



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

PLANNING BOARD
Christopher Carthy, Chair

Telephone: (914) 273-3542
Fax: (914) 273-3554
www.northcastleny.com

R E S O L U T I O N

Action: Final Subdivision Plat Approval
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: February 26, 2024
Expiration Date: August 24, 2024 (180 Days)

WHEREAS, application for subdivision plat approval was submitted to the Planning Board and the application fees were 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.
- 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, lasted 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.
- 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.

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- 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.
- 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 Plat,” 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.

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- Plan labeled “A.102,” entitled “1st Floor Plan,” dated December 20, 2023, prepared by Lessard Design.
- Plan labeled “A.103,” entitled “2nd Floor Plan,” dated December 20, 2023, prepared by Lessard Design.
- Plan labeled “A.104,” entitled “3rd 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 – 1st Floor,” dated November 20, 2023, prepared by Lessard Design.
- Plan labeled “A.107,” entitled “Garage Building – 2nd 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.
- 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, the purpose of the requested subdivision is to create separate infrastructure lots (roads, facilities, mains, recreation complex) and 125 individual single family homes; and

WHEREAS, the property is not served by public water; and

WHEREAS, the property is served by public sewer; and

WHEREAS, the Applicant will extend public water mains to serve the properties; 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 purpose of the requested subdivision is to create separate infrastructure lots (roads, facilities, mains, recreation complex) and 125 individual single family homes; and

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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 has received and considered comments from the public, Town Attorney, Town Engineer and Town Planner; and

WHEREAS, the requirements of the Land Subdivision Regulations, the Zoning Ordinance and the *2018 Town of North Castle Comprehensive Plan* have been met by the application; and

WHEREAS, under the Town Law the approval of said preliminary subdivision plat by this Planning Board does not affect the power of the Town to change zoning regulations, nor act as an assurance of the granting of any building permits;

WHEREAS, the Applicant received preliminary subdivision plat approval on February 26, 2024;

NOW THEREFORE BE IT RESOLVED, that pursuant to the authority granted by Section 275-15.E of the Town of North Castle Town Code, the Planning Board hereby waives the public hearing on the final plat; and

BE IT FURTHER RESOLVED, that pursuant to Section 275-8 of the Town Code, the Planning Board finds that because of the special circumstances of the existing topography on the property, extraordinary hardships would result from strict compliance with the Town Road standards with respect to minimum vertical geometry, horizontal curves and tangents requirements of the Town Code and that it is appropriate to adjust the regulations so that substantial justice may be done and the public interest secured; and

BE IT FURTHER RESOLVED, that the final subdivision plat approval, as described herein is conditionally approved, subject to compliance with the following conditions and modifications; and

BE IT FURTHER RESOLVED, that this final subdivision plat approval shall expire 180 days from the date of this resolution unless a written request for an extension of final subdivision plat is granted by the Planning Board; and

BE IT FURTHER RESOLVED, that if all conditions of approval are not fully complied with within the above time limits, said plat shall be disapproved.

Conditions to be Completed Before the Final Plat is Signed

(The Planning Board Secretary's initial and date shall be placed in the space below to indicate that the condition has been satisfied.)

1. The Applicant shall submit documentation, to the satisfaction of the Town Attorney, that the petition to extend Water District Number 8 has been completed.

2. The IPP and plat shall be revised, to the satisfaction of the Water and Sewer Department, the Town Engineer and Town Attorney, to permit the location of required Town infrastructure required in the Basis of Design Report from D & B Engineers and Architects to permit the interconnection of Water District No. 8 and Water District No. 4.

3. The Applicant shall prepare a Stormwater Pollution Prevention Plan to the satisfaction of the Town Engineer.

- _____ 4. The Applicant shall prepare a Utility Engineering Report to the satisfaction of the Town Engineer.
- _____ 5. The Applicant shall prepare an Off-Site Water Main Improvements Plan to the satisfaction of the Town Engineer.
- _____ 6. The Applicant shall prepare an On-Site Water Storage Tank and Water Booster Station Plan to the satisfaction of the Town Engineer.
- _____ 7. The applicant shall examine re-alignment of the sewer between Manholes #12 and #9 to the satisfaction of the Town Engineer. If the sewer was relocated behind Units 12-15 and around the clubhouse and pool complex, the depth of the sewer could be significantly reduced.
- _____ 8. It is not clear from the plans as to whether each sanitary sewer service crossing the proposed water main and/or storm drainage system will have the necessary clearance to meet grade and depth of cover between the dwelling unit and sewer main. The Applicant shall include the proposed water main and storm drainage system on the sewer profile, along with the elevation of the sewer invert where it leaves the dwelling unit to the satisfaction of the Town Engineer.
- _____ 9. Sewer profiles shall specify any special treatment where sanitary sewer will be constructed on top of significant fills to the satisfaction of the Town Engineer.
- _____ 10. Proposed grading across the project site provides positive drainage relief away from units should a portion of the drainage collection system become clogged, except at Units 107 and 108 and Units 48 and 54. The applicant shall examine the elevation of Units 107 and 108 and provide a minimum of two (2) feet of relief between the elevations at the unit and ground elevation controlling surface runoff across the street to the satisfaction of the Town Engineer. Units 48 and 54 shall be reexamined in relationship to the elevation of the stormwater basin berm.
- _____ 11. The Applicant shall reconsider the drainage connection between CIA-11 and DIA-10 where roadway runoff will be redirected between and behind units to the satisfaction of the Town Engineer. It would be preferable to see CIA-12 connected to DIA-5, which will reduce the runoff directed to the rear yard between units fronting on the circle.
- _____ 12. The Applicant has prepared a grading plan for the project. The plan generally provides positive pitch from the garage of each unit to the roadway and positive pitch away from the units. In general, the plan is acceptable, except for the following locations where additional detail is warranted when a more significant grade change occurs between units. Specifically, the grading shall be revised around Units 66-67, 70-71, 80-81, 96-97, 99-100, 84-85 and 100-101 to the satisfaction of the Town Engineer. The Applicant shall also check the garage floor elevation of Unit 118 and the proposed grading between Units 51-52.

- _____ 13. The plans note that retaining walls shown on the Site Plan have been designed by others. The plans shall reference the designer of the retaining walls and plan set where such details may be found to the satisfaction of the Town Engineer.
- _____ 14. Fencing shall be provided at the top of the hill above the stormwater basin within the rear yard of Units 9-11 to the satisfaction of the Town Engineer.
- _____ 15. The site plan depicts street lights on the site plan. The Applicant shall revise the lighting plan to eliminate locations where no light coverage is provided along roadways or within parking areas to the satisfaction of the Town Engineer and Planning Department. The site plans shall include lighting at the pool.
- _____ 16. The plans shall state the dimensions of the fire truck turn around at the end of Road B dead end to the satisfaction of the Town Engineer.
- _____ 17. A signage plan has been provided. Additional stop signs are required at the driveway west of the garage, at both exits of the garage and along Road B where it intersects Road C. The plan shall be revised to the satisfaction of the Town Engineer.
- _____ 18. A signage plan has been provided. The Do Not Enter Sign does not appear necessary at Road C rear entrance. The plan shall be revised to the satisfaction of the Town Engineer.
- _____ 19. The applicant shall explain whether either entrance will be gated. If so, the plan shall be revised to depict details to the satisfaction of the Town Engineer and Planning Department.
- _____ 20. The site plan depicts a trash enclosure to house refuse and recyclables for the occupants of the existing office building to be converted to condominiums. The Applicant should meet with the carter servicing the community and confirm dumpster, compactor and container requirements confirming proposed enclosure is properly sized to service the community.
- _____ 21. The Temporary Storm Trap ST-1 located within Phase I will likely not be available during construction of Phase II. A separate storm trap shall be proposed during construction of Phase II to the satisfaction of the Town Engineer. A likely location would be in the vicinity of Units 84-89.
- _____ 22. An additional storm trap shall be provided for the rear yards of those lots fronting the loop created by Roads B and C to the satisfaction of the Town Engineer. Drainage for this portion of the project is proposed to be routed through the rear yards, which makes this area an ideal location to control sediment during the construction phase.

- _____23. Anti-tracking pads shall be expanded to work with the separate phases of work to the satisfaction of the Town Engineer. Anti-tracking pads shall be located at each entry (both sides) to Road B, at the exit from the single building, multi-family project at Road A and both exits from Phase II. The anti-tracking pads shall move as each phase of the project progresses.
- _____24. The erosion mitigation primarily includes perimeter silt fence protection, which is fine to ensure all surface runoff is treated before discharge. Due to the size of the disturbance of each phase, it can be expected that portions of each phase will be completed as other buildings are still under construction. It is therefore important that each building includes its own independent mitigation in addition to the perimeter and phase mitigation proposed. The Applicant shall illustrate separate silt fencing for each building site to the satisfaction of the Town Engineer.
- _____25. Silt fencing shall be provided behind Units 5-15 to the satisfaction of the Town Engineer.
- _____26. The Applicant has stated that blasting and chipping is proposed. In addition, the Applicant has indicated that crushing may be conducted on the site and a crushing location is depicted on the site plan. The Applicant shall provide additional detail and parameters relating to the crushing operation. Specifically, the type of equipment shall be identified. The equipment shall be outfitted with integrated dust control system. The total number of days of crushing shall be identified and the hours of operation made clear (9 to 4 is recommended). In addition, if the dust control system is inoperable, all crushing shall cease. Weekend crushing operations shall be prohibited.
- _____27. Pursuant to the Findings Statement, the Applicant shall prepare and submit a Construction Management Plan (CMP), to the satisfaction of the Town Engineer, addressing air quality, blasting, chipping, rock processing and construction noise impacts.
- _____28. 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.
- _____29. The Applicant has provided a detail of the Type II Utility trench. Trench bedding shall include a minimum depth of six (6) inches of gravel or crushed stone for sewers. A minimum depth of six (6) inches of trench run is acceptable for water mains, however, trench run shall be replaced with crushed stone or gravel when rock or groundwater is encountered. Drainage pipe shall require six (6) inches of crushed stone or gravel when rock or ground water is encountered.
- _____30. Twelve (12) inches of select fill shall be placed over all utilities to the satisfaction of the Town Engineer.

- _____31. The Applicant shall explain locations where the proposed wood guide rail is located to the satisfaction of the Town Engineer.
- _____32. The applicant shall explain where different light pole bases are proposed to the satisfaction of the Town Engineer.
- _____33. Submission of a suitable legal agreement, in form satisfactory to the Town Attorney, limiting the townhouses to a maximum of three bedrooms.
- _____34. The IPP and plat shall be revised, to the satisfaction of the Town Attorney and Planning Department, to include a note stating that all rental agreements, offering plan, or contract for any residential unit on the Site shall notify prospective residents of the Site's proximity to the Westchester County Airport.
- _____35. The IPP and plat map shall be revised to depict separate infrastructure lots (roads, facilities, mains, recreation complex) and 125 individual single family homes to the satisfaction of the Sewer and Water Department, Town Engineer and Planning Department.
- _____36. The plat map shall contain the calculations used to demonstrate conformance with Section 355-24.F of the Town Code requiring 50% of the gross area of the site preserved as permanent open space to the satisfaction of the Planning Department.
- _____37. The plat map shall depict the proposed section , block and lot numbers as assigned by the Tax Assessor to the satisfaction of the Tax Assessor.
- _____38. The plat map shall depict a lot to be dedicated to Water District #8 for the pump house and water tank to the satisfaction of the Planning Department.
- _____39. The plat map shall depict an access easement over the property for Water District personnel to reach and maintain the pump house and water tank to the satisfaction of the Town Engineer and Sewer and Water Department.
- _____40. Submission of a suitable legal agreement, in form satisfactory to the Town Attorney, providing an access easement to the pump house and water tank for Water District personnel.
- _____41. The plat map shall depict a water main easement over the property to the satisfaction of the Town Engineer and Sewer and Water Department.
- _____42. Submission of a suitable legal agreement, in form satisfactory to the Town Attorney, relating to the proposed water main easement over the subject property.
- _____43. The plat map shall depict a sewer main easement over the property to the satisfaction of the Town Engineer and Sewer and Water Department.

_____ 44. Submission of a suitable legal agreement, in form satisfactory to the Town Attorney, relating to the proposed sewer main easement over the subject property.

_____ 45. Submission of a suitable legal agreement, in form satisfactory to the Town Attorney, assuring the Town that the Applicant will deposit cash or file a surety bond or other security acceptable to the Town Board (such as a Letter of Credit) for the construction of the sanitary sewer and water infrastructure, the amount of said bond or other security to be determined by the Town Board. Such bond shall be released after dedication of such sewer and water infrastructure to the Town of North Castle.

In the event that the issuer of the bond or other security furnished to the Town hereunder becomes insolvent or, for any reason, disaffirms the validity of such security, the Applicant shall notify the Town Board immediately and replace the invalid security with a new bond or other security acceptable to the Town Board within thirty (30) days thereafter. The existence of a valid bond, letter of credit or other security shall be a condition precedent to the validity of any permits issued or to be issued in connection with this plan.

_____ 46. 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 a homeowners association shall be responsible in perpetuity for maintenance of the stormwater basins and that the Town of North Castle shall be permitted access, if necessary, to perform maintenance of the features of the stormwater management system.

_____ 47. Submission of a suitable legal agreement, in form satisfactory to the Town Attorney, assuring the Town that the Applicant will deposit cash or file a surety bond or other security acceptable to the Town Board (such as a Letter of Credit) for the construction and maintenance of the subdivision roads, the amount of said bond or other security to be determined by the Town Board. Such bond shall be released after the completion of such road to the satisfaction of the Town Engineer.

In the event that the issuer of the bond or other security furnished to the Town hereunder becomes insolvent or, for any reason, disaffirms the validity of such security, the Applicant shall notify the Town Board immediately and replace the invalid security with a new bond or other security acceptable to the Town Board within thirty (30) days thereafter. The existence of a valid bond, letter of credit or other security shall be a condition precedent to the validity of any permits issued or to be issued in connection with this subdivision.

_____ 48. 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.

- _____49. The plat map should identify the location of the 12 AFFH townhouse units as well as note that the multifamily senior building includes three AFFH units to the satisfaction of the Planning Department.

Pursuant to Section 355-24.I.1 of the Town Code AFFH units shall be marketed in accordance with the Westchester County Fair Affordable Housing Affirmative Marketing Plan.

Pursuant to Section 355-24-I.2 of the Town Code, the maximum monthly rent for an affordable AFFH unit and the maximum gross sales price for an AFAH unit shall be established in accordance with US Department of Housing and Urban Development guidelines as published in the current edition of the Westchester County Area Median Income AMI Sales Rent Limits available from the County of Westchester.

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.

- _____50. The plat map shall include a note stating that “The property cannot be further subdivided” to the satisfaction of the Planning Department.”

- _____51. The Applicant shall submit a preliminary plat meeting the requirements of Section 275-30 of the Town Code to the satisfaction of the Planning Department. Specifically, the plat shall contain a meets and bounds description of all lots, horizontal roadway geometry, in conformance with Town Roadway Standards, sanitary sewer services connected to the proposed public sanitary sewer mains and in the direction of flow within the main and wetland buffer notation should be revised from NYSDEC to Town of North Castle.

- _____52. Payment of all applicable fees, including any outstanding consulting fees.

- _____53. The applicant shall furnish the necessary documentation confirming that all taxes assessed against the property have been paid.

- _____54. The plat shall be referred to the Tax Assessor for review and for the assignment of the new tax lot numbers. The plat shall be revised per the Assessor as required and all new tax lot numbers shall be placed on the subdivision plat.

- _____55. Pursuant to Section 275-17 of the Town Code, the applicant shall submit a detailed quantity cost estimate for all public and shared improvements proposed, with the quantities certified to by the applicant’s engineer to the satisfaction of the Town Engineer.

- _____56. The applicant shall submit payment of the recreation fee in the amount of \$351,000 as stated in Section 275-17 and Chapter 225 of the Town Code.

- _____57. 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.
- _____58. The applicant shall prepare a Stormwater Pollution Prevention Plan (SWPPP), Notice of Intent (NOI) and MS4 SWPPP Acceptance Form to the satisfaction of the Town Engineer.
- _____59. The Applicant shall demonstrate that the SWPPP has been approved by the NYCDEP to the satisfaction of the Town Engineer.
- _____60. The Applicant shall submit documentation to the satisfaction of the Town Engineer and Planning Department that all approvals, including the Temporary U&O permit for the water main) have been approved by NYSDOT.
- _____61. The Applicant shall secure approval and endorsement of the plat by the Westchester County Department of Health. All plans submitted to the Westchester County Department of Health for review and approval shall reflect the identification of all wetland boundaries and their respective surrounding regulated areas. A copy of the integrated plot plan containing the endorsement of the Westchester County Department of Health shall be submitted to the Town Engineer prior to the signing of the final linen.
- _____62. The applicant shall provide approvals from the WCHD for the subdivision, wastewater conveyance system and water distribution system to the satisfaction of the Town Engineer.
- _____63. The applicant shall produce a Final Subdivision Plat in accordance with the provisions of Section 275-33 of the North Castle Land Subdivision Regulations, and Final Construction Plans in accordance with 275-16 of the Town Land Subdivision Regulations.
- _____64. Pursuant to Section 275-17 of the Town Code, the applicant shall submit a detailed quantity cost estimate for all public and shared improvements proposed, with the quantities certified to by the applicant's engineer to the satisfaction of the Town Engineer.
- _____65. The Applicant shall furnish the necessary documentation confirming that the plat can be filed immediately, that there are not liens on the plat whatsoever, or any other impediments to the filing of the Plat with the County Clerk.
- _____66. The Applicant shall submit a subdivision inspection fee pursuant to Section 275-18C of the Town Code of 5% of the total costs for the improvements to the satisfaction

of the Town Engineer.

Other Conditions:

1. 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.
2. The Findings Statement requires the Applicant to employ a full time construction manager for the Townhouse and Senior development projects. In addition, the Applicant shall be required to reimburse the Town for costs associated with a third party part-time special engineering and/or building inspector
3. All references to "the Applicant" shall include the Applicant's successors and assigns.
4. 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.
5. All AFFH units shall comply with Town Code Section 355-24.I.2. Maximum Rent and Sales Price.
6. 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.

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

Date

Airport Campus I-V LLC

Date

Toll Brothers

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