



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

## **RESOLUTION**

**Action:** Site Plan Approval [#2023-019]  
**Project Name:** 28 Kaysal Court – Site Plan Approval  
**Owner/Applicant:** GHP Kaysal LLC  
**Designation:** 107.04-2-6  
**Zoning District:** RELIP  
**Location:** 28 Kaysal Court  
**Area:** 8 acres  
**Approval Date:** September 28, 2023  
**Expiration Date:** September 28, 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 01,” entitled “Amended Site Plan,” dated May 22, 2023, prepared by Alfonzetti Engineering, P.C.
- Plan labeled “SK1,” entitled “Preliminary Plan,” dated April 4, 2023, last revised April 13, 2023, prepared by Cardarelli Design Group, Inc.

WHEREAS, the Applicant is seeking a change of use from office to warehouse space, the conversion of a walking path into a loading ramp and the installation of a loading door and new pedestrian doors on the side of the building; and

WHEREAS, a portion of the proposed work will occur within a Town-regulated wetland buffer; and

WHEREAS, the proposed amount of disturbance is limited in nature; and

WHEREAS, the Planning Board at the August 7, 2023 meeting determined that the requested wetlands permit is minor in nature and that the required wetlands permit shall be processed administratively; and

WHEREAS, the plan received Architectural Review Board approval for the proposed building at the September 20, 2023 ARB meeting; and

WHEREAS, the approximately 8 acre property is located in the RELIP Zoning District and is designated on the Tax Maps of the Town of North Castle as lot 107.04-2-6; and

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

Site Plan Approval for:  
**28 Kaysal Court [#2023-019]**  
September 28, 2023  
Page 2 of 6

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 does not depict the removal of Town-regulated trees; and

WHEREAS, the site plan does not depict disturbance to Town-regulated steep slopes; and

WHEREAS, a duly advertised public hearing regarding the site plan was conducted on September 28, 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

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 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 shall obtain an administrative wetlands permit from the Town Engineer.
- \_\_\_\_\_2. The project is located within the NYC Kensico Watershed. If necessary, the Applicant shall obtain approval from the NYCDEP to the satisfaction of the Town Engineer.

- \_\_\_\_\_3. The site plan shall be revised to depict a new concrete pedestrian sidewalk and curb along the proposed shared loading/pedestrian path to the satisfaction of the Town Engineer.
- \_\_\_\_\_4. The site plan shall be revised to depict all existing and proposed uses within the building. This data shall be utilized to depict an off-street parking analysis for all existing and proposed uses within the building to the satisfaction of the Planning Department.
- \_\_\_\_\_5. The Applicant shall submit existing and proposed elevations for review to the satisfaction of the Planning Department.
- \_\_\_\_\_6. The applicant shall provide construction details, to the satisfaction of the Town Engineer.
- \_\_\_\_\_7. 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.
- \_\_\_\_\_8. Payment of all applicable fees, including any outstanding consulting fees.
- \_\_\_\_\_9. 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 approved site plan shall be signed by both the Planning Board Chair and Town Engineer.
- \_\_\_\_\_2. 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.
- \_\_\_\_\_3. Payment of all outstanding fees, including professional review fees.
- \_\_\_\_\_4. The applicant shall establish an engineering inspection fee equal to 3% of the estimated cost of construction.

Site Plan Approval for:  
**28 Kaysal Court [#2023-019]**  
September 28, 2023  
Page 4 of 6

**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. Payment of all outstanding fees, including professional review fees.
- \_\_\_\_\_ 2. 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.
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.

Site Plan Approval for:  
**28 Kaysal Court [#2023-019]**  
September 28, 2023  
Page 6 of 6

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
GHP Kaysal LLC

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

\_\_\_\_\_  
Date

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

JAMES 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