



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

R E S O L U T I O N

Action: Site Plan, Wetlands Permit and Tree Removal Permit Approvals
Application Name: 23 Whipoorwill Road East [#2023-041]
Owner: Verizon New York Inc
Applicant: Town of North Castle
Designation: Verizon Lot - 108.01-6-51.1 & Town of North Castle Lot - 108.01-6-51.2
Zone: R-3/4A (Residential, 3/4 Acre Minimum Lot Size) District
Acreage: 1.966 acres
Location: 23 Whipoorwill Road East
Date of Approval: March 25, 2024
Expiration Date: March 25, 2025 (1 Year)

WHEREAS, the recently created Lot 1 (Verizon) was reduced in size and will continue to be utilized by Verizon; and

WHEREAS, the Verizon property is proposed to be improved with new water and sewer connections, a reconfigured parking lot, lighting, dumpster, walkways and access gate; and

WHEREAS, the Town of North Castle property is proposed to be improved with a new 49 space public parking lot with centralized refuse enclosure for Main Street businesses, lighting and wetland mitigation; and

WHEREAS, an application for subdivision plat approval was approved by the Planning Board on March 25, 2024; and

WHEREAS, the application consists of the following drawings:

- Plan labeled "T-01," entitled "Title Sheet," dated November 13, 2023, prepared by KSCJ Consulting.
- Plan labeled "G-01," entitled "General Notes & Legend," dated November 13, 2023, prepared by KSCJ Consulting.
- Plan labeled "G-02," entitled "General Notes," dated November 13, 2023, prepared by KSCJ Consulting.
- Plan labeled "C-100," entitled "Existing Conditions & Removals Plan," dated November 13, 2023, prepared by KSCJ Consulting.
- Plan labeled "C-101," entitled "Parking Improvement Plan," dated November 13, 2023, prepared by KSCJ Consulting.

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- Plan labeled “C-102,” entitled “Grading Plan,” dated November 13, 2023, prepared by KSCJ Consulting.
- Plan labeled “C-103,” entitled “Utility Plan,” dated November 13, 2023, prepared by KSCJ Consulting.
- Plan labeled “C-104,” entitled “Erosion & Sediment Control Plan,” dated November 13, 2023, prepared by KSCJ Consulting.
- Plan labeled “C-200,” entitled “Wetland Mitigation & Landscape Plan,” dated November 13, 2023, prepared by KSCJ Consulting.
- Plan labeled “C-300,” entitled “Sewer Profile,” dated November 13, 2023, prepared by KSCJ Consulting.
- Plan labeled “C-500,” entitled “Site Details,” dated November 13, 2023, prepared by KSCJ Consulting.
- Plan labeled “C-501,” entitled “Pavement & Signage Details,” dated November 13, 2023, prepared by KSCJ Consulting.
- Plan labeled “C-502,” entitled “Drainage Details,” dated November 13, 2023, prepared by KSCJ Consulting.
- Plan labeled “C-503,” entitled “Sewer, Water & Planting Details,” dated November 13, 2023, prepared by KSCJ Consulting.
- Plan labeled “C-504,” entitled “Erosion & Sediment Control Details,” dated November 13, 2023, prepared by KSCJ Consulting.
- Plan labeled “E0.1,” entitled “Electrical Symbols, Abbreviations and General Notes,” dated March 31, 2023, last revised, September 29, 2023, prepared by OLA Consulting Engineers.
- Plan labeled “E0.2,” entitled “Electrical Specifications,” dated March 31, 2023, last revised, September 29, 2023, prepared by OLA Consulting Engineers.
- Plan labeled “E0.3,” entitled “Electrical Specifications and Details, Abbreviations and General Notes,” dated March 31, 2023, last revised, September 29, 2023, prepared by OLA Consulting Engineers.
- Plan labeled “E1.0,” entitled “Electrical Site Demolition Part Plan,” dated March 31, 2023, last revised, September 29, 2023, prepared by OLA Consulting Engineers.
- Plan labeled “E1.1,” entitled “Electrical Site Lighting Part Plan,” dated March 31, 2023, last revised, September 29, 2023, prepared by OLA Consulting Engineers.
- Plan labeled “E1.2,” entitled “Electrical Site Power Part Plan,” dated March 31, 2023, last revised, September 29, 2023, prepared by OLA Consulting Engineers.
- Plan labeled “E6.1,” entitled “Electrical Schedules,” dated March 31, 2023, last revised, September 29, 2023, prepared by OLA Consulting Engineers.
- Plan entitled “Preliminary Subdivision Plat,” dated February 11, 2022, prepared by TC Merritts Land Surveyors.
- Plan entitled “Topography of Property,” dated April 24, 2020, last revised February 9, 2023, prepared by TC Merritts Land Surveyors.
- Document entitled “Stormwater Pollution Prevention Plan (SWPPP),” dated November, 2023, prepared by KSCJ Consulting.

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WHEREAS, the site is currently a 1.966 acre lot developed with a Verizon Central Office; and

WHEREAS, the site plan depicts the removal of 20 Town-regulated trees; and

WHEREAS, the site plan depicts 3,747 square feet of Town-regulated wetland disturbance and 40,781 square feet of Town-regulated wetland buffer disturbance; and

WHEREAS, a 4,021 square foot wetland mitigation plan and a 15,472 square foot wetland buffer mitigation plan has been prepared; and

WHEREAS, pursuant to Section 340-5.B of the Town Code, the Conservation Board reviewed the proposed wetland application and provided a negative recommendation to the Planning Board; and

WHEREAS, the Town's Comprehensive Plan identified the need for additional public parking in the Armonk Hamlet; and

WHEREAS, much of the available undeveloped land has environmental constraints; and

WHEREAS, the proposed plan, while disturbing both wetlands and wetland buffers balances the needs of the community while minimizing environmental impacts and maximizing mitigation efforts; and

WHEREAS, the Planning Board, pursuant to §355-44 of the North Castle Code, conducted a duly noticed public meeting on March 25, 2024 with respect to the site plan and wetlands permit, at which time all those wishing to be heard with respect to the site plan were given an opportunity to be heard; and

WHEREAS, based upon the revised lot configuration of Lot 1, Building Coverage on Lot 1 is proposed to be 23.49%, which exceeds the maximum permitted Building Coverage of 15%; and

WHEREAS, the Town obtained a variance for Building Coverage from the Zoning Board of Appeals on February 1, 2024.

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 Police Department noted that the parking lot should contain a mixture of short term and longer-term parking as well as prohibit overnight parking.

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

WHEREAS, the Planning Board elected to conduct an uncoordinated SEQRA review; and

WHEREAS, the Planning Board adopted a Negative Declaration on March 25, 2024; and

WHEREAS, the Planning Board has inspected the site and is familiar with the nature of the site, the surrounding area, and the proposed development; and

WHEREAS, the Planning Board has requested, received, and considered comments from the Town Attorney, Town Engineer, and Town Planner regarding the proposed development; and

WHEREAS, the requirements of the Zoning Ordinance of the Town of North Castle have been met by said application; and

NOW THEREFORE BE IT RESOLVED, that the application for site plan, wetlands permit and tree removal permit approvals, as described herein, are hereby conditionally approved, subject to the following conditions and modifications; and

BE IT FURTHER RESOLVED that, this site plan, steep slope, wetlands permit and tree removal permit approvals 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. It is not clear from the site plan whether the site is adequately/appropriately lit at night. The plans shall be revised to provide a photometric plan that complies with Section 355-45.M of the Town Code to the satisfaction of the Planning Department.
- _____ 2. The site plan should depict and label an alternate future access to Lot 1 and 2 from Kent Place to the satisfaction of the Planning Department.
- _____ 3. A copy of the Westchester County Department of Health (WCHD) Approval for the proposed sewer and water connections shall be provided, to the satisfaction of the Town Engineer.

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- _____4. The Town 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 Applicant shall obtain a floodplain development permit to the satisfaction of the Building Department.
- _____2. The approved site plan shall be signed by both the Planning Board Chair and Town Engineer.

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. Prior to the issuance of a certificate of occupancy/compliance, the actual construction, installation and implementation of all landscaping/mitigation shall be certified by a licensed landscape architect as being in compliance with the approved plans and conditions, at the sole cost and expense of the Town.
- _____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.

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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.

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

Date Verizon New York Inc

Date Town of North Castle

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

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