



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

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

PLANNING BOARD
Christopher Carthy, Chair

R E S O L U T I O N

Action:	Site Plan and Wetland Permit Approvals [2022-025]
Application Name:	11 Bedford Banksville Road Site Plan
Applicant/Owner:	Brothers Green Corp
Designation:	102.04-1-18
Zone:	CB-B and GG Zoning Districts
Acreage:	3.8 acres
Location:	11 Bedford Banksville Road
Date of Approval:	September 29, 2022
Expiration Date:	September 29, 2023 (1 Year)

WHEREAS, the Planning Board has received an application for a site plan to legalize a nursery in the CB-B Zoning District and Storage of Contractor's Equipment in the GB Zoning District; and

WHEREAS, the subject property is zoned CB-B fronting Bedford Banksville Road and GB in the rear of the property; and

WHEREAS, surrounding land uses consist of commercial development along Bedford Banksville Road; and

WHEREAS, the Property has been used for a variety of uses over the last century, including nursery, landscaping, excavation and construction, and contractor's yard; and

WHEREAS, the property has been under the current ownership for the last 15 years and used as a nursery for the last 40 years; and

WHEREAS, in 2019, the Applicant applied for and obtained a building permit to conduct work on the existing house located on the property; and

WHEREAS, after obtaining a building permit, 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; and

WHEREAS, the Applicant is not seeking to change the current use of the Property as a nursery and the storage of contractor's equipment; and

Site Plan and Wetland Permit Approvals [2022-025] for

11 Bedford Banksville Road

September 29, 2022

Page 2 of 7

WHEREAS, the Applicant obtained special use permits from the Town Board on September 14, 2022 to operate a nursery within the CB-B Zoning District and a Contractor's yard on the developed property within the GB Zoning District; and

WHEREAS, the Applicant is seeking site plan approval consistent with the Town Board approved special use permits for the nursery and contractor's yard uses; and

WHEREAS, the property is approximately 3.8 acres in size and lies within the CB-B and GB Zoning Districts; and

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

- Plan labeled "EX-SP," entitled "Existing Site Plan," dated May 3, 2022, last revised September 13, 2022, prepared by Redness & Mead Professional Engineer and Land Surveyors, P.C.
- Plan labeled "PSTS," entitled "Property & Topographic Survey," dated March 11, 2022, prepared by Redness & Mead Professional Engineer and Land Surveyors, P.C.

WHEREAS, the application was referred to the Westchester County Planning Board pursuant to § 239-m of New York State General Municipal Law (GML) as part of the Town Board special use permit review; 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 memorandum to the Planning Board dated July 26, 2022; and

WHEREAS, the Conservation Board also recommended preparation of a plan that would require the removal of invasive species in the buffers nearest to the wetland west of the concrete wall and at the end of the developed portion of the property and reseed/replant near the edges of the wetland with a native wetland see mix.; and

WHEREAS, the Planning Board opened on August 1, 2022 and closed on September 29, 2022, pursuant to §355-44 of the North Castle Code, 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

Site Plan and Wetland Permit Approvals [2022-025] for

11 Bedford Banksville Road

September 29, 2022

Page 3 of 7

WHEREAS, the Planning Board declared their intent to act as Lead Agency; and

WHEREAS, the Planning Board adopted a Negative Declaration with respect to the Proposed Action on August 1, 2022; and

WHEREAS the site plan was forwarded to the Chief of Police, Fire Inspector and the Banksville Fire Chief so that they may make any pertinent recommendations to the Planning Board including, but not limited to, the designation of no-parking zones, emergency vehicle access or any other issued deemed important to providing emergency services; and

WHEREAS, the Planning Board did not receive responses from any of the emergency service providers; 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

NOW THEREFORE BE IT RESOLVED, that the application for site plan 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 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 applicant shall prepare a plan that would require the removal of invasive species in the buffers nearest to the wetland west of the concrete wall and at the end of the developed portion of the property and reseed/replant near the edges of the wetland with a native wetland seed mix to the satisfaction of the Planning Department and Town Engineer.

Site Plan and Wetland Permit Approvals [2022-025] for

11 Bedford Banksville Road

September 29, 2022

Page 4 of 7

- _____ 2. Pursuant to Section 127-17 of the Town Code, the applicant shall submit a detailed quantity cost estimate for all on- and off-site improvements proposed, with the quantities certified to by the applicant's engineer, to the satisfaction of the Town Engineer.
- _____ 3. Payment of all applicable fees, including any outstanding consulting fees.
- _____ 4. 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.
- _____ 5. 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 property was located within a FEMA Floodplain. The Building Department should confirm that a floodplain development permit is no longer required given the LOMA issuance by FEMA.
- _____ 2. The approved site plan shall be signed by both the Planning Board Chair and Town Engineer.
- _____ 3. 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.
- _____ 4. The applicant shall submit an engineering inspection fee equal to 3% of the estimated cost of construction.
- _____ 5. Payment of all outstanding fees, including professional review fees.

Prior to the Issuance of a Certificate of Occupancy/Compliance:

(The Planning Board Secretary's initials and date shall be placed in the space below to indicate that the condition has been satisfied.)

- _____ 1. A Knox Box shall be installed to the building to the satisfaction of the Building Department.

Site Plan and Wetland Permit Approvals [2022-025] for

11 Bedford Banksville Road

September 29, 2022

Page 5 of 7

- _____ 2. Prior to the issuance of a Certificate of Occupancy/Compliance, the actual construction, installation and implementation of all landscaping (on and off-site) 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.

- _____ 3. The submission to the Town Building Inspector of an "As Built" site plan.

Other Conditions:

- 1. The application of herbicides shall be prohibited on the property
- 2. The application of pesticides shall be prohibited on the property.
- 3. Fuel storage and dispensing shall not be permitted on the property.
- 4. Major mechanical equipment repair or service shall not be permitted on the property.
- 5. Repair or maintenance involving liquids shall be prohibited.
- 6. Uses on the property shall not be expanded beyond that depicted on plan EX-SP without amended approval of the Town Board and Planning Board.
- 7. 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.
- 8. 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.
- 9. 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.
- 10. 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.

Site Plan and Wetland Permit Approvals [2022-025] for

11 Bedford Banksville Road

September 29, 2022

Page 6 of 7

11. 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.
12. 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.
13. Compliance with all applicable local laws and ordinances of the Town of North Castle and any conditions attached to permits issued thereunder.
14. 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.
15. 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.

Site Plan and Wetland Permit Approvals [2022-025] for

11 Bedford Banksville Road

September 29, 2022

Page 7 of 7

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

Date

Brothers Green Corp

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

Date

Valerie B. Desimone, Planning Board Secretary

KELLARD SESSIONS CONSULTING
As to Drainage and Engineering Matters

Date

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

STEPHENS BARONI REILLY & LEWIS LLP
As to Form and Sufficiency

Date

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

NORTH CASTLE PLANNING BOARD

Date

Christopher Carthy, Chairman