERS - INDOOR
(206) CONTAINERS ON GRADE x 3 HIGH = 656 TOTAL
(40) DRIVE AISLE CONTAINERS ON GRADE x 3 HIGH = 120 TOTAL

976 TOTAL INDOOR CONTAINERS

(36) OUTDOOR CONTAINERS ON GRADE x 3 HIGH = 108 TOTAL

1,084 TOTAL INDOOR + OUTDOOR CONTAINERS

SYMBOL LEGEND:

-  8' x 16' CONTAINER.
-  OPTIONAL 7' x 7' CONTAINER.
-  OPTIONAL 8' x 12' CONTAINER.



PROJECT NAME / LOCATION:
**PROPOSED CONCEPT PLAN FOR
PODS ENTERPRISES, LLC**
94 BUSINESS PARK DRIVE
ARMONK, NY 10504

ARCHITECT:
THE KENT
ARCHITECTURAL COLLABORATIVE, PLLC
687 OLD WILLETS PATH
HAUPPAUGE • NEW YORK • 11788
631.793.9684
rkent.lkac@gmail.com

THIS CONCEPTUAL DESIGN IS BASED UPON A PRELIMINARY REVIEW OF ENTITLEMENT REQUIREMENTS AND ON UNVERIFIED AND POSSIBLY INCOMPLETE SITE AND/OR BUILDING INFORMATION, AND IS INTENDED MERELY TO ASSIST IN EXPLORING HOW THE PROJECT MIGHT BE DEVELOPED.

PRELIMINARY DRAWING - P1
REVISION: _____ DATE: 2022.02.22
SEAL: _____

DRAWING TITLE:
CONCEPT PLAN

DATE: 2022.02.22
DRAWN BY: RK/BMF
PROJECT NO.: 22.17


DRAWING NO.: _____
A1

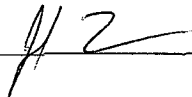
Applicant Acknowledgement

By making this application, the undersigned Applicant agrees to permit Town officials and their designated representatives to conduct on-site inspections in connection with the review of this application.

The Applicant also agrees to pay all expenses for the cost of professional review services required for this application.

It is further acknowledged by the Applicant that all bills for the professional review services shall be mailed to the Applicant, unless the Town is notified in writing by the Applicant at the time of initial submission of the application that such mailings should be sent to a designated representative instead.

Signature of Applicant:  Denise Corrao 2022 11:10 EDT Date: 4.21.22

Signature of Property Owner:  Date: 4/21/22

MUST HAVE BOTH SIGNATURES



PLANNING BOARD
Christopher Carthy, Chair

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

RECEIVED 8/20/2021
TOWN CLERK'S OFFICE

Telephone: (914) 273-3542
Fax: (914) 273-3554
www.northcastlenv.com

RESOLUTION

Action:	Site Plan, Tree Removal and Wetland Permit Approvals
Application Name:	94 Business Park Drive [2021-009]
Applicant/Owner:	Aggro and Brassi, LLC & Armonk Fairview, LLC
Designation:	108.03-1-50
Zone:	PLI Zoning District
Acreage:	5.52 acres
Location:	94 Business Park Drive
Date of Approval:	August 9, 2021
Expiration Date:	August 9, 2022 (1 Year)

WHEREAS, the Applicant is seeking site plan, wetlands permit and tree removal permit approvals to demolish the existing motel and the construction of a 71,574 square foot warehouse with associated off-street parking and landscaping improvements; and

WHEREAS, the property is approximately 5.52 acres in size and lies within the PLI zoning district; and

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

- Plan labeled "1," entitled "Cover Sheet," dated February 19, 2021, last revised July 12, 2021, prepared by Dynamic Engineering.
- Plan labeled "2," entitled "Demolition Plan," dated February 19, 2021, last revised July 12, 2021, prepared by Dynamic Engineering.
- Plan labeled "3," entitled "Site Plan," dated February 19, 2021, last revised July 12, 2021, prepared by Dynamic Engineering.
- Plan labeled "4," entitled "Grading Plan," dated February 19, 2021, last revised July 12, 2021, prepared by Dynamic Engineering.
- Plan labeled "5," entitled "Drainage and Utility Plan," dated February 19, 2021, last revised July 12, 2021, prepared by Dynamic Engineering.
- Plan labeled "6," entitled "Storm and Sanitary Profile," dated February 19, 2021, last revised July 12, 2021, prepared by Dynamic Engineering.
- Plan labeled "7," entitled "Driveway Profiles," dated February 19, 2021, last revised July 12, 2021, prepared by Dynamic Engineering.
- Plan labeled "8," entitled "Landscape Plan," dated February 19, 2021, last revised July 12, 2021, prepared by Dynamic Engineering.
- Plan labeled "9," entitled "Lighting Plan," dated February 19, 2021, last revised July 12, 2021, prepared by Dynamic Engineering.

Site Plan, Tree Removal and Wetlands Permit Approvals for

94 Business Park Dr. [2021-009]

August 9, 2021

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- Plan labeled "10," entitled "Stormwater Pollution Prevention Plan," dated February 19, 2021, last revised July 12, 2021, prepared by Dynamic Engineering.
- Plan labeled "11," entitled "Construction Details," dated February 19, 2021, last revised July 12, 2021, prepared by Dynamic Engineering.
- Plan labeled "12," entitled "Construction Details," dated February 19, 2021, last revised July 12, 2021, prepared by Dynamic Engineering.
- Plan labeled "13," entitled "Construction Details," dated February 19, 2021, last revised July 12, 2021, prepared by Dynamic Engineering.
- Plan labeled "14," entitled "Construction Details," dated February 19, 2021, last revised July 12, 2021, prepared by Dynamic Engineering.
- Plan labeled "15," entitled "Construction Details," dated February 19, 2021, last revised July 12, 2021, prepared by Dynamic Engineering.
- Plan labeled "16," entitled "Vehicle Circulation Plan," dated February 19, 2021, last revised July 12, 2021, prepared by Dynamic Engineering.
- Plan labeled "1," entitled "Banked Option Plan," dated February 19, 2021, last revised July 12, 2021, prepared by Dynamic Engineering.
- Plan labeled "A1," entitled "Floor Plan," dated February 19, 2021, prepared by Cerminara Architect.
- Plan labeled "A2," entitled "Exterior Elevations," dated February 19, 2021, prepared by Cerminara Architect.
- Plan labeled "S.01," entitled "Boundary & Topographic Survey," dated April 30, 2020, last revised January 7, 2021, prepared by LAN Associates, LLP.
- Document entitled "Stormwater Management Report," dated February 2021, prepared by Dynamic Engineering.
- Document entitled "Stormwater Pollution Prevention Plan Report," dated July 2021, prepared by Dynamic Engineering.

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

WHEREAS, the Fire Department indicated that the specific use of the building should be identified, whether or not the building will be equipped with sprinklers, whether or not the site will be equipped with a generator, whether or not standpipes will be installed and whether or not knock boxes will be installed; and

WHEREAS, the Applicant coordinated with the Division for Historic Preservation of the Office of Parks, Recreation and Historic Preservation (OPRHP) as part of the SEQRA process; and

WHEREAS, OPRHP stated that it has no concerns regarding the proposed project under SEQRA; and

Site Plan, Tree Removal and Wetlands Permit Approvals for

94 Business Park Dr. [2021-009]

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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 Sewer and Water Department in a March 15, 2021 letter to the Planning Board noted that it is recommended that the entire sewer line be replaced out to the street, that the Applicant may encounter buried septic tanks on the property, that both fire and domestic water service be separate from the source main due to the lack of water movement in the 10" fire main, that a 4" domestic line may not be necessary, that the proposed fire hydrant will be private and must be metered, that a master meter with backflow devices should be installed in a hot box, and that the hydrant valve be revised to operate in a direction that matches Town valves; and

WHEREAS, the Architectural Review Board approved the proposed building design at the May 19, 2021 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 Westchester County Planning Board in an April 6, 2021 letter to the Town noted that subsurface stormwater quality and retention infrastructure can be of diminishing effectiveness over time if not properly maintained and that the Town require an enforceable maintenance program or require aboveground stormwater management solutions; and

WHEREAS, the Westchester County Planning Board also noted that a County Stream Control Permit will likely be required from the Westchester County Department of Public Works and Transportation; and

WHEREAS, the Westchester County Planning Board further recommends that the site plan be revised to connect the interior sidewalk to the existing Bee Line bus stop located adjacent to the subject parcel; and

WHEREAS, the Westchester County Planning Board recommends that the site plan be revised to reduce the proposed amount of parking by eliminating parking or landbanking the parking; and

WHEREAS, the Westchester County Planning Board recommends that the site plan be revised to provide for adequate recycling storage and for the building to incorporate green building technology and bicycle parking; and

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

Site Plan, Tree Removal and Wetlands Permit Approvals for

94 Business Park Dr. [2021-009]

August 9, 2021

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WHEREAS, the plan depicts the disturbance to 17,831 square feet of Town-regulated wetland buffer, including 9,645 s.f. of existing impervious surface within the wetland buffer which will remain and 5,751 s.f. which will be restored wetland buffer; and

WHEREAS, the applicant is proposing 41,077 s.f. of mitigation, in the form of 8,168 s.f. of restored wetlands buffer and 32,909 s.f. of landscaping outside of the wetland buffer within the parking lot and its perimeter; 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 29, 2020 memorandum to the Planning Board; and

WHEREAS, the site plan depicts the removal of 47 of 73 Town-regulated trees located on the site; and

WHEREAS, on August 9, 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 performed an uncoordinated SEQRA review of the proposed action; 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

Site Plan, Tree Removal and Wetlands Permit Approvals for

94 Business Park Dr. [2021-009]

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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, 20 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.

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 replace the proposed chain link fence trash enclosure with a concrete block enclosure with wood door to the satisfaction of the Planning Department.
- _____ 2. The site plan depicts three proposed offices spaces within the warehouse. The submitted floor plans do not depict the office space. The plans shall be coordinated to the satisfaction of the Planning Department.
- _____ 3. The Zoning Compliance Chart shall note net lot area pursuant to Section 355-30.H of the Town Code (and depict the calculations used to obtain net lot area). Net Lot Area shall be used in calculations of FAR and Building Coverage.
- _____ 4. The Applicant shall submit a building coverage graphical exhibit with calculations to the satisfaction of the Planning Department.
- _____ 5. The Applicant shall submit a FAR graphical exhibit with calculations to the satisfaction of the Planning Department.

Site Plan, Tree Removal and Wetlands Permit Approvals for

94 Business Park Dr. [2021-009]

August 9, 2021

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- _____ 6. The proposed maximum height of the parapet wall at the building edges appears to be 5'3/8". The Town Code limits parapet height to "less than 5 feet." The plans shall be revised to comply with the maximum parapet height to the satisfaction of the Building Department.
- _____ 7. The Existing Condition Site Plan shall clearly illustrate the boundaries of the floodplain and floodway and include references to the FEMA Effective FIRM Maps and floodplain elevation to the satisfaction of the Town Engineer.
- _____ 8. The applicant shall provide confirmation from the NYSDEC as to whether an Article 24, Freshwater Wetland Permit will be required for the project to the satisfaction of the Town Engineer. If required, the applicant shall provide a validation map signed by the NYSDEC, establishing the boundaries of the State regulated wetland.
- _____ 9. The site plan indicates available sight line distances for vehicles exiting both proposed driveway locations. The plan, however, shall be expanded to illustrate the entirety of the available sight distance, as well as include sight line profiles for these locations to the satisfaction of the Town Engineer. The profile shall be taken from a vehicle 14 feet from the edge of the traveled way, with the driver's eye at 3.5 feet above finish grade, to an object in the road 2 feet above grade. The plan shall identify whether any additional existing vegetation along the right-of-way of Business Park Drive will require removal to maintain adequate sight lines.
- _____ 10. The applicant shall illustrate turning movements, around the proposed building and exiting the site, for fire apparatus vehicles and tractor trailers of a size anticipated to utilize the site to the satisfaction of the Town Engineer.
- _____ 11. The plan shall include proposed driveway profiles to demonstrate compliance with Section 355-59, Driveways of the Town Code to the satisfaction of the Town Engineer.
- _____ 12. The applicant shall prepare a Stormwater Pollution Prevention Plan (SWPPP) and Erosion and Sediment Control Plan to the satisfaction of the Town Engineer.
- _____ 13. The plan shall include profiles for all drainage conveyances to demonstrate adequate cover and slope and that there are no conflicts with other utilities to the satisfaction of the Town Engineer.
- _____ 14. The site plan illustrates a wet tap for the proposed water service; this should be reviewed with the Town Water and Sewer Department as well as any potential requirement for remote metering and backflow protection. The applicant shall clarify whether individual services for domestic water and fire protection are required for the building to the satisfaction of the Town Engineer.

Site Plan, Tree Removal and Wetlands Permit Approvals for

94 Business Park Dr. [2021-009]

August 9, 2021

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- _____ 15. The site plan depicts a proposed reconnection and expansion of the existing gas service for the building. In March 2019, ConEdison imposed a moratorium on new services or expansions to existing gas services. The applicant shall provide confirmation from ConEd that the proposed modifications are acceptable. Otherwise, alternative fuel sources shall be noted on the plan to the satisfaction of the Town Engineer.

- _____ 16. 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.

- _____ 17. The plan shall include a trench restoration detail, to the satisfaction of the Town Engineer, for all work within the right-of-way of Business Park Drive in accordance with Town Highway Department standards.

- _____ 18. 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.

- _____ 19. 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.

- _____ 20. The Applicant shall demonstrate that a County Stream Control Permit has been issued to the satisfaction of the Town Engineer.

- _____ 21. The applicant is proposing part of the wetland mitigation within a land banked parking area. This area can't be counted as mitigation since it could conceivably be turned back to a parking area in the future. The wetland mitigation plan shall be revised to provide the minimum required 2:1 mitigation or the Applicant shall provide a payment in-lieu to make up the difference to the satisfaction of the Planning Department and Town Engineer.

- _____ 22. 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.

Site Plan, Tree Removal and Wetlands Permit Approvals for

94 Business Park Dr. [2021-009]

August 9, 2021

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- _____ 23. 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.
- _____ 24. 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.
- _____ 25. Payment of all applicable fees, including any outstanding consulting fees.
- _____ 26. 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.
- _____ 27. 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.
- _____ 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.

Site Plan, Tree Removal and Wetlands Permit Approvals for

94 Business Park Dr. [2021-009]

August 9, 2021

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- _____ 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.
- _____ 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.

Site Plan, Tree Removal and Wetlands Permit Approvals for

94 Business Park Dr. [2021-009]

August 9, 2021

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- _____ 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. 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.
2. 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.
3. 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.
4. 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.
5. 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.

Site Plan, Tree Removal and Wetlands Permit Approvals for

94 Business Park Dr. [2021-009]

August 9, 2021

Page 11 of 12

6. 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.
7. Compliance with all applicable local laws and ordinances of the Town of North Castle and any conditions attached to permits issued thereunder.
8. 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.
9. 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


08/20/2021

Amy Targan Lushing

Date

Aggro and Brassi, LLC

08/20/2021



Date

Armonk Fairview, LLC

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

08/20/2021


Valerie B. Desimone

Date

Valerie B. Desimone, Planning Board Secretary

KELLARD SESSIONS CONSULTING
As to Drainage and Engineering Matters

08/20/2021



Date

Joseph M. Cermele, P.E.
Consulting Town Engineer

STEPHENS BARONI REILLY & LEWIS LLP
As to Form and Sufficiency

08/20/2021



Date

Roland A. Baroni, Jr. Esq., Town Counsel

NORTH CASTLE PLANNING BOARD

08/20/2021

Christopher Carthy

Date

Christopher Carthy, Chairman

This audit trail was created during the document signature process and holds details of parties involved, including email address of signer(s), device IPs, signature timestamp and more. It serves as a digital certificate and can be used as a legal evidence.

DOCUMENT 94 BPD.site.wetlands.tree.pdf
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INITIATOR REFERENCE ID 0c4324c8d31c4f978d033a2ee1b7fb4f

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Signature request initiated for:

**amy@maltproducts.com (Amy Targan Lushing),
michaelm@mandelbaumfirm.com (Michael Mandelbaum),
VDESIMONE@NORTHCASTLENY.COM (Valerie B. Desimone),
jcermele@kelses.com (Joe Cermele), rbaroni@sbllaw.com (Roland A. Baroni),
CCarthy@PoolsOfPerfection.com (Christopher Carthy)**

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Recipients added to CC list:

dcinguina@kelses.com

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IP: 108.14.248.10



Signed By RBaroni@SBRLLaw.com (Roland A. Baroni)

Signed on: 2021-08-20 13:49:24 UTC

IP: 173.56.88.254



Signed By CCarthy@PoolsOfPerfection.com (Christopher Carthy)

Signed on: 2021-08-20 13:51:32 UTC

IP: 72.89.180.181



Signed By amy@maltproducts.com (Amy Targan Lushing)

Signed on: 2021-08-20 14:16:55 UTC

IP: 69.115.217.72



Signed By jcermele@kelses.com (Joe Cermele)

Signed on: 2021-08-20 14:28:46 UTC

IP: 75.99.243.130



Signed By vdesimone@northcastleny.com (Valerie B. Desimone)

Signed on: 2021-08-20 15:13:17 UTC

IP: 108.14.248.10



Signed By michaelm@mandelbaumfirm.com (Michael Mandelbaum)

Signed on: 2021-08-20 15:40:19 UTC

IP: 71.172.146.242



Signature request completed.

Completed on: 2021-08-20 15:40:25 UTC

IP: 71.172.146.242

State Environmental Quality Review
NEGATIVE DECLARATION
Notice of Determination of Non-Significance

Project Number: [#2020-009]

Date: August 9, 2021

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of North Castle Planning Board has determined that the proposed action described below will not have a significant adverse effect on the environment and a Draft Environmental Impact Statement will not be prepared.

Name of Action: 94 Business Park Drive – Site Plan

SEQR Status: Type I

Unlisted X

Conditioned Negative Declaration: Yes

X No

Description of Action: Site plan, wetlands permit and tree removal permit approvals to demolish the existing motel and the construction of a 71,574 square foot warehouse with associated off-street parking and landscaping improvements.

Location: (Include street address and the name of the municipality/county. A location map of appropriate scale is also recommended).

94 Business Park Drive

Taxmap #: 108.03-1-50

Reasons Supporting This Determination:

(See 617.7(c) for requirements of this determination; see 617.7(d) for Conditioned Negative Declaration)

SEE ATTACHED REASONS

If Conditioned Negative Declaration, provide on attachment the specific mitigation measures imposed.

For Further Information:

Contact Person: Adam R. Kaufman, AICP, Director of Planning

Address: 17 Bedford Road, Town Hall Annex, Armonk NY 10504

Telephone Number: 914-273-3542

For Type I Actions and Conditioned Negative Declarations, a copy of this notice sent to:

Office of the Chief Executive Officer of the political subdivision in which the action will be principally located.

The lead agency

All involved agencies (if any)

Any person who has requested a copy (if any)

Applicant (if any)

Publication in the in the Environmental Notice Bulletin (ENB) is also required.

**ATTACHMENT TO NEGATIVE DECLARATION
REASONS SUPPORTING DETERMINATION**

The Planning Board cites the following reasons supporting this Negative Declaration:

The Proposed Action will not have a significant adverse environmental impact as a result of any physical change to the project site.

The project will result in a physical change to the site requiring the removal of Town-regulated trees and site grading. However, given the proposed soil and erosion control plan combined with the proposed stormwater plan, the Planning Board has determined that the physical impacts are small to moderate in nature.

The Proposed Action will not have a significant adverse environmental impact on any CEA.

The Proposed Action will not have a significant adverse environmental impact on any unique or unusual land forms.

The Proposed Action will not have a significant adverse environmental impact on any water body designated as protected.

The Proposed Action will not have a significant adverse environmental impact on any non-protected existing or new body of water.

The Proposed Action will not have a significant adverse environmental impact on surface or groundwater quality or quantity.

Throughout the Town's review of the Proposed Action, efforts were made to guide the project in a manner designed to minimize impacts to the maximum extent practicable, this includes adequate erosion control and stormwater mitigation.

The Proposed Action will not have a significant adverse environmental impact on or alter drainage flow or patterns, or surface water runoff.

The Planning Board has determined that the flood impacts are small in nature and that the flood impacts will be adequately mitigated via the floodplain development permit process.

In addition, the Applicant will be required to implement an erosion and sediment control plan during construction.

The Proposed Action will not have a significant adverse environmental impact on air quality.

The Proposed Action will not have a significant adverse environmental impact on any threatened or endangered species.

The Proposed Action will not have a significant adverse environmental impact on agricultural land resources.

The Proposed Action will not have a significant adverse environmental impact on aesthetic resources.

The Proposed Action will not have a significant adverse environmental impact on any site or structure of historic, prehistoric or paleontological importance.

The Proposed Action will not have a significant adverse environmental impact on the quantity or quality of existing or future open spaces or recreational opportunities.

The Proposed Action will not have a significant adverse environmental impact on the exceptional or unique characteristics of a Critical Environmental Area (CEA) established pursuant to 6NYCRR Part 617.14(g).

The Proposed Action will not have a significant adverse environmental impact on existing transportation systems.

The Proposed Action will not have a significant adverse environmental impact on the community's sources of fuel or energy supply.

The Proposed Action will not have a significant adverse environmental impact as a result of objectionable odors, noise or vibration.

The Proposed Action will not have a significant adverse environmental impact on the public health and safety.

The Proposed Action will not have a significant adverse environmental impact on the character of the existing community.

There is no public controversy related to the proposed project.



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

PLANNING DEPARTMENT
Adam R. Kaufman, AICP
Director of Planning

Telephone: (914) 273-3542
Fax: (914) 273-3554
www.northcastleny.com

PLANNING BOARD SCHEDULE OF ESCROW ACCOUNT DEPOSITS

<u>Type of Application Deposit*</u>	<u>Amount of Initial Escrow Account</u>
Concept Study	\$500.00
Site Plan Waiver for Change of Use	\$500.00
Site Development Plan for:	
Multifamily Developments	\$3,000.00 plus \$100.00 per proposed dwelling unit
Commercial Developments	\$3,000.00 plus \$50.00 for each required parking space
1 or 2 Family Projects	\$2,000.00
Special Use Permit	\$2,000.00 plus \$50.00 for each required parking space
Subdivision:	
Lot Line Change resulting in no new lots	\$1,500.00
All Others	\$3,000.00 plus \$200.00 per proposed new lot in excess of two (2)
Preparation or Review of Environmental Impact Statement	\$15,000.00

* If a proposed action involves multiple approvals, a single escrow account will be established. The total amount of the initial deposit shall be the sum of the individual amounts indicated. When the balance in such escrow account is reduced to one-third (1/3) of its initial amount, the applicant shall deposit additional funds into such account to restore its balance to the amount of the initial deposit.

Applicant Signature: Ally Keyser, on behalf of Peds Date: 4/22/22