



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

Telephone: (914) 273-3542

Fax: (914) 273-3554

www.northcastleny.com

PLANNING BOARD
Christopher Carthy, Chair

RESOLUTION

Action: Site Plan and Wetlands Permit Approvals
Application Name: The Gateway Residential Project [2023-016]
Owner: NCD Acquisitions
Applicant: Kings Capital Construction
Designation: 108.03-1-65
Zone: R-MF-DA Zoning District
Acreage: 4.14 acres
Location: 45 Bedford Rd
Date of Approval: XXXX XX, 2024
Expiration Date: XXXX XX, 2025 (1 year)

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

WHEREAS, the Applicant is proposing the construction of a new 34 unit (68 bedroom) multifamily residential project on the former Mariani Gardens property; and

WHEREAS, the application consists of the following drawings:

- Plan labeled “CS101,” entitled “Site Plan,” dated August 7, 2023, last revised January 8, 2024, prepared by Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, D.P.C.
- Plan labeled “GI101,” entitled “Legend and General Notes,” dated August 7, 2023, last revised January 8, 2024, prepared by Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, D.P.C.
- Plan labeled “CD101,” entitled “Existing Conditions and Removals Plan,” dated August 7, 2023, last revised January 8, 2024, prepared by Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, D.P.C.
- Plan labeled “CG101,” entitled “Grading and Drainage Plan,” dated August 7, 2023, last revised January 8, 2024, prepared by Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, D.P.C.
- Plan labeled “CG201,” entitled “Drainage Profiles,” dated August 7, 2023, last revised January 8, 2024, prepared by Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, D.P.C.
- Plan labeled “CG202,” entitled “Flood Plain Profile,” dated August 7, 2023, last revised January 8, 2024, prepared by Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, D.P.C.

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- Plan labeled “CU101,” entitled “Utility Plan,” dated August 7, 2023, last revised January 8, 2024, prepared by Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, D.P.C.
- Plan labeled “CD201,” entitled “Sanitary Sewer Profile,” dated August 7, 2023, last revised January 8, 2024, prepared by Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, D.P.C.
- Plan labeled “CE101,” entitled “Soil Erosion & Sediment Control Plan,” dated August 7, 2023, last revised January 8, 2024, prepared by Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, D.P.C.
- Plan labeled “CS501,” entitled “Details (1 of 4),” dated August 7, 2023, last revised January 8, 2024, prepared by Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, D.P.C.
- Plan labeled “CS502,” entitled “Details (2 of 4),” dated August 7, 2023, last revised January 8, 2024, prepared by Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, D.P.C.
- Plan labeled “CS503,” entitled “Details (3 of 4),” dated August 7, 2023, last revised January 8, 2024, prepared by Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, D.P.C.
- Plan labeled “CS504,” entitled “Details (4 of 4),” dated August 7, 2023, last revised January 8, 2024, prepared by Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, D.P.C.
- Plan labeled “LP101,” entitled “Planting Plan,” dated August 7, 2023, last revised January 8, 2024, prepared by Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, D.P.C.
- Plan labeled “LP501,” entitled “Planting Details and Notes,” dated August 7, 2023, last revised January 8, 2024, prepared by Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, D.P.C.
- Plan labeled “LL101,” entitled “Site Lighting Plan,” dated August 7, 2023, last revised January 8, 2024, prepared by Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, D.P.C.
- Plan labeled “LL501,” entitled “Site Lighting Details and Notes,” dated August 7, 2023, last revised January 8, 2024, prepared by Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, D.P.C.
- Document entitled “Stormwater Pollution Prevention Plan,” dated August 7, 2023, last revised January 8, 2024, prepared by Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, D.P.C.
- Plan entitled “Cover Sheet (With Enclosed Garages),” dated January 12, 2024, prepared by Design Development, PLLC.
- Plan labeled “A-SK-001,” entitled “Proposed Site Turning Lane,” dated January 12, 2024, prepared by Design Development, PLLC.

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- Plan labeled “A-SK-02,” entitled “Bedford Rd Townhouse Layout – Proposed Plans,” dated January 12, 2024, prepared by Design Development, PLLC.
- Plan labeled “A-SK-03,” entitled “Bedford Rd Townhouse Layout – Proposed Elevations,” dated January 15, 2024, prepared by Design Development, PLLC.
- Plan labeled “A-SK-03.2C,” entitled “Bedford Rd Townhouse Layout – Rendering Option C,” dated January 12, 2024, prepared by Design Development, PLLC.
- Plan labeled “A-SK-03.2D,” entitled “Bedford Rd Townhouse Layout – Rendering Option D,” dated January 12, 2024, prepared by Design Development, PLLC.
- Plan labeled “A-SK-004.1,” entitled “Maple Avenue Townhouse - Proposed,” dated January 12, 2024, prepared by Design Development, PLLC.
- Plan labeled “A-SK-004.2,” entitled “Maple Avenue Townhouse - Proposed,” dated January 15, 2024, prepared by Design Development, PLLC.
- Plan labeled “A-SK-005.1,” entitled “Maple Avenue Townhouse - Proposed,” dated January 15, 2024, prepared by Design Development, PLLC.
- Plan labeled “A-SK-06.2,” entitled “Maple Avenue Townhouse – Rendering View 1A,” dated January 12, 2024, prepared by Design Development, PLLC.
- Plan labeled “A-SK-008.1,” entitled “Grade Level Layout – Proposed Type A,” dated January 12, 2024, prepared by Design Development, PLLC.
- Plan labeled “A-SK-006.2,” entitled “Second/Third Level Layout – Proposed,” dated January 12, 2024, prepared by Design Development, PLLC.
- Plan labeled “A-SK-006.3,” entitled “Roof Plan – Proposed,” dated January 12, 2024, prepared by Design Development, PLLC.
- Plan labeled “A-SK-007.1,” entitled “Building A – Proposed Elevations (With Enclosed Garages),” dated January 15, 2024, prepared by Design Development, PLLC.
- Plan labeled “A-SK-007.2,” entitled “Elevations Side – Proposed (With Enclosed Garage),” dated January 15, 2024, prepared by Design Development, PLLC.
- Plan labeled “A-SK-008 NEW,” entitled “Building A – Rendering (Internal to Site)(With Enclosed Garages),” dated January 12, 2024, prepared by Design Development, PLLC.
- Plan labeled “A-SK-009,” entitled “Building A – Proposed Finishes,” dated January 15, 2024, prepared by Design Development, PLLC.
- Plan entitled “Plan Rendering,” dated January 2024, prepared by Langan.

WHEREAS, pursuant to the Town Code, the Applicant obtained a Town Board Special Use Permit for the proposed development on June 28, 2023; and

WHEREAS, the development site is a 4.14 acre property located in the R-MF-DA Zoning District and is designated on the Tax Maps of the Town of North Castle as lot 108.03-1-65; and

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WHEREAS, the site plan depicts a Building Coverage of 23.7% where 20% is the maximum permitted in the R-MF-DA Zoning District; and

WHEREAS, the Applicant obtained a Building Coverage variance from the Zoning Board of Appeals on October 5, 2023; and

WHEREAS, the site plan depicts a FAR of 0.477 exceeding the maximum FAR of 0.4; and

The Applicant obtained a FAR variance from the Zoning Board of Appeals on October 5, 2023; and

WHEREAS, the Applicant received Architectural Review Board approval on XXXXX, 2024; and

WHEREAS, pursuant to Section 340-5.B of the Town Code, the Conservation Board is required to review the proposed wetland application and file a written report and its recommendation concerning the application with the Planning Board; and

WHEREAS, the Conservation Board in a XXXX XX, 2024 memorandum to the Planning Board ;
and

WHEREAS, the SEQRA review of this project concluded with the adoption of a Negative Declaration by the Town Board on June 12, 2019; and

WHEREAS, the site plan depicts proposed pavement and buildings within the Town-regulated wetland buffer; and

WHEREAS, a total of X,XXX square feet of buffer impact is proposed; and

WHEREAS, the Applicant has submitted a proposed wetland buffer mitigation plan that is X,XXX square feet in area; and

WHEREAS, pursuant to Chapter 225 of the Town Code, the Planning Board determined that a fully suitable recreation area cannot be properly located on the property; and

WHEREAS, the Planning Board may require a payment to the Town to be placed in a trust fund to be used by the Town Board exclusively for neighborhood park, playground or recreation purposes, including the acquisition of property; and

WHEREAS, pursuant to Section 225-5.B of the Town Code, a recreation fee of \$3,000/unit (\$1,000/unit for AFFH) is required where open space and on-site recreational amenities are not provided; and

WHEREAS, the Town Board adopted an affordable housing local law on May 14, 2014; and

WHEREAS, 10% of the market rate units within the project must be AFFH units; and

WHEREAS, four of the units will be will be AFFH units; and

WHEREAS, the application was referred to the Westchester County Planning Board (WCPB) pursuant to the requirements of the General Municipal law and Westchester County Administrative Codes; and

WHEREAS, the County noted that the project “would direct an appropriate level of residential and commercial density to the Armonk Hamlet, that a sidewalk along Maple Avenue should be combined with a new crosswalk across Route 22 (connecting to Business Park Drive) as well as a pedestrian signal, that the applicant should provide an enforceable maintenance program that will prevent the (stormwater) system from being clogged with sediment, and in turn force a higher amount of stormwater runoff into the Town’s storm drain system, that a County Stream Control Permit may be required from the Westchester County Department of Public Works and that indoor bicycle parking rooms (should) be provided within the proposed apartment buildings, which includes electrical outlets to charge e-bicycles; and

WHEREAS, the site plan depicts construction within a floodplain and the Applicant will need to obtain a floodplain development permit pursuant to Chapter 177 of the Town Code; and

WHEREAS, the site plan has been forwarded to the Chief of Police, Building 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 Police Department expressed concern with respect to traffic and pedestrian safety and recommended increased sight distances on the southwest corner as well as improvement to the guiderail and sidewalk to the existing bus stop on Maple Avenue; and

WHEREAS, the plans were forwarded to the Sewer and Water department so that they may make any pertinent recommendations to the Planning Board including, but not limited to, the capacity of the sewer and water infrastructure to handle the proposed amount of effluent and water demand; and

WHEREAS, the Sewer and Water Department did not provide comment upon the design of the water and sewer infrastructure; and

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WHEREAS, any issues raised by the Sewer and Water Department will be satisfactorily addressed during the Westchester County Health Department review; and

WHEREAS, a duly advertised public hearing regarding the site plan was opened on said application on January 22, 2024 and closed on XXXX XX, 2024 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 Town Planner regarding the proposed development; 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 requirements of the Zoning Ordinance and the Town of North Castle Comprehensive Plan Update have been met;

NOW THEREFORE BE IT RESOLVED, that the Planning Board based upon its review of the full environmental record finds that the proposed action will not result in any significant adverse environmental impacts and hereby reconfirms the Negative Declaration adopted on June 12, 2019; and

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

BE IT FURTHER RESOLVED, that this 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. Pre-treatment shall be provided for #2 Proposed Underground Storage System. Additionally, Section 3.2.2 of the SWPPP indicates Stormtech Isolator Row Plus units are to be used for pre-treatment. As it appears this is no longer proposed, the SWPPP section shall be revised to the satisfaction of the Town Engineer.

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- _____2. Work is proposed in the floodway. The applicant shall coordinate with NYSDEC to determine if the proposed work is acceptable. Otherwise, to the satisfaction of the Town Engineer and Building Inspector, the Applicant shall demonstrate that the work will not cause adverse conditions or flood rise as required by Town Code Chapter 177 or all work within the floodway shall be removed.
- _____3. All comments prepared by the Building Department in their letter dated January 8, 2024 shall be addressed to the satisfaction of the Building Inspector. The SWPPP shall be revised, to the satisfaction of the Town Engineer, as necessary per any changes that may affect impervious coverage or the drainage design.
- _____4. The Applicant shall obtain Town Board authorization, to the satisfaction of the Planning Department, to use the Maple Ave ROW to expand the stormwater basin, increase landscaping and install a decorative guiderail/stone wall.
- _____5. The Applicant shall obtain Town Board authorization, to the satisfaction of the Planning Department, to construct paved areas, patios and fences within the deed restricted area.
- _____6. The site plan shall be revised to demonstrate that proposed improvements in the ROW would not impede future sidewalk construction from Bedford Rd to NYS Route 22 (future Town project) to the satisfaction of the Town Engineer and Planning Department.
- _____7. The site plan shall be revised to include details of the proposed decorative vehicle guide rail to the satisfaction of the Highway Department and Town Engineer.
- _____8. The site plan shall be revised to depict the construction of a decorative stone wall at the corner of Bedford Rd/Maple Ave. to the satisfaction of the Town Engineer and Planning Department.
- _____9. The site plan shall be revised to depict the installation of a gateway decorative landscape plan along Maple Avenue from NYS Route 22 to the location of the bus stop to the satisfaction of the Planning Department.
- _____10. The site plan shall be revised to depict a solid fence (and details) along the common property line with the American Legion to the satisfaction of the Planning Department.
- _____11. The site plan shall be revised to demonstrate that a future Bedford Road right turn lane and a sidewalk can be accommodated with the proposed site design to the

satisfaction of the Town's Traffic Consultant.

- _____ 12. The site plan depicts the construction of a new bus stop along Maple Avenue. Details of the structure shall be submitted for review. The design of the bus stop shall will need ARB approval.
- _____ 13. The Applicant shall submit a Unit/Bedroom table that also identifies which units shall be AFFH units. Based upon 31 market rate units, four units will need to be AFFH units.
- _____ 14. The Unit/Bedroom table shall demonstrate that the AFFH units meet the minimum size requirements in Section 355-24(6)(a) and (b) to the satisfaction of the Planning Department.
- _____ 15. The Applicant previously agreed to modify the southern (left) unit of the Maple Ave Townhouse plans to mimic the northern (right) layout. The plans shall be updated to the satisfaction of the Planning Department.
- _____ 16. The site plan shall be revised to depict a crosswalk between the subject site and Armonk Square project to the satisfaction of the Planning Department and the Town's Traffic Consultant.
- _____ 17. The site plan shall be revised to depict the construction of a sidewalk connecting the crosswalk to Armonk Square to the satisfaction of the Town Engineer.
- _____ 18. Submission to the Planning Board of a suitable legal agreement, in form satisfactory to the Town Attorney, permitting the construction of a public sidewalk over 40 Bedford Road.
- _____ 19. Submission to the Planning Board of a suitable legal agreement, in form satisfactory to the Town Attorney, permitting the construction of a public sidewalk over the Armonk Square property.
- _____ 20. The Applicant shall submit plans, to the satisfaction of the Planning Department, that will permit the Planning and Building Departments to verify the submitted floor area calculations. The Applicant shall submit plans that graphically depict the areas counted toward the gross floor area calculations as well as include a chart of the calculations performed (tied to the graphic plan), which together can be used to verify the submitted calculations.

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- _____ 21. The Applicant shall submit a Building Coverage exhibit to the satisfaction of the Planning Department. The submitted Zoning Compliance Chart indicates a Building Coverage of 23.7%.
- _____ 22. The site plan depicts the location of new entry walls with signage. The design of walls and signage shall be included on the plans to the satisfaction of the Planning Department.
- _____ 23. The Applicant shall provide written comments from the Armonk Fire Department confirming that the proposed fire hydrant layout is acceptable to the Armonk Fire Department.
- _____ 24. The Town charges a fee in lieu of providing recreation facilities. A \$3,000/unit recreation fee (\$1,000/unit AFFH) is required. Therefore, the Applicant shall submit a \$94,000 recreation fee as stated in Chapter 225 of the Town Code.
- _____ 25. The Applicant shall submit an amended Community Benefits Agreement, to the satisfaction of the Town Attorney, to include the additional benefits offered by the applicant during the site plan review process.
- _____ 26. The Applicant will need to obtain ARB approval for any proposed entrance signage attached to proposed walls.
- _____ 27. The project will result in disturbances greater than one acre. As such, the applicant shall prepare a Stormwater Pollution Prevention Plan (SWPPP) in accordance with Chapter 267, Stormwater Management of the Town Code to the satisfaction of the Town Engineer. In addition, the project is required to obtain coverage under the New York State Department of Environmental Conservation (NYSDEC) SPDES General Permit, GP-0-20-001 for Stormwater Discharge from Construction Activity. The applicant shall file a Notice of Intent (NOI) with the NYSDEC. A draft copy shall be provided for review to the satisfaction of the Town Engineer. The SWPPP and NOI shall reflect the requirements and conditions of the latest General Permit to the satisfaction of the Town Engineer.
- _____ 28. The Applicant shall prepare a stormwater management plan that addresses the construction, maintenance and inspection of the features of the stormwater management plan to the satisfaction of the Town Engineer. In addition, the Applicant shall prepare an agreement, in recordable form, to the satisfaction of the Town Attorney, specifying that the property owner shall be responsible in perpetuity for maintenance of the stormwater system and that the Town of North Castle shall be

permitted access, if necessary, to perform maintenance of the features of the stormwater management system.

- _____ 29. The Applicant shall submit, as necessary and appropriate, final details to the satisfaction of the Town Engineer of site, final grading and storm drainage, utility connections, sight lines and curbing, parking, driveway and pavement specifications.
- _____ 30. 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.
- _____ 31. The Applicant shall obtain WCDH approval of all proposed sewer collection facilities and water supply distribution facilities to the satisfaction of the Town Engineer.
- _____ 32. Payment of all applicable fees, including any outstanding consulting fees.
- _____ 33. 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 Applicant shall obtain a floodplain development permit pursuant to Chapter 177 of the Town Code to the satisfaction of the Building Department.
- _____ 2. The Applicant shall obtain a County Stream Control Permit from the Westchester County Department of Public Works to the satisfaction of the Town Engineer.
- _____ 3. Pursuant to Section 355-24.I.4 of the Town Code, a property containing any affordable AFFH units shall be restricted using a mechanism such as declaration of restrictive covenants in recordable form acceptable to the Town which shall ensure that the affordable AFFH unit shall remain subject to affordable regulations for the minimum 50 year period of affordability. The covenants shall require that the unit be the primary residence of the resident household selected to occupy the unit upon approval such declaration shall be recorded against the property containing the

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affordable AFFH unit prior to the issuance of a Certificate of Occupancy for the development.

- _____ 4. The Applicant shall submit documentation demonstrating that the North Castle Highway Department has issued a Work Permit and Driveway Access Permit for the proposed work along Bedford Road.
- _____ 5. Provide proof of coverage under the NYSDEC General Permit, GP-0-20-001, for Stormwater Discharge from Construction Activity, to the satisfaction of the Town Engineer.
- _____ 6. The approved site plan and shall be signed by both the Planning Board Chair and Town Engineer.
- _____ 7. 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.
- _____ 8. The Applicant shall submit an engineering inspection fee equal to 3% of the estimated cost of construction. If site work proceeds Building Permits, Inspection fee shall be paid to the town prior to the start of any structural site work.
- _____ 9. Payment of all outstanding fees, including professional review fees.

Prior to the Issuance of a Certificate of Occupancy:

(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 issuance of a Certificate of Occupancy for a building, the Applicant shall submit documentation confirming that the AFFH units or units in such building is available for sale/rental and comply with the AFFH requirements of Section 355-24.I of the Town Code to the satisfaction of the Town Planner.
- _____ 2. The proper construction type stickers shall be affixed to the building to the satisfaction of the Building Department.
- _____ 3. The submission to the Town Building Inspector of an "As Built" site plan.
- _____ 4. The Applicant shall install Knox Boxes to the satisfaction of the Fire Inspector.

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- _____5. The Applicant shall have the approved stormwater management agreement executed and filed with the Westchester County Land Records.
- _____6. The Applicant shall submit documentation demonstrating that Notice of Termination (NOT) filing for the NYSDEC General Permit has been completed to the satisfaction of the Town Engineer.
- _____7. The applicant shall submit documentation demonstrating that all conditions of the North Castle Highway Department Work Permit and Driveway Access Permit have been satisfied to the satisfaction of the Town Engineer.
- _____8. Payment of all outstanding fees, including professional review fees.

Other Conditions:

1. All affordable AFFH units, whether for purchase or for rent, shall be marketed in accordance with the Westchester County Fair & Affordable Housing Affirmative Marketing Plan.
2. All AFFH units shall comply with Town Code Section 355-24.I.2. Maximum Rent and Sales Price .
3. Pursuant to Section 355-24.I.3 of the Town Code, Units designated as affordable AFFH units shall remain affordable for a minimum of 50 years from date of initial certificate of occupancy for rental properties and from date of original sale for ownership units.
4. 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 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.
5. 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.
6. 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/or the Town Engineer.

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7. All soil erosion and sedimentation control measures shown on this plan shall be in place prior to the start of any site work. The 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.
8. 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.
9. 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/or the 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 and/or the Town Engineer, 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 and/or the Town Engineer, 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.
10. Compliance with all applicable local laws and ordinances of the Town of North Castle and any conditions attached to permits issued thereunder.
11. 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 and NYSDEC Standards and Specifications for Erosion and Sediment Control.
12. 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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13. Notwithstanding any provision of this resolution, separate building permits and temporary and final Certificates of Occupancy may be issued for each separate project building.
14. Notwithstanding any provision of this resolution, a site work permit may be issued by the Building Department prior to issuance of a building permit, subject to approval by the Town Engineer.

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

Date NCD Acquisitions, Owner

Date Kings Capital Construction, Applicant

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

Date Joseline Huerta, Planning Board Secretary
Certified as Approved by the North Castle Planning Board

CONSULTINGJAMES J. HAHN ENGINEERING, P.C.
As to Drainage and Engineering Matters

Date James J. Hahn, 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