



**TOWN OF NORTH CASTLE**  
**WESTCHESTER COUNTY**  
**17 Bedford Road**  
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**PLANNING BOARD**  
**Christopher Carthy, Chair**

## **RESOLUTION**

**Action:** Site Plan, Steep Slope and Tree Removal Permit Approvals [#2022-032]  
**Project Name:** 78 Lafayette Ave  
**Owner/Applicant:** 2012 Maria Martins Irrevocable Trust  
**Designation:** 122.12-1-29  
**Zoning District:** IND-A  
**Location:** 78 Lafayette Ave  
**Area:** 0.6 acres  
**Approval Date:** November 13, 2023  
**Expiration Date:** November 13, 2024 (1 year)

WHEREAS, an application for site plan approval was submitted to the Planning Board and the requisite fee was paid; and

WHEREAS, the application consists of the following drawings:

- Plan labeled "01 of 05," entitled "Existing Conditions & Demolition Plan," dated June 13, 2022, last revised June 8 2023, prepared by Alfonzetti Engineering, P.C.
- Plan labeled "02 of 05," entitled "Layout Plan," dated June 13, 2022, last revised June 8 2023, prepared by Alfonzetti Engineering, P.C.
- Plan labeled "03 of 05," entitled "Grading & Utility Plan," dated June 13, 2022, last revised June 8 2023, prepared by Alfonzetti Engineering, P.C.
- Plan labeled "04 of 05," entitled "Soil and Erosion Control Plan," dated June 13, 2022, last revised June 8 2023, prepared by Alfonzetti Engineering, P.C.
- Plan labeled "05 of 05," entitled "Site Details," dated June 13, 2022, last revised June 8 2023, prepared by Alfonzetti Engineering, P.C.
- Plan labeled "A1," entitled "Proposed Floor Plans & Schematic Building Section," dated June 9, 2023, prepared by VKS Architects.
- Plan labeled "A2," entitled "Proposed Building Elevations," dated June 9, 2023, prepared by VKS Architects.

WHEREAS, the Applicant is seeking approval for the proposed construction of an 8,120 square foot office/warehouse building and appurtenances; and

WHEREAS, the plan received Architectural Review Board approval for the proposed building at the October 18, 2023 ARB meeting; and

WHEREAS, the submitted site plan depicts the property being used as an office and warehouse; and

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WHEREAS, the approximately 0.6 acre property is located in the IND-A Zoning District and is designated on the Tax Maps of the Town of North Castle as lot 122.12-1-29; and

WHEREAS, an Environmental Assessment Form was prepared by the Applicant and submitted to the Planning Board for its review and consideration; and

WHEREAS, the Proposed Action would be classified as an Unlisted Action pursuant to the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the application for site plan approval requires referral to the Westchester County Planning Board pursuant to § 239-m of New York State General Municipal Law (GML) since the subject site is located within 500 feet of the Bronx River Parkway; and

WHEREAS, the project was referred to the County; and

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

WHEREAS, the emergency service providers did not provide any comments to the Planning Board; and

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

WHEREAS, the site plan depicts disturbance to Town-regulated steep slopes; and

WHEREAS, the notice of public hearing was sent to the Towns of Greenburgh and Mt. Pleasant Town Clerk pursuant to § 239-nn of New York State General Municipal Law (GML); and

This referral is required because the subject site is located within 500 feet of the Towns of Greenburgh and Mt. Pleasant; and

WHEREAS, a duly advertised public hearing regarding the site plan was opened on August 7, 2023 and closed on November 13, 2023 at which time all those wishing to be heard were given the opportunity to be heard; and

WHEREAS, the Planning Board has requested, received and considered comments from the Town Attorney, the Consulting Town Engineer and Planner regarding the proposed development; and

WHEREAS, the Planning Board is familiar with the nature of the site, the surrounding area and the proposed development; and

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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 based upon its review of the full environmental record the Planning Board finds that the proposed action will not result in any significant adverse environmental impacts and hereby adopts a Negative Declaration pursuant to the requirements of Article 8 of the New York State Environmental Quality Review Law and 6 NYCRR Part 617; and

BE IT FURTHER RESOLVED that, the proposed retaining walls in excess of 6 feet in height are appropriate and conform to the requirements of Section 355-15.G of the Town Code; and

BE IT FURTHER RESOLVED that, the application for site plan approval, as described herein, is hereby conditionally approved, subject to the following conditions and modifications; and

BE IT FURTHER RESOLVED that, this site plan approval 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 West (front) elevation shall be further refined to present more like a front elevation rather than a side elevation to the satisfaction of the Planning Department.
- \_\_\_\_\_ 2. The applicant shall provide stormwater collection facilities within the lower portion of the parking lot, to the satisfaction of the Town Engineer.
- \_\_\_\_\_ 3. The applicant shall install new concrete curbing along the property frontage. The curbing shall be set back eight (8) feet from the existing edge of the pavement and paved parallel parking spaces provided, to the satisfaction of the Town Engineer.
- \_\_\_\_\_ 4. The applicant shall provide construction details, to the satisfaction of the Town Engineer.
- \_\_\_\_\_ 5. A new four foot wall is proposed 10 feet from the Lafayette Avenue right-of-way. The Applicant should submit design details for this wall to the satisfaction of the Town Engineer. The wall shall be designed as an attractive site element to the satisfaction of the Planning Department and Town Engineer.
- \_\_\_\_\_ 6. The site plan should depict Town-regulated steep slopes and depict the areas of Town-regulated steep slope disturbance to the satisfaction of the Planning Department. The area of disturbance should be quantified in square feet.

- \_\_\_\_\_7. Pursuant to Section 355-45.E of the Town Code, the site plan shall be revised to depict the underground installation of all utilities and services, including lines and equipment, for providing power and/or communication, in order to achieve greater safety and improved appearance to the satisfaction of the Town Engineer.
- \_\_\_\_\_8. The Applicant is creating a new 10 foot deep area between the right-of-way and the building. The Applicant shall prepare a detailed landscape design for this area to the satisfaction of the Town Engineer.
- \_\_\_\_\_9. The off-street parking requirement chart shall indicate the number of proposed commercial vehicles that will be parked on the site to the satisfaction of the Planning Department. The site plan should depict the location of the commercial vehicles to the satisfaction of the Planning Department.
- \_\_\_\_\_10. The site plan shall contain a proposed lighting plan to the satisfaction of the Planning Department. If only site safety lighting is required, a minimum level of 0.2 Fc and an average level of 0.8Fc is recommended. In addition, the lot shall be evenly lit with a Max/Min level 20:1 and average/min of 4:1.
- \_\_\_\_\_11. The applicant shall prepare stormwater computations which include routing calculations through the infiltration system to the satisfaction of the Town Engineer.
- \_\_\_\_\_12. The stormwater infiltration system shall include pre-treatment which can be provided through an isolation row within the infiltration system or by other means to the satisfaction of the Town Engineer.
- \_\_\_\_\_13. The existing stormwater catch basin within Lafayette Avenue shall be relocated from the proposed driveway curb cut to the satisfaction of the Town Engineer.
- \_\_\_\_\_14. The site plan shall be revised to identify the symbol along the front of the parking spaces to the satisfaction of the Town Engineer.
- \_\_\_\_\_15. The site plan designates stairs on the plan, however, no stairs are shown. The plans shall be revised to the satisfaction of the Town Engineer.
- \_\_\_\_\_16. Curb stops or bollards shall be provided for parking spaces to the satisfaction of the Town Engineer.
- \_\_\_\_\_17. Fourteen (14) parking spaces are proposed with one (1) handicap space. It appears that the handicap space is adjacent to what may be a doorway into the first floor office. A review of the handicap locations with the Town Building Department shall be required.

- \_\_\_\_\_18. A significant wall system will be required to retain soils along three (3) sides of the property. The applicant shall provide a design of the wall system prepared by a Licensed Professional Engineer to the satisfaction of the Town Engineer. The Engineer will also need to inspect and certify that the wall system is constructed in compliance with the design.
- \_\_\_\_\_19. Dimensions and detail of the garbage pad shall be provided to the satisfaction of the Town Engineer.
- \_\_\_\_\_20. A construction phasing plan shall be provided outlining the different phases of work and erosion and sediment controls required during each phase to the satisfaction of the Town Engineer. The plan should detail the means and staging of the excavation and wall construction.
- \_\_\_\_\_21. The applicant shall provide drainage above the retaining wall and building which will divert runoff from the hillside around the structures to the satisfaction of the Town Engineer.
- \_\_\_\_\_22. 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.
- \_\_\_\_\_23. Payment of all applicable fees, including any outstanding consulting fees.
- \_\_\_\_\_24. The Applicant shall submit to the Planning Board Secretary one PDF 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.

**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 obtain permits from the Town Water & Sewer Department for connection to the existing sewer main and water main within Lafayette Avenue.
- \_\_\_\_\_2. The Applicant shall obtain a curbcut permit from the Highway Department to the satisfaction of the Town Engineer. The Highway Department shall require a work plan for all work in the ROW that takes into consideration existing roadway conditions.
- \_\_\_\_\_3. The Applicant shall obtain a permits from the Water and Sewer Department to the satisfaction of the Town Engineer.

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- \_\_\_\_\_4. The approved site plan shall be signed by both the Planning Board Chair and Town Engineer.
- \_\_\_\_\_5. 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.
- \_\_\_\_\_6. Payment of all outstanding fees, including professional review fees.
- \_\_\_\_\_7. The applicant shall establish an engineering inspection fee equal to 3% of the estimated cost of construction.

**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. Provide proof of closure of the Town Highway Department Curb Cut Permit.
- \_\_\_\_\_2. Provide proof of closure of the Town Water and Sewer Department Permits.
- \_\_\_\_\_3. Payment of all outstanding fees, including professional review fees.
- \_\_\_\_\_4. Prior to the issuance of a certificate of occupancy/compliance, the actual construction, installation and implementation of all landscaping/mitigation shall be certified by a licensed landscape architect as being in compliance with the approved plans and conditions, at the sole cost and expense of the Applicant.
- \_\_\_\_\_5. The submission to the Town Building Inspector of an "As Built" site plan.

**Other Conditions:**

1. 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.

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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.
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.

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
2012 Maria Martins Irrevocable Trust

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Joseline Huerta, Planning Board Secretary

KSCJ 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