

May 9, 2022

[Via Email]

Christopher Carthy, Chairman
North Castle Planning Board
17 Bedford Road
Armonk, NY 10504

**Re: Brothers Green Nursery
Application for Nursery Special Permit
11 Bedford Banksville Road, Section 102.04, Block 1, Lot 18**

Honorable Chairman and Members of the Planning Board:

I. INTRODUCTION

This firm represents Brothers Green Corp. (“Applicant”), owner of the property located at 11 Bedford Banksville Road (“Property”), in connection with this site plan application. The Applicant has been operating a nursery business on the Property for approximately 40 years and was recently advised by the Building Inspector that there is no approved site plan of record for the use on the Property. The purpose of this letter is to transmit this site plan application and request placement on your Board’s May 23rd agenda for an initial presentation.

II. DESCRIPTION OF SITE AND ZONING

The Property is located at 11 Bedford Banksville Road and is identified on the Tax Assessment Map of the Town of North Castle as Parcel Id. # 102.04-1-18. The relevant portion of the Tax Map is attached hereto as **Exhibit A**.

The Property is 3.764 acres and is located in both the Central Business B (“CB-B”) district and the General Business (“GB”) district. Approximately, 54,906 s.f. (33.5%) of the Property is located in the CB-B district and 109,065 s.f. (66.5%) is located in the GB district. An aerial image of the property showing the zoning district boundaries is attached hereto as **Exhibit**

B. The eastern portion of the site, which is located in the CB-B district is currently improved with multiple structures, including: (i) 955 s.f. residence; (ii) 611 s.f. garage; (iii) 1,107 s.f. storage garage; (iv) 2,083 s.f. storage garage; (v) 226 s.f. office trailer and 132 s.f. trailer; (vi) various landscaping material storage bays and areas; and (vii) associated parking areas. The central/western portion of the Property, which is located in the GB district, is predominantly vacant, except for miscellaneous storage areas in the center of the site.

As your Board will see on the site walk, the Property is very organized and well maintained. Additionally, due to the significant plantings along the Property's perimeter, the operations conducted on the site are almost entirely screened from Bedford Banksville Road.

As shown on the enclosed site plan, a water course crosses the central portion of the site and then runs along the Property's southern border. This results in the majority of the Property which is in the CB-B district being located within the 100-foot wetland buffer. Additionally, 100% of the area located in the GB district also consists of wetland and/or wetland buffer.

III. HISTORIC USE OF THE PROPERTY

The Property, like many of the properties located on the western side of Bedford Banksville Road, is, and has been, used for a variety of uses over the last century, including nursery, landscaping, excavation and construction, and contractor's yard. It has been under the current ownership for the last 15 years and used as a nursery for the last 40 years.

From 1930 to roughly 1965, the Property was owned by the Ritacco family. Mrs. Mary Ritacco resided in the house on the Property. The remainder of the site was utilized as a mechanical repair shop and for the storage of construction equipment.

In 1965, the Property was sold to George Briggs. The house on the Property was rented to George Goodhart and family. Mr. Briggs utilized the remainder of the site as the base of operations for his excavating and construction business. This included storage of equipment and top soil screening and material storage and transfer. The garages on the Property were used for mechanical repair and were rented to William Kerslake and Max Kuschluk.

In 1984, John and Mary DiGiacinto purchased the Property. From the time the DiGiacintos took ownership until 1987, George Goodhart remained in the house. In December of 1987, the house was rented by Sondra S. Schmitz. The existing garages on the site were rented to Bill Richardson (Babco Automotive) and Wally Soroka Plumbing. Finally, the balance of the Property was rented to Richard Green Landscapes and was utilized as a nursery and for storage of related machinery, topsoil, and construction material.

In 1993, the DiGiacintos transferred title to Banbed Realty Inc.¹ There was no change in usage associated with this transfer.

¹ Banbed Realty Inc. was controlled by members of the DiGiacinto family.

Finally, in 2007, the Property was sold to the Applicant. The house was continuously rented by the Schmitz family until 2019. The Applicant continues its use of the Property for its nursery business and storage of associated materials and equipment.

In 2019, the Applicant applied for and obtained a building permit to conduct work on the house. During the application process, the Town required the Applicant to pursue, and obtain, a Letter of Map Amendment (“LOMA”). This process required a detailed hydraulic & hydrologic analysis of the watercourse, field survey work, took over 6 months, and cost tens of thousands of dollars to obtain.

After obtaining LOMA, the Applicant was advised that the original building permit issued for the work conducted on the house should never have been issued because there was no approved site plan in the Town’s records for the Property. Pursuant to § 355-41 of the North Castle Zoning Code,

“[n]o building permit shall be issued, and no structure or use of the land shall be established or changed, other than for one single-family dwelling approved in accordance with the procedures specified in Article VII of [the North Castle Zoning Code], except in conformity with a site development plan approved and endorsed by the Planning Board with its date of approval, and no certificate of occupancy for such structure or use of land shall be issued until all requirements of such site plan and any conditions attached thereto have been met.”

Had the Applicant been made aware of this code provision from the outset, it is likely that it would never have pursued the costly LOMA.

IV. PROPOSED DEVELOPMENT

Unlike most site applications that come before your Board, the Applicant is not seeking to change the current, well established, use of the Property as a nursery. Instead, the Applicant is merely seeking to continue what it has been doing on the Property for the last 40 years².

As stated above, the Property is located in both the CB-B and GB zones. The majority of the property located in the GB zone is comprised of wetlands and consists of vacant land. The developed and usable portion of the site is located in the CB-B district, which permits, among other uses, “any non-residential uses permitted in the R-5 district, as permitted and regulated therein.” Pursuant to § 355-21 of the Zoning Code, nurseries are permitted in the R-5 zone subject to receipt of a Special Permit from the Town Board and Site Plan approval from the Planning Board.

² While the Applicant has been utilizing the Property as a nursery use for the past 40 years, as discussed above the use of the Property as a nursery/contractor’s yard dates back to the 1930’s.

The following plans are submitted in support of this application:

1. Existing Site Plan, prepared by Redniss & Mead, dated May 3, 2022.
2. Property & Topographic Survey, prepared by Redniss & mead, dated March 11, 2022.

Please note that we submitted a special permit application to the Town Board on May 4th and will be making our initial presentation to the Town Board on May 11, 2022. We are processing these applications simultaneously recognizing that your Board cannot grant site plan approval until the Town Board has completed its SEQRA review and taken action on the special permit application.

V. CONCLUSION

Attached hereto as **Exhibit C** and **D**, please find a completed site plan application form and Short Environmental Assessment Form, together with the application fee. Please place this matter on your May 23rd agenda.

If you have any questions or require additional information, please do not hesitate to contact me.

Very truly yours,



Kory Salomone

EXHIBIT A

EXHIBIT B

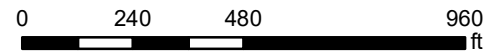
Westchester County Municipal Tax Parcel Map (North Castle)



May 3, 2022

Tax parcel data was provided by local municipality. This map is generated as a public service to Westchester County residents for general information and planning purposes only, and should not be relied upon as a sole informational source. The County of Westchester hereby disclaims any liability from the use of this GIS mapping system by any person or entity. Tax parcel boundaries represent approximate property line location and should NOT be interpreted as or used in lieu of a survey or property boundary description. Property descriptions must be obtained from surveys or deeds. For more information please contact local municipality assessor's office.

1:5,000



Westchester County GIS

GIS COORDINATE INFORMATION SYSTEM
<http://giswww.westchestergov.com>
Michaelian Office Building
148 Martine Avenue Rm 214
White Plains, New York 10601

EXHIBIT C



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

Brothers Green Corp



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Important General Information

- Prior to submitting an application, the "Notice to Applicants" should be reviewed.
- To appear before the Planning Board, all required application materials shall be submitted not later than **12:00 P.M., Monday, fourteen (14) days** prior to the date of the Planning Board meeting at which the application is scheduled to be heard or as otherwise noted by the Planning Board Secretary. Continuing Business can be submitted 12 days prior to the Next Planning Board meeting by the close of business. Except where noted.

If all required application materials, including the pertinent application fee and escrow monies are not submitted by that deadline, the application shall be automatically removed from the agenda.

At the discretion of the Planning Board Chairman, the application may be rescheduled, if appropriate, for the next available Planning Board meeting or the application may be removed from future agendas altogether. Without prior authorization from the Planning Board, application submissions shall not be accepted at Planning Board meetings.

- At the time of submission, all required application materials shall be submitted. **Piecemeal submissions shall not** be accepted. Substitution of previously submitted materials shall not be permitted.
- All submissions shall be dated, with revision dates identified on new submissions.
- All submissions shall be accompanied by a cover letter describing the project and/or any changes as compared to previous submissions.
- For distribution purposes and mailing to the Planning Board Members and others (as required), multiple copies of application materials shall be collated into separate sets, each containing one copy of every submitted document. All application materials shall be submitted in a form that fits into a **12" x 17" envelope**. Plans shall be **folded** and **rubber banded** as necessary.
- To be considered complete for Planning Board hearing purposes, an application package shall contain the information identified in Parts IV and V of this application form.
- For purposes of completing this application form, all responses provided shall be printed, except as otherwise specified.



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**AT THE TIME OF SUBMISSION TO THE PLANNING DEPARTMENT
PLEASE MAKE SURE THE FOLLOWING IS PROVIDED**

- ✓ SUBMISSION OF A SINGLE PDF FILE (PLANS, APPLICATION FORM, OTHER PAPERWORK) ON A DISK, THUMBDRIVE OR EMAIL

- ✓ COVER LETTER DESCRIBING THE PROJECT OR CHANGES TO THE PROJECT

- ✓ ALL PLANS ARE SIGNED AND SEALED BY A LICENSED NYS PROFESSIONAL

- ✓ ALL PLANS SHALL BE COLLATED AND FOLDED INTO 8 INDIVIDUAL SETS



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NOTICE TO APPLICANTS

In the Town of North Castle, the Planning Board is responsible for the review and approval of all applications concerning site plans, subdivisions and lot line changes; some applications concerning special use permits, wetlands permits and tree removal permits; and the environmental review of those applications over which it has jurisdiction. The Planning Board may also have an advisory role in connection with some applications before the Town Board, such as those involving other categories of special use permits and zoning amendments.

The Planning Board is composed of five volunteer members – all residents of North Castle – who are appointed by the Town Board for five-year terms. As part of the review of some applications, the Planning Board is assisted on an as-needed basis by other lay boards of the Town, such as the Conservation Board (CB), the Zoning Board of Appeals (ZBA), the Open Space Committee and the Architectural Review Board (ARB). As part of the review of most applications, the Planning Board is also assisted by the Director of Planning, the Town Engineer, the Town Attorney and other special consultants when required.

FEES:

If you submit an application for Planning Board review, you will be required to reimburse the Town for the cost of professional review services, including legal and engineering services, incurred in connection with the review of your application. The charges for professional planning review services have been \$120/hour. If other types of professional consultant review services are required, those charges will be in accord with fees usually charged for such services and pursuant to a contractual agreement between the Town and such professional.

At the time of submission of an application, the Planning Board will require the establishment of an escrow account from which withdrawals shall be made to reimburse the Town for the cost of consultant fees and professional staff services.

ESCROW ACCOUNT:

Escrow Accounts are established for each application. Monies will be deducted from the account for professional review services rendered. Monthly escrow disbursement summaries will be mailed for your reference regarding your project. When the balance in such escrow account is reduced to one-third (1/3) of its initial amount, a letter will be mailed to the applicant and the applicant shall deposit additional funds into such account to restore its balance to the amount of the initial deposit. Additional information on these requirements is provided in the North Castle Town Code (see Sections 355-79B and 275-36.C).



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PROCEDURE:

Prior to submitting an application to the Planning Board for review and approval, prospective applicants should schedule an appointment with the Planning Board Secretary at (914) 273-3542 for a consultation with the Town Planner and the Town Engineer. When the appointment is made, a verbal description of the proposal should be provided to the Planning Board Secretary. The Town of North Castle is providing the services of the Director of Planning and the Town Engineer for *initial* consultation at no cost to the applicant so that it is possible to conduct the application review as efficiently as possible for the benefit of the applicant as well as the Planning Board.

After meeting with the Town Planner and Town Engineer, prospective applicants should prepare one complete set of application documents and plans. This set will be reviewed for completeness by the Town Planner. If determined to be incomplete, the Planning Department will submit a checklist indicating which items have not been adequately addressed. If determined to be complete, the checklist will be initialed and the Applicant should submit the remainder of the required application packages.

Once the checklist has been initialed and all application packages have been submitted, the Planning Board Secretary will schedule the application for the first available opening on the Planning Board's meeting agenda. However, if the required application material packages, including the pertinent application fee are not received at the Planning Board office by 12:00 PM, Monday, 14 days prior to the date of the Planning Board meeting at which you are scheduled to appear (or otherwise scheduled by the Planning Board Secretary), your application will be automatically removed from the agenda. At the discretion of the Planning Board Chairman, your application may be rescheduled, if appropriate, for the next available Planning Board meeting or the application may be removed from future agendas altogether. Additional requirements pertinent to each type of application are provided on the individual application forms, which you should carefully review prior to submitting your application.

When an application is deemed complete and submitted for review, it will be forwarded to the Planning Board Members and its professional advisors in advance of the meeting to allow adequate time for review, preparation of written reports and site inspections as necessary. Your application may also be forwarded to other boards and staff of the Town as well as to agencies outside of the Town, if required. Compliance with State Environmental Quality Review (SEQR) procedures is also required as part of the processing of all applications.

At your first appearance before the Planning Board, the Applicant will describe the project and the Planning Board will discuss any preliminary issues. The Planning Board discussion may be continued at future meetings, or if the Planning Board review has progressed sufficiently, the Application may be scheduled for a public hearing (if one is required) The public hearing may occur at a single Planning Board meeting, or it may be adjourned and continued at another Planning Board meeting. Because the nature and complexity of each application varies



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considerably, it is not possible to predict in advance the length of time needed to secure Planning Board approval. There are certain steps that you can take, however, to expedite the review process. These include, but are not limited to, the following:

- Be thoroughly familiar with the requirements pertinent to your application. Carefully review relevant provisions of the North Castle Town Code and the application form for your particular type of application. Be sure to check on what other types of approvals may be required in addition to that of the Planning Board. Approvals by other Town boards or departments as well as agencies outside of the Town may be required before you will be allowed to proceed with your project.
- Make sure that your application materials are accurately prepared and contain all required information. The information that we initially request is required, so make sure that your submission is complete. If supplementary information is requested as the review process continues, make sure that it is submitted in a timely fashion so the Planning Board can continue to move your application along.
- Follow up to make sure that your application materials are being submitted on time, or deliver them to the Planning office yourself.
- Attend the Planning Board meeting at which your application will be discussed and be on time for the meeting. If you cannot appear personally, make sure that your representative will be there and is thoroughly familiar with your application.

If the Application is approved by the Planning Board, a resolution of approval will be adopted by the Planning Board. It is the Applicant's responsibility to address any and all conditions of approval. Permits from the Building Department cannot be issued until all conditions have been addressed and the plans have been signed by the Planning Board Chair and the Town Engineer.

**ON LINE AGENDAS & PLANNING DEPARTMENT MEMORANDA CAN BE
REVIEWED AT**

WWW.NORTHCASTLENY.COM



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INFORMATION REGARDING PUBLIC HEARINGS

1. The North Castle Assessor's Office shall prepare a list of neighbors to be notified for the neighbor notifications and public hearings - **A minimum of one week's notice is required**. The fee is \$50.00 which includes the list of neighbors and two sets of labels for mailing. The Assessor's Office may be reached Monday – Friday from 8:30 a.m.– 4:30 p.m. at 273-3324. You may also e-mail your request to assessor@northcastleny.com

When requesting your list please reference the list of application types below so that you can tell the Assessor's office how many feet on all sides of the property to create the list for.

Subdivisions - All lots zoned R-10, R-5 and R-2F shall notice all neighbors within 200 feet from all sides of their property. All other zoning districts shall notice neighbors within 500 feet from all sides of their property. Public hearing notice must be published in the newspaper.

Special Use Permit for Structures over 800 sq ft. & Accessory Apartment - All Zoning Districts shall notice all neighbors within 250 feet from all sides of their property. Public hearing notice must be published in the newspaper.

Site Plan, Non Residential - All Zoning Districts shall notice all neighbors within 250 feet from all sides of their property. Public hearing notice must be published in the newspaper.

Site Plan, Residential/ Neighbor Notification – All zoning districts R-3/4A or smaller shall notice all neighbors within 250' from all sides of their property. All zoning districts zoned R-1A or larger shall notice all neighbors within 500' from all sides of the property. No public hearing required, no publication in the newspaper required.

Wetlands Permit - All Zoning Districts shall notice all abutting property owners. Public hearing notice must be published in the newspaper.

2. The Director of Planning will prepare a Public Notice. The applicant and or professional will review, sign, date and return to the Planning Department Secretary. If there are any changes necessary, please edit and return for corrections. The corrections will be made and emailed back to the applicant who will forward it to the Journal Newspaper, when applicable.

If notification to the newspaper is not required, please continue to #3.



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You may email your public notice to legals@lohud.com. Please request an affidavit of publication which must be submitted to the Planning Board secretary prior to the public hearing. The Journal News requires three days prior notice before 12 noon, not counting weekends and holidays, for ad placement. Make sure the notice placement of the ad in the Greater Westchester Area. This notice cannot be published any sooner than 20 days prior to the meeting and must be published no less than 10 days prior to the meeting.

If you have any questions regarding your publication you may call 888-516-9220:
Email Address: legals@lohud.com

It is suggested that you purchase the newspaper for your records the day the notice is published.

3. Send out the Public Hearing Notice/ Neighbor Notification by First Class Mail. Notice shall be mailed by the applicant in official envelopes provided by the North Castle Planning Department; the list of noticed neighbors will be prepared by the Assessor's Office. This must be sent out no less than 10 days prior to the meeting and no more than 20 days prior to the meeting date. A Certificate of Mailing (PS Form 3817 or 3877) shall be filled out and post marked by the Post Office on the day of mailing. Neighbor Notifications – no publication in the newspaper required.
4. The Friday before the meeting or no later than 12:00 p.m. the day of the meeting the following **must** be submitted.
 - List of Neighbors prepared by the Assessor's Office
 - Certificate of Mailing – PS form 3817 or 3877 post marked by the US Post Office
 - Affidavit of publication from the Newspaper (only if published in the newspaper)



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APPLICATIONS REQUIRING PLANNING BOARD APPROVAL
SCHEDULE OF APPLICATION FEES

<u>Type of Application</u>	<u>Application Fee</u>
Site Development Plan	\$200.00
Each proposed Parking Space	\$10
Special Use Permit (each)	\$200 (each)
Preliminary Subdivision Plat	\$300 1 st Lot \$200 (each additional lot)
Final Subdivision Plat	\$250 1 st Lot \$100 (each additional lot)
Tree Removal Permit	\$75
Wetlands Permit	\$50 (each)
Short Environmental Assessment Form	\$50
Long Environmental Assessment Form	\$100
Recreation Fee	\$10,000 Each Additional Lot
Discussion Fee	\$200.00
Prior to submission of a sketch or preliminary subdivision Plat, an applicant or an applicant's representative wishes to discuss a subdivision proposal to the Planning Board, a discussion fee of \$200.00 shall be submitted for each informal appearance before the board.	

Any amendment to previously approved applications requires new application forms and Fes



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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

5-9-2022
Date:

I. IDENTIFICATION OF PROPERTY OWNER, APPLICANT AND PROFESSIONAL REPRESENTATIVES

Name of Property Owner: Brothers Green Corp

Mailing Address: 40 The Avenue, Greenwich, CT 06851

Telephone: 203-496-6126 Fax: _____ e-mail greenrich12@aol.com

Name of Applicant (if different): Same as Owner

Address of Applicant: _____

Telephone: _____ Fax: _____ e-mail _____

Interest of Applicant, if other than Property Owner:

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: Redniss & Mead

Address: 22 First Street, Stamford, CT 06905

Telephone: 203-327-0500 Fax: _____ e-mail akuzmich@rednissmead.com

Name of Other Professional: _____

Address: _____

Telephone: _____ Fax: _____ e-mail _____

Name of Attorney (if any): Kory Salomone, Esq

Address: Zarin & Steinmetz, 81 Main St., Suite 415, White Plains, NY 10601

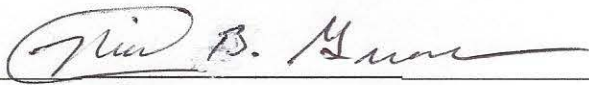
Telephone: 914-220-9804 Fax: _____ e-mail ksalomone@zarin-steinmetz.com

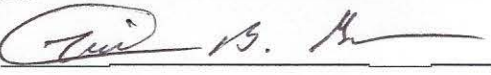
Applicant Acknowledgement

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: MAY 9, 2022

Signature of Property Owner:  Date: MAY 9, 2022

MUST HAVE BOTH SIGNATURES

II. IDENTIFICATION OF SUBJECT PROPERTY

Street Address: 11 Bedford Banksville Rd

Location (in relation to nearest intersecting street):

+/- 586 feet (north) south, east or west) of Banksville Ave

Abutting Street(s): _____

Tax Map Designation (NEW): Section 102.04 Block 1 Lot 18

Tax Map Designation (OLD): Section 1 Block 11 Lot 9A

Zoning District: CB-B/GB Total Land Area 3.764

Land Area in North Castle Only (if different) _____

Fire District(s) #3 School District(s) Byram Hills Central

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

Proposed Use: Nursery

Gross Floor Area: Existing 4,514* S.F. Proposed _____ S.F.

Proposed Floor Area Breakdown:

Retail 0 S.F.; Office 0 S.F.;

Industrial 0 S.F.; Institutional 0 S.F.;

Other Nonresidential 0 S.F.; Residential 0 S.F.;

Number of Dwelling Units: 1

No for all since no new development proposed at this time.

Number of Parking Spaces: Existing 20 Required _____ Proposed 20

Number of Loading Spaces: Existing 2 Required _____ Proposed 2

Earthwork Balance: Cut 0 C.Y. Fill 0 C.Y. **(No proposed work)**

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

Areas of special flood hazard? No X 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 X 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 X 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 X Yes _____

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

IV. SUBMISSION REQUIREMENTS

The site development plan application package shall include all materials submitted in support of the application, including but not limited to the application form, plans, reports, letters and SEQR Environmental Assessment Form. **Submission of the following shall be required:**

- One (1) set of the site development plan application package (for distribution to the Town Planner for preliminary review purposes).
- Once a completed preliminary site plan checklist has been received from the Planning Department, eight (8) additional sets of the site development plan application package (for distribution to Planning Board, Town Engineer, Town Attorney, Town Planner, Planning Board Secretary, police, fire department and ambulance corps).
- One (1) additional reduced sized set (11" x 17") of the site development plan application package if any portion of the subject property abuts or is located within five hundred (500) feet of the features identified in Section II of this application form (for distribution to Westchester County Planning Board).
- A check for the required application fee and a check for the required Escrow Account, both made payable to "Town of North Castle" in the amount specified on the "Schedule of Application Fees."

(continued next page)

V. INFORMATION TO BE INCLUDED ON SITE DEVELOPMENT PLAN

The following checklist is provided to enable the Applicant to determine if he/she has provided enough information on the site development plan for the Planning Board to review his/her proposal. Applicants are advised to review ARTICLE VIII, Site Development Plan of the North Castle Town Code for a complete enumeration of pertinent requirements and standards prior to making application for site development plan approval.

The application for site development plan approval will not be accepted for Planning Board review unless all items identified below are supplied and **so indicated with a check mark in the blank line provided**. If a particular item is not relevant to the subject property or the development proposal, **the letters "NA" should be entered instead**. In addition, the project will not be scheduled on a Planning Board agenda until the Applicant receives an initialed "site plan checklist" from the Planning Department.

The information to be included on a site development plan shall include:

Legal Data:

- Name of the application or other identifying title.
- Name and address of the Property Owner and the Applicant, (if different).
- Name, address and telephone number of the architect, engineer or other legally qualified professional who prepared the plan.
- Names and locations of all owners of record of properties abutting and directly across any and all adjoining streets from the subject property, including the tax map designation of the subject property and abutting and adjoining properties, as shown on the latest tax records. **(on survey)**
- Existing zoning, fire, school, special district and municipal boundaries.
- Size of the property to be developed, as well as property boundaries showing dimensions and bearings as determined by a current survey; dimensions of yards along all property lines; name and width of existing streets; and lines of existing lots, reservations, easements and areas dedicated to public use. **(on survey)**
- Reference to the location and conditions of any covenants, easements or deed restrictions that cover all or any part of the property, as well as identification of the document where such covenants, easements or deed restrictions are legally established. **(on survey)**
- Schedule of minimum zoning requirements, as well as the plan's proposed compliance with those requirements, including lot area, frontage, lot width, lot depth, lot coverage, yards, off-street parking, off-street loading and other pertinent requirements.
- Locator map, at a convenient scale, showing the Applicant's entire property in relation to surrounding properties, streets, etc., within five hundred (500) feet of the site. **Tax map / aerial**
- North arrow, written and graphic scales, and the date of the original plan and all revisions, with notation identifying the revisions.
- A signature block for Planning Board endorsement of approval.

Existing Conditions Data:

- Location of existing use and design of buildings, identifying first floor elevation, and other structures. **(survey)**
- Location of existing parking and truck loading areas, with access and egress drives thereto.
- Location of existing facilities for water supply, sanitary sewage disposal, storm water drainage, and gas and electric service, with pipe sizes, grades, rim and inverts, direction of flow, etc. indicated. **(all available surface utility infrastructure on survey)**
- Location of all other existing site improvements, including pavement, walks, curbing, retaining walls and fences.
- Location, size and design of existing signs.
- Location, type, direction, power and time of use of existing outdoor lighting.
- Location of existing outdoor storage, if any.
- Existing topographical contours with a vertical interval of two (2) feet or less.
- Location of existing floodplains, wetlands, slopes of 15% or greater, wooded areas, landscaped areas, single trees with a DBH of 8" or greater, rock outcrops, stone walls and any other significant existing natural or cultural features.

Proposed Development Data: N/A: no proposed development taking place

- Proposed location of lots, streets, and public areas, and property to be affected by proposed easements, deed restrictions and covenants.
- Proposed location, use and architectural design of all buildings, including proposed floor elevations and the proposed division of buildings into units of separate occupancy.
- Proposed means of vehicular and pedestrian access to and egress from the site onto adjacent streets.
- Proposed sight distance at all points of vehicular access.
- Proposed number of employees for which buildings are designed
- Proposed streets, with profiles indicating grading and cross-sections showing the width of the roadway; the location and width of sidewalks; and the location and size of utility lines.
- Proposed location and design of any pedestrian circulation on the site and off-street parking and loading areas, including handicapped parking and ramps, and including details of construction, surface materials, pavement markings and directional signage.
- Proposed location and design of facilities for water supply, sanitary sewage disposal, storm water drainage, and gas and electric service, with pipe sizes, grades, rim and inverts, direction of flow, etc. indicated.

- _____ Proposed location of all structures and other uses of land, such as walks, retaining walls, fences, designated open space and/or recreation areas and including details of design and construction.
- _____ Location, size and design of all proposed signs.
- _____ Location, type, direction, power and time of use of proposed outdoor lighting.
- _____ Location and design of proposed outdoor garbage enclosure.
- X Location of proposed outdoor storage, if any. **(existing)**
- _____ Location of proposed landscaping and buffer screening areas, including the type (scientific and common names), size and amount of plantings.
- _____ Type of power to be used for any manufacturing
- _____ Type of wastes or by-products to be produced and disposal method
- _____ In multi-family districts, floor plans, elevations and cross sections
- _____ The proposed location, size, design and use of all temporary structures and storage areas to be used during the course of construction.
- _____ Proposed grade elevations, clearly indicating how such grades will meet existing grades of adjacent properties or the street.
- _____ Proposed soil erosion and sedimentation control measures.
- _____ For all proposed site development plans containing land within an area of special flood hazard, the data required to ensure compliance with Chapter 177 of the North Castle Town Code.
- _____ For all proposed site development plans involving clearing or removal of trees with a DBH of 8" or greater, the data required to ensure compliance with Chapter 308 of the North Castle Town Code.
- _____ For all proposed site development plans involving disturbance to Town-regulated wetlands, the data required to ensure compliance with Chapter 340 of the North Castle Town Code.

PROPERTY OWNERSHIP RECORD

RECORD OF OWNER	EST. SALE PRICE	MTG.	REVENUE STAMPS	LIBER	PAGE	DATE	EXPLANATION
<i>Lenaire Dayne (Mary Ritacco)</i>							LAND
<i>George Briggs</i>	<i>41,500</i>		<i>45.65</i>	<i>6608</i>	<i>289</i>	<i>4/15/65</i>	BUILDINGS
<i>to</i>							TOTAL
<i>John J. & Mary M. DeLucente</i>	<i>145,000</i>			<i>7937</i>	<i>635</i>	<i>7/5/84</i>	LAND
<i>to</i>							BUILDINGS
<i>Banbed Realty inc.</i>	<i>129,000</i>			<i>10755</i>	<i>325</i>	<i>12/31/93</i>	TOTAL
<i>to</i>							LAND
<i>Brothers Green Corp.</i>	<i>750,000</i>			<i>47142</i>	<i>992</i>	<i>5/8/07</i>	BUILDINGS
							TOTAL
							LAND
							BUILDINGS
							TOTAL
							LAND
							BUILDINGS
							TOTAL
							LAND
							BUILDINGS
							TOTAL
							LAND
							BUILDINGS
							TOTAL
							LAND
							BUILDINGS
							TOTAL



MIS

1-11-98

EXHIBIT D

Short Environmental Assessment Form

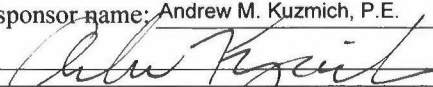
Part 1 - Project Information

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

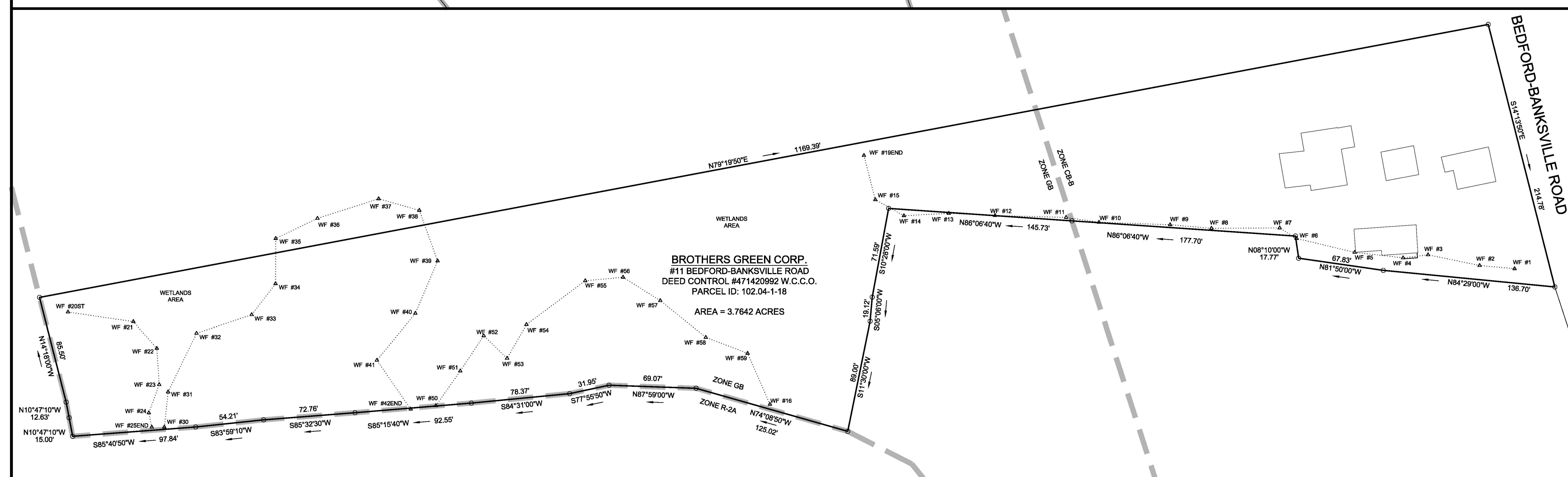
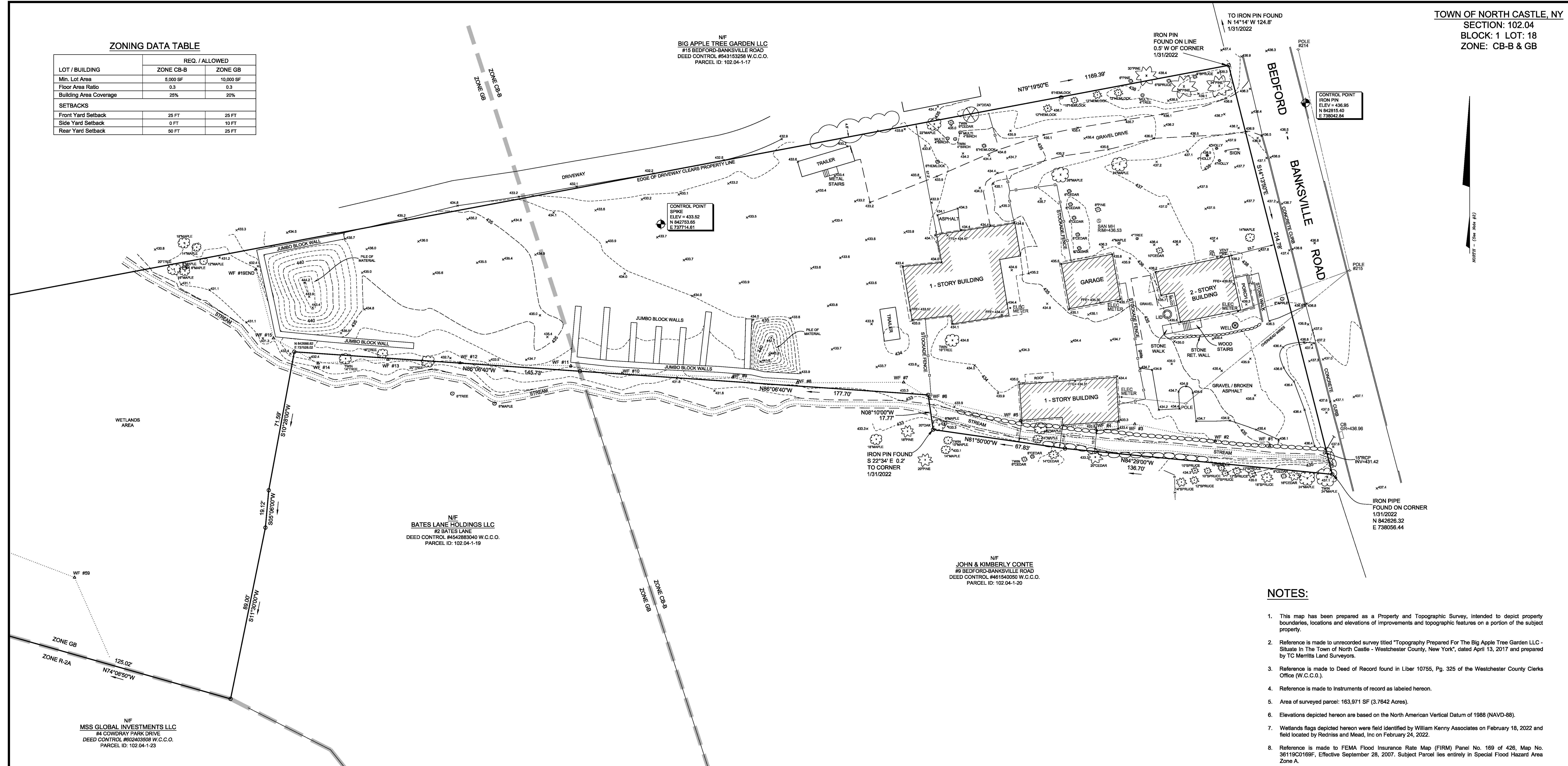
Part 1 - Project and Sponsor Information			
Brothers Green Nursery			
Name of Action or Project: Application for Nursery Special Permit			
Project Location (describe, and attach a location map): 11 Bedford-Banksville Road, North Castle, New York 10506			
Brief Description of Proposed Action: The property owner is seeking Town Board and Planning Board approval to formally legalize the existing nursery use on the property. There is no proposed site modification(s) or action(s) associated with this application; all existing site development will remain intact.			
Name of Applicant or Sponsor: Redniss & Mead - Andrew M. Kuzmich, P.E.		Telephone: 203-327-0500	
		E-Mail: a.kuzmich@rednissmead.com	
Address: 22 First Street			
City/PO: Stamford		State: Connecticut	Zip Code: 06905
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input checked="" type="checkbox"/>
			YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: North Castle Town Board, North Castle Planning Board			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		3.7642 acres	
b. Total acreage to be physically disturbed?		0 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		3.7642 acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor name: Andrew M. Kuzmich, P.E. Date: May 3, 2022</p> <p>Signature: </p>		

PLANS

ZONING DATA TABLE

LOT / BUILDING	REQ. / ALLOWED	
	ZONE CB-B	ZONE GB
Min. Lot Area	5,000 SF	10,000 SF
Floor Area Ratio	0.3	0.3
Building Area Coverage	25%	20%
SETBACKS		
Front Yard Setback	25 FT	25 FT
Side Yard Setback	0 FT	10 FT
Rear Yard Setback	50 FT	25 FT



NOTES:

- This map has been prepared as a Property and Topographic Survey, intended to depict property boundaries, locations and elevations of improvements and topographic features on a portion of the subject property.
- Reference is made to unrecorded survey titled "Topography Prepared For The Big Apple Tree Garden LLC - Situate In The Town of North Castle - Westchester County, New York", dated April 13, 2017 and prepared by TC Merritts Land Surveyors.
- Reference is made to Deed of Record found in Liber 10755, Pg. 325 of the Westchester County Clerks Office (W.C.C.O.).
- Reference is made to Instruments of record as labeled hereon.
- Area of surveyed parcel: 163,971 SF (3.7642 Acres).
- Elevations depicted hereon are based on the North American Vertical Datum of 1988 (NAVD-88).
- Wetlands flags depicted hereon were field identified by William Kenny Associates on February 18, 2022 and field located by Redniss and Mead, Inc on February 24, 2022.
- Reference is made to FEMA Flood Insurance Rate Map (FIRM) Panel No. 169 of 426, Map No. 36119C0169F, Effective September 28, 2007. Subject Parcel lies entirely in Special Flood Hazard Area Zone A.
- Reference is Base Flood Elevation study dated May 4, 2020 and prepared by Redniss and Mead, Inc.
- Reference is made to Letter Of Map Amendment Determination Document (Removal), Case No.: 21-02-1343A.
- Owner of Record: Brothers Green Corp.

I, Jorge P. Pereira, the surveyor who made this map, do hereby certify that this map was completed on March 11, 2022. Certifications indicated hereon signify that this survey was prepared in accordance with the existing Code of Practice for Land Surveys adopted by the New York State Association of Professional Land Surveyors. Said certifications shall run only to the person for whom the survey is prepared, and are not transferable to subsequent owners.

On 3/11/2022 By *Jorge P. Pereira*
Jorge P. Pereira N.Y. Reg. No. 050780

NOTE:
The word "certify" is understood to be an expression of professional opinion by the land surveyor which is based on his best knowledge, information and belief. As such it constitutes neither a guaranty or warranty.
"Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of section 7209, sub-division 2, of the New York State Education Law."
"Only copies from the original of this survey marked with an original of the land surveyor's embossed seal shall be considered to be valid true copies."

PROPERTY & TOPOGRAPHIC SURVEY
DEPICTING A PORTION OF
11 BEDFORD-BANKSVILLE ROAD
NORTH CASTLE, NY
PREPARED FOR
RICHARD GREEN

REDNISS & MEAD
PROFESSIONAL ENGINEERS AND LAND SURVEYORS, P.C.
22 First Street | Stamford, CT 06903
Tel: 203.357.0900 | Fax: 203.357.1118
www.rednissandmead.com

Scale: 1"=20'
Sheet No: **PSTS**
Drawn By: CJP Checked By: JPP Date: 3/11/2022 Comm. No: 10157-1