



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

## **RESOLUTION**

<b>Action:</b>	Tree Removal [2022-041]
<b>Application Name:</b>	100 Business Park Drive
<b>Applicant/Owner:</b>	Basis Industrial Acquisitions LLC
<b>Designation:</b>	108.03-1-51
<b>Zone:</b>	PLI Zoning District
<b>Acreage:</b>	11.27 acres
<b>Location:</b>	100 Business Park Drive
<b>Date of Approval:</b>	March 27, 2023
<b>Expiration Date:</b>	March 27, 2024 (1 Year)

WHEREAS, the Applicant is seeking a Tree Removal Permit for “after the fact” removal of 38 Town-regulated trees, one of which is a Town-regulated Significant Tree; and

WHEREAS, the Planning Board previously approved the removal of 235 Town-regulated trees and the trees have been removed from the property; and

WHEREAS, subsequent to that approval, the Town has determined that an additional 38 trees were removed that were not originally approved; and

WHEREAS, Section 308-25.B of the Town Code states that ... “the Town shall not issue a building permit, any other permit, any temporary certificate of occupancy, certificate of occupancy or variance for any property for which a violation of this article has been served until said violation is dismissed or resolved to the satisfaction of the approving authority or court, as is appropriate;” and

WHEREAS, therefore, the Applicant is processing this tree removal permit at this time; and

WHEREAS, once the tree removal permit application is processed, the Planning Board will be able to conclude the review of the amended site development plan currently pending before the Board; and

WHEREAS, the property is approximately 11.3 acres in size and lies within the PLI zoning district; and

WHEREAS, the site is currently developed with a 62,782 square foot office/light industrial building with associated off-street parking; and

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

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- Plan labeled “TRP-1,” entitled “Tree Removal Plan,” dated March 10, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.

WHEREAS, the tree removal plan depicts the removal of 38 Town-regulated trees; and

WHEREAS, the Applicant is also currently processing an Amended Site Plan approval to construct a 146,792 s.f. self-storage/warehouse building with the self-storage portion of the building proposed to be 3-stories and 92,913 s.f., with a footprint of 30,971 s.f. and where the warehouse portion of the building is proposed to be 1-story and 53,879 s.f., including a 10,000 s.f. mezzanine; 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 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 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 application for tree removal permit approval, as described herein, is hereby conditionally approved, subject to the following conditions and modifications; and

BE IT FURTHER RESOLVED that, this tree removal permit 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.

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**Prior to the Signing of the Tree Removal 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 tree removal mitigation plan pursuant to Section 308-15.A(11) of the Town Code to the satisfaction of the Planning Department.
- \_\_\_\_\_ 2. 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.
- \_\_\_\_\_ 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.

**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 approved site plan shall be signed by both the Planning Board Chair and Town Engineer.
- \_\_\_\_\_ 2. The applicant shall submit an engineering inspection fee equal to 3% of the estimated cost of construction.
- \_\_\_\_\_ 3. 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. Prior to the issuance of a certificate of occupancy/compliance, the actual construction, installation and implementation of all tree mitigation to the satisfaction of the Town Engineer.

**Other Conditions:**

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

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2. 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.
3. 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

\_\_\_\_\_  
Basis Industrial Acquisitions LLC

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Joseline Huerta, 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