



**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](http://www.northeastleny.com)

**PLANNING BOARD**  
Christopher Carthy, Chair

## **RESOLUTION**

**Action:** Site Plan Approval [2022-049]  
**Applicant/Owner:** Zeidan Realty Corp.  
**Designation:** 101.03-1-69  
**Zone:** CB Zoning District  
**Acreage:** 0.4 acres  
**Location:** 360 Main Street  
**Date of Approval:** May 22, 2023  
**Expiration Date:** May 22, 2024 (1 Year)

WHEREAS, the subject property is an existing gasoline filling and service station use in the CB Zoning District; and

WHEREAS, the Applicant is seeking site plan approval for the placement of three, 2.6-ft deep x 6-ft high x 4.5-ft wide, resin vertical storage sheds and to legalize existing conditions (ice storage area, oil storage area, dumpster/refuse area, vacuum area, propane exchange area, air pump area); and

WHEREAS, in addition, the Applicant intends to re-stripe the site to delineate 32 parking spaces; and

WHEREAS, finally, the Applicant is seeking a special use permit (Town Board) to allow outdoor sales (e.g., firewood, window wiper fluid); and

WHEREAS, no changes are proposed to the buildings and no ground disturbance is proposed; and

WHEREAS, the property is approximately 0.4 acres in size and lies within the CB zoning district; and

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

- Plan labeled "G001," entitled "Title Sheet," dated November 14, 2022, last revised January 31, 2023, prepared by LaBella.
- Plan labeled "SP1," entitled "Existing Conditions Survey," dated February 22, 2019, last revised October 26, 2022, prepared by Chazen Engineering, Land Surveying & Landscape Architecture, Co., D.P.C.
- Plan labeled "C130," entitled "Amended Site & Landscape Plan," dated November 14, 2022, last revised January 31, 2023, prepared by LaBella.

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- Plan labeled “C530,” entitled “Amended Landscape Plan & Site Details,” dated January 31, 2023, prepared by LaBella.

WHEREAS, the application for site plan approval was referred to the Westchester County Planning Board pursuant to § 239-m of New York State General Municipal Law (GML) on November 30, 2020; and

WHEREAS, the Westchester County Planning Board referral was “notification only” and response was not provided; and

WHEREAS, the site plan depicts new planting located within the NYSDOT right-of-way for NYS Route 128; and

WHEREAS, the plan does not depict disturbance to Town-regulated wetlands; and

WHEREAS, the site plan depicts an outdoor display and sales area; and

WHEREAS, outdoor sales and display requires the issuance of a Town Board special use permit; and

WHEREAS, the Town Board issued the requisite special use permit on April 10, 2023; and

WHEREAS, on January 17, 2023, the Planning Board, pursuant to §355-44 of the North Castle Code, conducted a duly noticed public hearing 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 site plan depicts a proposed 1,000 gal oil storage tank that is proposed to be covered (existing condition); and

WHEREAS, the proposed structure does not meet the rear yard setback requirement; and

WHEREAS, the Applicant received the required variance form the Zoning Board of Appeals on March 2, 2023; and

WHEREAS, the existing gasoline pump is set 9.1 feet from the front yard, where 15 feet is required; and

WHEREAS, the Applicant received the required variance form the Zoning Board of Appeals on March 2, 2023; and

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

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WHEREAS the site plan was forwarded to the Chief of Police, Fire Inspector and the Armonk 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 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 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 applicant is currently leasing space from the Town of North Castle. The Town Attorney shall confirm that all rent has been paid and the lease has been assigned to the property owner.
- \_\_\_\_\_ 2. The Applicant shall submit documentation confirming that the NYSDOT has issued permits for all work in the NYS Route 128 right-of-way (planting) to the satisfaction of the Town Engineer.
- \_\_\_\_\_ 3. Plan C130 shall be revised, to the satisfaction of the Town Engineer, to depict the modifications of the front sidewalk (as depicted on the approved Town Board special use permit plan) to provide a sidewalk area in front of the proposed outdoor display area.
- \_\_\_\_\_ 4. 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.

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- \_\_\_\_\_5. Payment of all applicable fees, including any outstanding consulting fees.
- \_\_\_\_\_6. 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.
- \_\_\_\_\_7. 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 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. A Knox Box shall be installed at the main entrance to the building to the satisfaction of the Building Department.
- \_\_\_\_\_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.
- \_\_\_\_\_4. The applicant shall submit documentation demonstrating that all conditions of the NYSDOT Commercial Access Highway Work Permit have been satisfied to the satisfaction of the Town Engineer.
- \_\_\_\_\_5. The submission to the Town Building Inspector of an "As Built" site plan.

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**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 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

\_\_\_\_\_  
Zeidan Realty Corp.

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

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