



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

## **RESOLUTION**

**Action:** Master Site Plan, Wetlands Permit, Steep Slopes and Tree Removal Permit Approvals

**Application Name:** Airport Campus [2023-038]

**Owner/Applicant:** Airport Campus I-V LLC & Toll Brothers

**Designation:** 118.02-1-1

**Zone:** R-MF-A & R-MF-SCH Zoning Districts

**Acreage:** 38.8 acres

**Location:** 113 King Street (NYS Route 120)

**Date of Approval:** April 8, 2024

**Expiration Date:** April 8, 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 site is currently a vacant corporate campus; and

WHEREAS, the Applicant is seeking approval of a subdivision that will permit the construction of 125 attached townhomes on the 34.3 acres zoned R-MFA and adaptive reuse of the existing southern office building with 50 age-restricted apartments with a new parking structure on the 4.5 acres zoned R-MF-SCH; and

WHEREAS, in August of 2023 the Town Board rezoned the property to the R-MF-A and R-MF-SCH Zoning Districts; and

WHEREAS, the application consists of the following drawings:

- Plan labeled "C-000," dated September 21, 2022, last revised December 21, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled "C-010," entitled "Existing Conditions Plan," dated September 21, 2022, last revised December 21, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled "C-020," entitled "Demolition Plan," dated October 6, 2023, last revised December 21, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled "C-100," entitled "Overall Layout Plan," dated September 21, 2023, last revised December 21, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.

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- Plan labeled “C-101,” entitled “Layout Plan,” dated September 21, 2023, last revised December 21, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-102,” entitled “Layout Plan,” dated September 21, 2023, last revised December 21, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-151,” entitled “Tree Protection Plan,” dated September 21, 2022, last revised December 21, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-152,” entitled “Tree Protection Plan,” dated September 21, 2022, last revised December 21, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-153,” entitled “Tree Protection Table (Part A),” dated September 21, 2022, last revised December 21, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-154,” entitled “Tree Protection Table (Part B),” dated September 21, 2022, last revised December 21, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-155,” entitled “Tree Protection Table (Part C),” dated September 21, 2022, last revised December 21, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-201,” entitled “Grading Plan,” dated September 21, 2022, last revised December 21, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-202,” entitled “Grading Plan,” dated September 21, 2022, last revised December 21, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-210,” entitled “Road Profiles,” dated October 6, 2023, last revised December 21, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-301,” entitled “Utilities Plan,” dated September 21, 2022, last revised December 21, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-302,” entitled “Utilities Plan,” dated September 21, 2022, last revised December 21, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-320,” entitled “Sanitary Sewer Profiles,” dated October 6, 2023, last revised December 21, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.

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- Plan labeled “C-330,” entitled “Water Main Profiles,” dated October 6, 2023, last revised December 21, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-401,” entitled “Erosion and Sediment Control Plan,” dated September 21, 2022, last revised December 21, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-402,” entitled “Erosion and Sediment Control Plan,” dated September 21, 2022, last revised December 21, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-700,” entitled “Vehicle Access Plan (Fire Truck),” dated October 6, 2023, last revised December 21, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-701,” entitled “Vehicle Access Plan (Delivery Truck),” dated October 6, 2023, last revised December 21, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-702,” entitled “Vehicle Access Plan (Garbage Truck),” dated October 6, 2023, last revised December 21, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-900,” entitled “Construction Details,” dated October 6, 2023, last revised December 21, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-901,” entitled “Construction Details,” dated October 6, 2023, last revised December 21, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-902,” entitled “Construction Details,” dated October 6, 2023, last revised December 21, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-903,” entitled “Construction Details,” dated October 6, 2023, last revised December 21, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-904,” entitled “Construction Details,” dated October 6, 2023, last revised December 21, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “L-101,” entitled “Landscape Plan,” dated September 21, 2022, last revised December 21, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “L-102,” entitled “Landscape Plan,” dated September 21, 2022, last revised December 21, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.

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- Plan labeled “L-103,” entitled “Typical Unit Landscape Plan,” dated September 25, 2023, last revised December 21, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “IPP-1,” entitled “Integrated Plot Plan,” dated October 6, 2023, last revised December 21, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “PSP-1,” entitled “Preliminary Subdivision Plan,” dated November 10, 2023, last revised December 21, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “A.001,” entitled “Cover Sheet,” dated November 20, 2023, prepared by Lessard Design.
- Plan labeled “A.002,” entitled “Tabulations,” dated December 20, 2023, prepared by Lessard Design.
- Plan labeled “A.100,” entitled “Site Plan,” dated November 20, 2023, prepared by Lessard Design.
- Plan labeled “A.101,” entitled “Basement Floor Plan,” dated November 20, 2023, prepared by Lessard Design.
- Plan labeled “A.102,” entitled “1<sup>st</sup> Floor Plan,” dated December 20, 2023, prepared by Lessard Design.
- Plan labeled “A.103,” entitled “2<sup>nd</sup> Floor Plan,” dated December 20, 2023, prepared by Lessard Design.
- Plan labeled “A.104,” entitled “3<sup>rd</sup> Floor Plan,” dated December 20, 2023, prepared by Lessard Design.
- Plan labeled “A.105,” entitled “Penthouse Plan,” dated November 20, 2023, prepared by Lessard Design.
- Plan labeled “A.106,” entitled “Garage Building – 1<sup>st</sup> Floor,” dated November 20, 2023, prepared by Lessard Design.
- Plan labeled “A.107,” entitled “Garage Building – 2<sup>nd</sup> Floor,” dated November 20, 2023, prepared by Lessard Design.
- Plan labeled “A-201,” entitled “North and South Elevation,” dated November 20, 2023, prepared by Lessard Design.
- Plan labeled “A-202,” entitled “East and West Elevation,” dated November 20, 2023, prepared by Lessard Design.
- Plan labeled “A-203,” entitled “Garage Elevations,” dated November 20, 2023, prepared by Lessard Design.
- Plan labeled “A.204,” entitled “3D Perspective View 01,” dated November 20, 2023, prepared by Lessard Design.
- Plan labeled “A.205,” entitled “3D Perspective View 02,” dated November 20, 2023, prepared by Lessard Design.

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- Plan labeled “A.206,” entitled “3D Perspective View 03,” dated November 20, 2023, prepared by Lessard Design.
- Plan labeled “A.207,” entitled “3D Perspective View 04,” dated November 20, 2023, prepared by Lessard Design.
- Plan labeled “A.210,” entitled “Material Board,” dated November 20, 2023, prepared by Lessard Design.
- Plan labeled “L-101,” entitled “Landscape Plan,” dated September 21, 2022, last revised October 6, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “L-102,” entitled “Landscape Plan,” dated September 21, 2022, last revised October 6, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.

WHEREAS, this master site plan approval encompasses the general plan, common areas and infrastructure relating to the development; and

WHEREAS, the RPRC will review site development plans for each building lot; and

WHEREAS, the development site is a 38.8 acre property located in the R-MF-A and R-MF-SCH Zoning Districts and designated on the Tax Maps of the Town of North Castle as lot 118.02-1-1; and

WHEREAS, the Applicant received Architectural Review Board approval on April 3, 2024; and

WHEREAS, the SEQRA review of this project concluded with the adoption of a Findings Statement by the Planning Board on March 11, 2024; and

WHEREAS, given the location of the project site in proximity to the Airport and given the Westchester County noise concerns, the Planning Board finds that the building plans for the project shall include additional noise attenuation above that required by the NYS Building Code in an effort to mitigate airport noise impacts to a level at or below 45 dBA, which the Planning Board finds is appropriate for residential use; and

WHEREAS, to ensure that Site residents are aware of their proximity to the Airport, the Applicant shall place a notice in any rental agreement, offering plan, or contract for any residential unit on the Site notifying prospective residents of the Site’s proximity to the Westchester County Airport; and

WHEREAS, the site plan depicts 2,011 square feet of Town-regulated steep slope disturbance; and

WHEREAS, the site plan depicts the removal of 678 Town-regulated trees; and

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WHEREAS, the site plan depicts 7,696 square feet of Town-regulated wetland buffer disturbance and a 15,400 square foot mitigation plan; 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, 12 AFFH townhouse units and three AFFH senior multi-family units are proposed; and

WHEREAS, pursuant to Section 239-y.3.a of NYS General Municipal Law, the Planning Board referred this application to the Conservation Board to review the application with respect to the proposed use or development of the open area in terms of the open area planning objectives of the Town; and

WHEREAS, pursuant to Section 340-5.B of the Town Code, the Conservation Board is required to review the proposed wetland application and, within 45 days of receipt thereof, file a written report and its recommendation concerning the application with the Planning Board; and

WHEREAS, the Conservation Board recommended approval of the project conditioned upon the mitigation plan being revised to reflect native plantings and that pesticide and herbicide use be Prohibited; and

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 did not receive comments from emergency service providers; and

WHEREAS, the site plan was forwarded to the Water and Sewer 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 demand; and

WHEREAS, the Planning Board did not receive comments from the Water and Sewer department; and

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) since the subject site is located within 500 feet of NY Route 120; and

WHEREAS, Westchester County has not provided comments to the Planning Board; and

WHEREAS, the site contains an existing 1820's farmhouse that is proposed to be demolished by the Applicant; and

WHEREAS, the New York State Office of Parks, Recreation and Historic Preservation found the farmhouse is not historically significant; and

WHEREAS, the Planning Board opened, on January 8, 2024 and closed on February 12, 2024, pursuant to §355-44 of the North Castle Code, a duly noticed public hearing with respect to the site plan and wetlands permit applications, 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 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 application for site plan, wetlands permit, steep slopes and tree removal 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. Prior to issuance of a Building Permit, 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 Attorney and County Attorney.

- \_\_\_\_\_ 2. The Applicant noted that closure reports for underground oil tanks were not available for the former Weber Place homes. The Applicant shall prepare a plan, to the satisfaction of the Town Engineer, that addresses this potential issue. There is no Closure Report available for 137 King Street. The Applicant will coordinate with the Town Engineer and Building Department as part of construction and comply with New York State requirements related to residential oil tanks.
- \_\_\_\_\_ 3. A rock crushing plan shall be submitted and include the following to the satisfaction of the Town Engineer: Specify the equipment used for rock crushing. Equipment shall have an integrated dust control system. Rock crushing plan shall be limited to the hours of 9 am to 4 pm on weekdays. Rock crushing shall not be permitted on weekends and holidays. The Town Engineer shall determine that the proposed methodology and work plan is acceptable.
- \_\_\_\_\_ 4. 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.
- \_\_\_\_\_ 5. The Applicant has indicated that chipping may be required during construction. The Town Engineer shall determine that the proposed methodology and work plan is acceptable.
- \_\_\_\_\_ 6. 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.
- \_\_\_\_\_ 7. The Applicant shall obtain WCDH approval of all proposed sewer collection and water supply distribution facilities to the satisfaction of the Town Engineer.
- \_\_\_\_\_ 8. The Applicant shall obtain WCDH realty subdivision approval to the satisfaction of the Town Engineer.
- \_\_\_\_\_ 9. Payment of all applicable fees, including any outstanding consulting fees.
- \_\_\_\_\_ 10. The Applicant shall submit to the Planning Board Secretary one (1) 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 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.
- \_\_\_\_\_ 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. The site plan aspects of the proposed club house shall be revised to provide details of all site plan elements other than the development of the single family homes to the satisfaction of the Planning Department and Town Engineer. Specifically, the Applicant should provide floor plans, elevations and a detailed site plan for the amenities complex.
- \_\_\_\_\_ 4. The proposed irrigation system shall utilize the existing on-site pond and, if permitted by the County, from one or more of the existing on-site wells in an effort to minimize potable water use.
- \_\_\_\_\_ 5. The Zoning Compliance Chart shall be revised, to the satisfaction of the Planning Department, to demonstrate that all AFFH units meet the minimum floor area required in Section 355-24.I(6) of the Town Code. Specifically, proposed AFFH Unit 212 is 1,126 square feet where 80% of the average market rate 1 bedroom unit is 1,157 square feet. Unit 212 shall be increased in size so that it complies with the minimum requirements of the Town Code to the satisfaction of the Planning Department.
- \_\_\_\_\_ 6. The Applicant shall obtain ARB approval for any proposed entrance signage.

- \_\_\_\_\_7. If necessary, the Applicant shall obtain a chipping or blasting permit pursuant to Chapter 122 from the Building Department.
- \_\_\_\_\_8. The Water Contribution and Capital Expenditure Agreement shall be fully completed and executed to the satisfaction of the Town Board.
- \_\_\_\_\_9. 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 affordable AFFH unit prior to the issuance of a Certificate of Occupancy for the development.
- \_\_\_\_\_10. 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.
- \_\_\_\_\_11. The Applicant shall demonstrate that the SWPPP has been approved by the NYCDEP to the satisfaction of the Town Engineer.
- \_\_\_\_\_12. The Applicant shall be required to employ a full time construction manager for the project. In addition, the Town Board finds that given current Town staffing levels combined with the size of the development, the Applicant shall be required to establish an escrow account and reimburse the Town for costs associated with a third party part-time special engineering and/or building inspector.
- \_\_\_\_\_13. Pursuant to an agreement with the Town of North Castle Town Board, a restrictive covenant in recordable form acceptable to the Town Attorney shall be submitted ensuring that a minimum of 60% of the housing units shall contain first floor primary bedrooms.
- \_\_\_\_\_14. The approved site plan and shall be signed by both the Planning Board Chair and Town Engineer.
- \_\_\_\_\_15. The submission building plans, as determined necessary by the Building Department, for review and approval by the Town Building Inspector prior to the issuance of a building permit.

- \_\_\_\_\_ 16. 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.
- \_\_\_\_\_ 17. 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. The Applicant shall submit documentation demonstrating that the sewer and water infrastructure has been dedicated to the Water District and accepted by the Town Board to the satisfaction of the Town Engineer.
- \_\_\_\_\_ 2. The proper construction type stickers shall be affixed to all buildings 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.
- \_\_\_\_\_ 5. 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 once the entire site has the equivalent of a site certificate of completion.
- \_\_\_\_\_ 6. Prior to obtaining a Certificate of Occupancy, the relevant cluster or phase of the site shall have an all weather asphalt roadway completed to the asphalt binder course to the satisfaction of the Town Engineer.
- \_\_\_\_\_ 7. Payment of all outstanding fees, including professional review fees.

**Other Conditions:**

- 1. RPRC review of each individual lot shall be required.
- 2. 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.

3. All AFFH units shall comply with Town Code Section 355-24.I.2. Maximum Rent and Sales Price .
4. 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.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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.
10. 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.

11. Compliance with all applicable local laws and ordinances of the Town of North Castle and any conditions attached to permits issued thereunder.
12. 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.
13. 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.
14. Notwithstanding any provision of this resolution, separate building permits and temporary and final Certificates of Occupancy may be issued for each separate project building.
15. 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 Airport Campus I-V LLC

\_\_\_\_\_  
Date Toll Brothers

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

\_\_\_\_\_  
Date Joseline Flores, Planning Board Secretary  
Certified as Approved by the North Castle Planning Board

KSCJ 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, Chair