



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

PLANNING BOARD
Christopher Carthy, Chair

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

R E S O L U T I O N

Action: Amended Site Plan Approval
Application Name: 94 Business Park Dr. – PODS [2022-019]
Owner: Aggro and Brassi, LLC
Owner: Armonk Fiarview, LLC
Applicant: PODS' Moving and Storage
Designation: 108.03-1-50
Zone: PLI Zoning District
Acreage: 5.52-acres
Location: 94 Business Park Drive
Approval Date: November 28, 2022
Date of Expiration: November 28, 2023

WHEREAS, a site plan application has been submitted to reconfigure the side elevations of the building to permit the drive-in loading and unloading of PODS for single container trucks, to permit the outdoor loading and unloading on the south side of the building for multi-container trucks, as well as additional landscape screening along the southern property line; and

WHEREAS, the requisite fee was paid; and

WHEREAS, the application consists of the following plans:

- Plan depicting interior PODS layout (undated) (preparer unknown).
- Plan labeled “3,” entitled “Site Plan,” dated February 19, 2021, last revised November 9, 2022, prepared by Dynamic Engineering.
- Plan labeled “9,” entitled “Landscape Plan,” dated February 19, 2021, last revised November 9, 2022, prepared by Dynamic Engineering.

WHEREAS, the Planning Board during the site plan amendment deliberation stated that the outdoor loading and unloading of PODS containers had the potential to create significant adverse visual and noise impacts upon neighboring properties; and

WHEREAS, the Planning Board and the Applicant agreed to modify the site plan to permit the drive-in loading and unloading of single container PODS trucks within the warehouse in an effort to reduce noise and visual impacts; and

WHEREAS, the Applicant has prepared a detailed PODS container layout that demonstrates that containers can be loaded and unloaded within the warehouse without the need for outdoor staging of containers; and

WHEREAS, for trucks that carry more than one container, the site plan depicts a drop off and loading zone on the southern side of the building in an effort to minimize visual and noise impacts to the maximum extent practicable; and

WHEREAS, the site plan depicts overnight truck parking in five loading spaces at the rear of the building; and

WHEREAS, the proposed action would be classified as a Type II Action pursuant to SEQRA; and

WHEREAS, Type II Actions have been determined not to have a significant impact on the environment do not require any further processing pursuant to SEQRA; 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, emergency vehicle access or any other issue deemed important to providing emergency services; and

WHEREAS, emergency services providers did not submit any comments to the Planning Board; and

WHEREAS, the site plan was forwarded to the Westchester County Planning Board on May 10, 2022 pursuant to Section 239-m of New York State General Municipal Law since the site is located within 500 feet of I-684; and

WHEREAS, the referral to Westchester County is a “referral only” and a response is not provided to the Town; and

WHEREAS, a duly advertised public hearing was opened on June 13, 2022 and closed on November 28, 2022, at which time all those wishing to be heard were given the opportunity to be heard; and

WHEREAS, the Planning Board has received and considered comments from the public, Town Attorney, Town Engineer and Town Planner; and

WHEREAS, the requirements of the Zoning Ordinance and the Town of North Castle Comprehensive Plan Update have been met; and

NOW THEREFORE BE IT RESOLVED,, that the Application for site plan approval be, and it hereby is, granted, and the Planning Board Chairman is authorized to sign the site plan subject to the conditions identified below; and

Prior to the Signing of the Site Plan:

(The initials of the appropriate Town Official and date shall be placed in the space below to indicate that the condition has been satisfied)

- _____ 1. The Site Plan shall be updated to show the turning radius of trucks entering and exiting the warehouse, to the satisfaction of the Town Engineer.
- _____ 2. The site plan shall be revised to contain a note stating that all on-site trucks/equipment shall utilize an adjustable volume backup swisher.
- _____ 3. The site plan shall be revised to contain a note stating that all on-site forklifts shall be electric or natural gas fueled.
- _____ 4. The site plan shall be revised to contain a note stating that outdoor loading/unloading/staging shall be prohibited except for areas identified on the site plan.
- _____ 5. The site plan shall be revised to contain a note stating that all on site vehicles shall have a 5-minute maximum idle time.
- _____ 6. The site plan shall be revised to contain a note stating that all single container POD trucks shall be loaded/unloaded within the warehouse. All multi-POD container trucks shall be loaded/unloaded within the area designated on the site plan at the southern side of the building.
- _____ 7. The site plan shall be revised to contain a note stating that outdoor overnight parking shall be limited to the area depicted on the site plan at the rear of the building within the designated loading spaces. Container storage shall not be permitted in this area.
- _____ 8. The site plan shall be revised to contain a bollard detail.
- _____ 9. The off-street parking requirements chart should be revised. The existing parking requirement is based upon a warehouse with 100 employees. PODS has indicated that a substantially smaller workforce would be on-site. If so, the square foot off street parking requirement would control ($71,574/1,200 = 60$ spaces + 5 trucks). The site plan should be updated.
- _____ 10. All submitted plans shall contain the seal and signature of the professional preparing the plan to the satisfaction of the Planning Department.
- _____ 11. Payment of all applicable fees, including any outstanding consulting fees.

_____12. The applicant shall submit to the Planning Board Secretary 1 PDF set of plans (with required signature block located in the lower right corner of all plan sheets) 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 initials of the appropriate Town Official and date shall be placed in the space below to indicate that the condition has been satisfied)

_____1. The approved site plan shall be signed by both the Planning Board Chairman and the Town Engineer.

_____2. 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.

_____3. Payment of all outstanding fees, including professional review fees.

Prior to the Issuance of a Certificate of Occupancy:

(The initials of the appropriate Town Official and date shall be placed in the space below to indicate that the condition has been satisfied)

_____1. Payment of all outstanding fees, including professional review fees.

Other Conditions:

1. All on-site trucks/equipment shall utilize an adjustable volume backup swisher.
2. All on-site forklifts shall be electric or natural gas fueled.
3. Outdoor loading/unloading/staging shall be prohibited except for areas identified on the site plan.
4. All on site vehicles shall have a 5 minute maximum idle time.
5. All single container PODS trucks shall be loaded/unloaded within the warehouse.
6. All multi-container PODS trucks shall be loaded/unloaded within the area designated on the site plan at the southern side of the building.

Site Plan Approval

94 Business Park Drive – Outdoor Storage [2022-019]

November 28, 2022

Page 5 of 6

7. Outdoor overnight parking shall be limited to the area depicted on the site plan at the rear of the building within the designated loading spaces. Container storage shall not be permitted in this area.
8. Compliance with all applicable local laws and ordinances of the Town of North Castle and any conditions attached to permits issued thereunder.
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

Aggro and Brassi, LLC

Armonk Fiarview, LLC

PODS' Moving and Storage

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

Date Valerie B. Desimone, Planning Board Secretary

Certified as Approved by the North Castle Planning Board

KELLARD SESSIONS CONSULTING P.C.
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, Chair