



PLANNING BOARD
Christopher Carthy,
Chair

TOWN OF NORTH CASTLE
WESTCHESTER COUNTY
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R E S O L U T I O N

Action: Amended Site Plan Approval
Application Name: 10 New King Street – Expanded Landscape Equipment Storage [2022-046]
Owner: New King Holding, LLC
Designation: 118.02-2-2
Zone: IND-AA
Acreage: 2.84 acres
Location: 10 New King Street
Date of Approval: February 27, 2023
Expiration of Approval: February 27, 2024

WHEREAS, on November 11, 2022 an application for amended site plan approval was submitted to the Planning Board and the requisite fee was paid; and

WHEREAS, the application consists of the following drawing:

- Plan labeled “SP 100.00,” entitled “Site Plan,” dated October 25, 2022, last revised November 10, 2022, prepared by H2M Architects + Engineers.

WHEREAS, the Applicant is seeking amended site plan approval to expand upon the existing fenced area for the storage of landscape equipment at 10 New King Street located within the IND-AA Zoning District; and

WHEREAS, the site plan depicts that a ditch witch, salter, 3 plows, stump grinder, leaf vacuum, cement mixer, 4 ladders and a small flat trailer are proposed to be stored on the property; and

WHEREAS, accessory uses in the IND-AA Zoning District are regulated by Section 355-23 of the Town Code; and

WHEREAS, permitted accessory uses are the same as those permitted in the PBO Zoning District; and

WHEREAS, the PBO Zoning District permits “any accessory buildings or uses customarily incident to a permitted use;” and

WHEREAS, the Applicant has demonstrated, to the satisfaction of the Planning Board, that the landscape equipment is customarily incident to the permitted office use; and

WHEREAS, the proposed 8 foot high chainlink fence does not comply with Section 355-15.G of the

Town Code which limits fences to a height of six feet; and

WHEREAS, the Applicant secured the required variance from the Zoning Board of Appeals on February 2, 2023 ; and

WHEREAS, Architectural Review Board approval is not required for the proposed action; and

WHEREAS, the 2.84 -acre property is located in the IND-AA Zoning District and is designated on the Tax Maps of the Town of North Castle as 118.02-2-2; and

WHEREAS, the proposed action is a Type II Action under the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the application for site plan approval required 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 NYS Route 120; and

WHEREAS, “notification only” is required to the County since the site plan depicts less than 5,000 square feet of new or renovated floor area or less than 10,000 square feet of land disturbance; and

WHEREAS, the Planning Board, conducted a public hearing on February 27, 2023, pursuant to § 355-44 of the North Castle Code, with respect to the site plan application, 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 Planning Board has requested, received and considered comments from the Town Attorney, the Consulting Town Engineer and Town 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

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

NOW, THEREFORE, BE IT RESOLVED, that the application for amended site plan approval as described herein, be and 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 Final 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 existing parking lot pavement is severely deteriorated. The plans shall be revised to indicate the resurfacing/repair of the lot to the satisfaction of the Town Engineer.

- _____ 2. The site plan shall be revised to relocate the proposed sand storage with bollard surround to an area inside of the fenced area to the satisfaction of the Planning Department.

- _____ 3. The Bulk Zoning Table shall include a reference to the date of the variance obtained from the ZBA for the parking deficiency (April 6, 2017) to the satisfaction of the Planning Department.

- _____ 4. The Bulk Zoning Table shall include a reference to the date of the variance obtained from the ZBA for the fence height (February 2, 2023) to the satisfaction of the Planning Department.

- _____ 5. The site shall be revised to contain a note stating that repair active or vehicle maintenance of any kind is prohibited to the satisfaction of the Planning Department.

- _____ 6. Payment of all applicable fees, including any outstanding consulting fees.

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.
2. All landscaping on the property 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.
3. Pursuant to Section 355-30.K(3) of the Town Code, repair activity or vehicle maintenance of any kind is prohibited.

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

Date

New King Holding, LLC

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

Date

Adam R. Kaufman, AICP
Director of Planning

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

Acting Planning Board Chairman, Christopher Carthy