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April 22, 2024

**VIA FEDERAL EXPRESS
AND ELECTRONIC MAIL**

Christopher Carthy, Chairman
Town of North Castle Planning Board
Town of North Castle
15 Bedford Road
Armonk, New York 10504

**Re: Request for Modification of Site Plan Approval Condition
The Bristol at Armonk located at 90 Business Park Drive, Armonk, New York
(the "Property")**

Dear Chairman Carthy and Members of the Planning Board,

This letter application is submitted on behalf of HSRE-EB ARMONK, LLC (the "Applicant"), the present owner of the above referenced Property which is improved with an assisted-living community known as the Bristol at Armonk which received Site Plan and Wetland Permit Approval from the Town of North Castle Planning Board by resolution dated July 23, 2012, and filed with the Town of North Castle Town Clerk on July 30, 2012 (the "Site Plan Approval"). A copy of the Site Plan Approval is annexed hereto as Exhibit "A".

By way of background, an appearance ticket (the "Appearance Ticket") was issued against the Property for alleged violations of Town of North Castle Town Code Section 355-75D and 355-41, concerning the specific condition in the Site Plan Approval which reads: "The Assisted Living facility shall be staffed by at least one EMT at all times" (the "EMT Condition") (pg. 12 of Site Plan Approval, Other Conditions #2). A copy of the Appearance Ticket is annexed hereto as Exhibit "B".

Prior to making the present application, the Applicant received a waiver from the Town's "Application Processing Restrictive Law" from the North Castle Town Board at their March 20, 2024 meeting, allowing the Applicant to appear before the Planning Board for a modification of its Site Plan Approval for the Property.

Applicant is requesting that the EMT Condition of Site Plan Approval be replaced and substituted with a detailed emergency care policy which promotes resident safety and attempts to eliminate all "non-emergency" calls to the Armonk Fire Department from the Bristol (the



“Emergency Care Policy”). A copy of the Bristol’s Emergency Care Policy is attached hereto as Exhibit “C”.

The Bristol at Armonk is a licensed assisted living facility operating under a license issued by the New York State Department of Health (“DOH”) and must comply with all DOH regulatory requirements. It has come to the Applicant’s attention through its DOH licensure counsel that EMT services are outside the permitted scope of what an assisted living operator is licensed to provider, either directly, or by contract.

In an attempt to correct the foregoing compliance issue and introduce a permanent solution to what has been an on again, off again issue regarding non-emergency calls placed to Armonk FD, the Applicant has crafted and implemented this revised Emergency Care Policy with a robust oversight component as explained herein.

The Emergency Care Policy presented herein for approval was recently modified to specifically address feedback received by the Armonk FD, including an emergency flow-chart which was generated by the Armonk FD and was used to strengthen procedures for providing emergency care to residents. A copy of the emergency flow-chart is attached hereto as Exhibit “D”.

As a result of working with Armonk FD, our Emergency Care Policy now includes categories of emergency vs. non-emergency situations and what to do in each scenario. We have also added an additional private ambulance company (Empress Ambulance Services) to the roster of private ambulance companies which are able to serve the Armonk Bristol. Furthermore, in addition to the Registered Nurses and Licensed Practical Nurses on staff, the Armonk Bristol now has a designated “Community Support Responder” whose duties are to, in part, ensure that the Emergency Care Policy is strictly followed when an emergency arises.

The Emergency Care Policy was implemented at the Armonk Bristol in February 2024 and as a result, there has already been a sharp decline in the number of non-emergency calls made to Armonk FD. Standing weekly meetings with the Armonk Bristol staff have been taking place since January 2024 to review all emergency calls being generated and to ensure strict compliance with the Emergency Care Policy. These weekly meetings have been led by Amy Silva-Magalhaes, Chief Operating Officer of Ultimate Care Assisted Living Management, which is responsible for managing operations at the Armonk Bristol. Ms. Silva-Magalhaes and her teams direct involvement are a testament to the Applicant’s commitment to ensuring that our Emergency Care Policy is followed to the letter and that every call made to the Armonk FD is a legitimate emergency.

Based on the foregoing, the Applicant respectfully requests that the Board modify the Site Plan Approval to remove the EMT Condition and replace it with the Emergency Care Policy set forth herein.



Moreover, the Applicant and its management team stand committed to continue working with the Town and Armonk FD staff on any issues that may arise going forward and keeping the lines of communication open. To that end, the Applicant offers to host monthly status meetings with the Armonk FD (and Township, as necessary) to review emergency call logs made by the Bristol for the next six (6) months, and thereafter as needed.

Thank you for your time and attention to this matter.

Respectfully Submitted,

Nicholas J. Cappadora

Nicholas J. Cappadora

cc: Adam R. Kaufman, Director of Planning
Robert Melillo, Building Inspector
Chief Brian Fenster, Armonk Fire Department
Amy Silva Magalhaes, COO, Ultimate Care Assisted Living Management

Exhibit A

Site Plan Approval



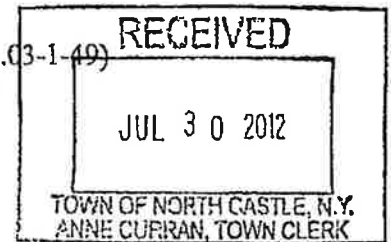
PLANNING BOARD
Robert M. Greene, Chair

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

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RESOLUTION

Action:	Amended Site Plan and Wetland Permit Approvals
Application Name:	Sutton Court Assisted Living Facility
Applicant:	Engel Burman at Armonk, LLC
Owner:	Westchester 90 Associates, LLC
Designation:	Section 2, Block 16, Lot 11.B08 (108.03-1-49)
Zone:	PLI (Planned Light Industry) District
Acreage:	6.445 acres
Location:	90 Business Park Drive
Date of Approval:	May 14, 2012
Amended Date of Approval:	July 23, 2012
Expiration Date:	July 23, 2013 (1 Year)



WHEREAS, the Town of North Castle Planning Board previously approved a site plan and wetlands permit approval for the construction of a 140 unit, 119,785 square foot assisted living facility located; and

WHEREAS, the Applicant is now proposing revisions to the previously approved plans that would result in two additional units being proposed (total of 138); and

WHEREAS, as a result of the changes, the total floor area of the building will increase from 119,785 square feet to 123,277 square feet; and

WHEREAS, sewer and water calculations were based upon a 150 bed facility (146 beds proposed); and

WHEREAS, the changes to the floor plans will allow for the more efficient placement of mechanical equipment and permit additional amenity space for residents; and

WHEREAS, on October 26, 2011 the Town Board approved a special use permit for the operation of an assisted living facility on the site; and

WHEREAS, the project proposes vehicular circulation through the site from an entry point on Business Park Drive; and

WHEREAS, there is no vehicular access to the property from NYS Route 22 or Interstate 684; and

WHEREAS, in connection with the proposed development, the Applicant has submitted the following plans:

- Plan labeled "C-001," entitled "Cover Sheet," dated September 9, 2011, last revised April 27, 2012, prepared by M.G. McLaren P.C.
- Plan labeled "C-002," entitled "Demolition and Construction Fencing Plan," dated September 9, 2011, last revised April 27, 2012, prepared by M.G. McLaren P.C.
- Plan labeled "1 of 1," entitled "Survey of Property," dated August 3, 2011, prepared by Land Metrics Engineering & Land Surveying, P.C. and M.G. McLaren, P.C.
- Plan labeled "C-100," entitled "Overall Site Plan," dated September 9, 2011, last revised April 27, 2012, prepared by M.G. McLaren P.C.
- Plan labeled "C-101," entitled "Site Plan," dated September 9, 2011, last revised April 18, 2012, prepared by M.G. McLaren P.C.
- Plan labeled "C-201," entitled "Grading Plan," dated September 9, 2011, last revised April 18, 2012, prepared by M.G. McLaren P.C.
- Plan labeled "C-202," entitled "Grading Plan," dated April 18, 2012, prepared by M.G. McLaren P.C.
- Plan labeled "C-203," entitled "Grading Plan," dated April 18, 2012, prepared by M.G. McLaren P.C.
- Plan labeled "C-301," entitled "Utility Plan," dated September 9, 2011, last revised April 27, 2012, prepared by M.G. McLaren P.C.
- Plan labeled "C-401," entitled "Soil Erosion And Sediment Control Plan," dated September 9, 2011, last revised April 27, 2012, prepared by M.G. McLaren P.C.
- Plan labeled "C-501," entitled "Soil Erosion And Sediment Control Details," dated April 18, 2012, last revised April 18, 2012, prepared by M.G. McLaren P.C.
- Plan labeled "C-502," entitled "Details," dated April 18, 2012, April 18, 2012, prepared by M.G. McLaren P.C.
- Plan labeled "C-503," entitled "Details," dated April 18, 2012, last revised April 18, 2012, prepared by M.G. McLaren P.C.
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- Plan labeled "C-601," entitled "Lighting Plan," dated September 9, 2011, last revised April 18, 2012, prepared by M.G. McLaren P.C.
- Plan labeled "C-602," entitled "Recreation Area Plan," dated October 13, 2011, last revised April 18, 2012, prepared by M.G. McLaren P.C.
- Plan labeled "L-1," entitled "Landscape Plan," dated August 17, 2011, last revised March 12, 2012, prepared by William (Buddy) Johnson Landscape Architect.

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- Plan labeled "A-100.01," entitled "Proposed First Floor Plan," dated September 7, 2011, last revised April 25, 2012, prepared by David Lawrence Mammina Architect, AIA.
- Plan labeled "A-200.01," entitled "Proposed Second Floor Plan," dated September 7, 2011, last revised April 25, 2012, prepared by David Lawrence Mammina Architect, AIA.
- Plan labeled "A-300.01," entitled "Proposed Third Floor Plan," dated September 7, 2011, last revised April 25, 2012, prepared by David Lawrence Mammina Architect, AIA.
- Plan labeled "A-400.01," entitled "Proposed Building Elevations" dated September 7, 2011, last revised April 25, 2012, prepared by David Lawrence Mammina Architect, AIA.

WHEREAS, the application for site development plan approval was referred to the Westchester County Planning Board pursuant to Section 239 L, M and N of the New York State General Municipal Law and Section 277.61 of the County Administrative Code on April 25, 2012; and

WHEREAS, the proposed development will occur on a lot that is currently vacant, level and previously approved for development; and

WHEREAS, in 1985 the North Castle Planning Board approved a 104,283 square foot office building; and

WHEREAS, the site has previously been cleared of trees and a building foundation and storm drainage has been constructed on the site; and

WHEREAS, the Town Comprehensive Plan Update 1996 – Town Development Map identifies the subject site as within the "Light Industry/Office" category; and

WHEREAS, the Comprehensive Plan includes several recommendations relating to providing housing for older adults and providing varied housing choices that would support the Proposed Action; and

WHEREAS, the Proposed Action will generate significantly fewer trips during the Weekday Peak AM Hour and Weekday Peak PM Hour and similar generation during the Saturday Peak Hour as compared to the approved 104,000 square foot office; and

WHEREAS, the conservative traffic volume estimates for development of the subject property and recommended improvements for the intersection of New York State Route 22 at Maple Avenue/Business Park Drive will be appropriate to address current concerns and accommodate future site traffic; and

WHEREAS, these improvements, identified in phases, will accommodate this and other nearby developments; and

WHEREAS, the Applicant has offered as mitigation, to implement a portion of the required improvements at this time; and

WHEREAS, specifically, the Applicant has offered to reconfigure the Business Park Drive intersection and install new signage for the Business Park; and

WHEREAS, the plans have been referred to the Town's Traffic Consultant for review and comment; and

WHEREAS, the Town's Traffic Consultant does not object to the revised proposal; and

WHEREAS, the reconfiguration will allow for two lanes to be provided at the exit of Business Park Drive and for the lanes to better align with Maple Avenue; and

WHEREAS, the applicant is proposing a stormwater management system which complies with NYSDEC SPDES and the Town of North Castle stormwater management requirements; and

WHEREAS, the system is comprised of stormwater quality and detention components which will be implemented to treat the water quality and detention flows leaving the site to pre-development conditions; and

WHEREAS, on November 4, 2009, the Town Sewer Capacity Task Force issued a final report to the North Castle Town Board which documented the Committee's review of the District's sewage treatment plant's available capacity, future flow projections and the Committee's recommendation regarding plant expansion. In summary, the Committee found that:

The sewage treatment plant could accommodate projected flows for the district, however, there is no surplus capacity available for expansion of the district or for changes of use within the District which would generate significant increases in sewage flows.

The Committee recommended that the most cost efficient expansion of the plant to meet the District's expected needs in the near future be targeted at 50,000 gpd. The 50,000 gpd expansion could provide 20,000 gpd of capacity for out-of-district residents located adjacent to the sewer district who might need service in the future and 30,000 gpd of capacity as a reserve for properties who may come forward with changes in usage beneficial to the community but may generate additional sewage.

The Committee concluded that the most economical expansion which would meet the District's short-term needs should be 50,000 gpd. The costs of the necessary upgrades were estimated between \$300,000 - \$500,000. However, at that time, an upgrade was being performed at the plant that provided an opportunity to accomplish the improvements at a much more favorable cost (\$250,000 -

\$300,000) and with very favorable interest rates. Therefore, a significant portion of the physical components of the upgrade has been completed.

The Committee also recommended that Stearns & Wheeler, LLC be authorized to initiate permitting through the New York State Department of Environmental Conservation (NYSDEC) for the expansion of an additional 50,000 gpd to a total plant capacity of 500,000 gpd. The NYSDEC, however, would not entertain the application until the plant's de-nitrification upgrades are operational, monitoring is conducted that confirms the plant's ability to meet the nitrogen limitations and engineering documentation is provided which ensures that such limitations can be met at full capacity. Stearns & Wheeler, LLC is in the process of collecting sufficient data collected from the de-nitrification upgrades in Spring 2011 to prepare a formal application to the NYSDEC to expand the plant's discharge permit.

WHEREAS, the proposed project is expected to generate a significant increase in sewage flow to the North Castle Sewer District #2 system over the flows which were expected to be generated from the previously approved office use of the site; and

WHEREAS, the projected increase in flow would be from 3,712 gpd generated from the presently approved 104,283 s.f. office building to 12,800 gpd for a 160 bed assisted living facility, an increase of 9,088 gpd; and

WHEREAS, in addition, future development of the undeveloped portion of the project site could potentially result in a 30,000 s.f. office building which could generate approximately 900 gpd of sewage flow; and

WHEREAS, this potential increase of 9,988 gpd would represent the use of approximately 1/3 of the anticipated reserve which may become available with the expansion; and

WHEREAS, the Town Board has previously indicated that it was agreeable to allocate this portion of the anticipated plant expansion to this project; and

WHEREAS, the applicant is proposing to incorporate water saving features into the facility; and

WHEREAS, such features include low water usage laundry facilities, low flow toilets, sink aerators and rain sensors on the irrigation system; and

WHEREAS, the proposed project is projected to generate an average daily water usage of 15,840 gpd which represents an increase of 11,757 gpd above the projected usage of the ± 104,000 s.f. office buildings presently approved for the project site; and

WHEREAS, these projections are based on water records of other similar facilities operated by the applicant; and

WHEREAS, the applicant has proposed the implementation of water saving features into the facility's laundry, plumbing and irrigation systems in an effort to mitigate the proposed demand; and

WHEREAS, Water District #4, which serves the project site, is supplied from six (6) wells and a one (1) million gallon gravity storage tank; and

WHEREAS, the Water District has recently rehabilitated their two (2) main supply wells within the Town Park and has been planning the installation of an additional well to support the district's supply requirements during peak demand periods during the summer months; and

WHEREAS, the IPP depicts 11,197 square feet of Town-regulated wetland buffer disturbance; and

WHEREAS, the plans depict 11,813 square feet of buffer mitigation; and

WHEREAS, pursuant to Section 209-17.E 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. Such report is required to evaluate the proposed regulated activity in terms of the findings, intent and standards of Chapter 209; and

WHEREAS, the Conservation Board provided comments to the Planning Board indicating their conditional support for the plan; and

WHEREAS, the subject site is located in an area with a high potential for locating archeological artifacts as determined by maps prepared by the NYS Office of Parks, Recreation and Historic Preservation (OPRHP); and

WHEREAS, pursuant to Section 213-46.C of the Town Code, the proposed assisted living facility would require two off-street loading spaces; and

WHEREAS, the submitted site plan depicts one full size loading dock; and

WHEREAS, the Applicant has stated that the proposed loading layout is sufficient and adequately meets the needs of an assisted living facility; and

WHEREAS, the Planning Board has the ability to reduce the number of required off-street loading areas based upon consideration of all factors entering into the loading and unloading needs of each use; and

WHEREAS, the Planning Board has determined that the proposed loading configuration is acceptable; and

WHEREAS, the Planning Board has also considered the visual impacts of the proposed site plan including the views from Business Park Drive, NYS Route 22 and Interstate 684; and

WHEREAS, the Architectural Review Board and the Planning Board held a joint worksession to discuss the project; and

WHEREAS, Architectural Review Board granted approval for the proposed revised building on May 9, 2012; and

WHEREAS, the Architectural Review Board has not granted approval for the proposed Business Park Drive signal; and

WHEREAS, on May 14, 2012, the Planning Board, pursuant to § 213-35.1 of the North Castle Code, conducted a duly noticed public hearing with respect to the site plan application, at which time all those wishing to be heard with respect to the site plan were given an opportunity to be heard; and

WHEREAS, on November 23, 2010, the Planning Board declared its intent to act as Lead Agency with respect to the environmental review of the proposed action pursuant to the State Environmental Quality Review Act (SEQRA) and adopted a resolution authorizing circulation of a Lead Agency Determination Notice and a copy of the application materials, including a copy of the Environmental Assessment Form, to all involved agencies for the project; and

WHEREAS, the Planning Board has found that the proposed action is an Unlisted Action pursuant to SEQRA; and

WHEREAS, the Proposed Action received a Conditioned Negative Declaration from the Planning Board on July 11, 2011; and

WHEREAS, the basis for the Planning Board's environmental determination is set forth in detail in said Conditioned Negative Declaration; and

WHEREAS, pursuant to Section 143-4 of the Town Code, the project is required to include a park and/or recreation area ("recreation area") which is planned, designed, improved and maintained for the use of the residents of such development and their nonpaying guests; and

WHEREAS, the Applicant has indicated that the assisted living facility will provide a van for residents to participate in social, shopping and recreational needs beyond those offered at the assisted living facility; and

WHEREAS, the Planning Board has determined that the proposed on-site amenities will not meet the anticipated neighborhood recreational needs of the population expected to reside there; and

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WHEREAS, on September 27, 2011, 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, on April 20, 2012 the Board of Fire Commissioners for North Castle Fire District No. 2 stated that all items contained in their December 7, 2011 letter to the Supervisor have been successfully resolved; 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;

WHEREAS, since the adoption of the Conditioned Negative Declaration by the Planning Board on July 11, 2011, the Planning Board has carefully reviewed the proposed site plans; and

WHEREAS, as a result of that review, as set forth in detail above, the Planning Board finds that, since the adoption of the Conditioned Negative Declaration by the Planning Board on July 11, 2011, Sewer District #2 has received approval from the New York State Department of Environmental Conservation (NYSDEC) to expand the sewer plant by an additional 50,000 gpd for a total plant capacity of 500,000 gpd. In addition, the Planning Board finds that there have been no changes to the plan which result in any adverse environmental impacts not addressed in the Conditioned Negative Declaration, and, therefore, no additional mitigation measures are required.

NOW, THEREFORE, BE IT RESOLVED, that based upon its review of the full environmental record the Planning Board finds that the proposed action will not result in any significant adverse environmental impacts and hereby adopts a new Negative Declaration; and

BE IT FURTHER RESOLVED, that the application for site plan and wetlands permit approvals as shown on plan labeled "C-001," entitled "Cover Sheet," dated September 9, 2011, last revised April 27, 2012, prepared by M.G. McLaren P.C.; plan labeled "C-002," entitled "Demolition and Construction Fencing Plan," dated September 9, 2011, last revised April 27, 2012, prepared by M.G. McLaren P.C.; plan labeled "1 of 1," entitled "Survey of Property," dated August 3, 2011, prepared by Land Metrics Engineering & Land Surveying, P.C. and M.G. McLaren, P.C.; plan labeled "C-100," entitled "Overall Site Plan," dated September 9, 2011, last revised April 27, 2012, prepared by M.G. McLaren P.C.; plan labeled "C-101," entitled "Site Plan," dated September 9, 2011, last revised April 18, 2012, prepared by M.G. McLaren P.C.; plan labeled "C-201," entitled "Grading Plan," dated September 9, 2011, last revised April 18, 2012, prepared by M.G. McLaren

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P.C.; plan labeled "C-202," entitled "Grading Plan," dated April 18, 2012, prepared by M.G. McLaren P.C.; plan labeled "C-203," entitled "Grading Plan," dated April 18, 2012, prepared by M.G. McLaren P.C.; plan labeled "C-301," entitled "Utility Plan," dated September 9, 2011, last revised April 27, 2012, prepared by M.G. McLaren P.C.; plan labeled "C-401," entitled "Soil Erosion And Sediment Control Plan," dated September 9, 2011, last revised April 27, 2012, prepared by M.G. McLaren P.C.; plan labeled "C-501," entitled "Soil Erosion And Sediment Control Details," dated April 18, 2012, last revised April 18, 2012, prepared by M.G. McLaren P.C.; plan labeled "C-502," entitled "Details," dated April 18, 2012, April 18, 2012, prepared by M.G. McLaren P.C.; plan labeled "C-503," entitled "Details," dated April 18, 2012, last revised April 18, 2012, prepared by M.G. McLaren P.C.; plan labeled "C-504," entitled "Details," dated April 18, 2012, last revised April 18, 2012, prepared by M.G. McLaren P.C.; plan labeled "C-505," entitled "Details," dated April 18, 2012, last revised April 18, 2012, prepared by M.G. McLaren P.C.; plan labeled "C-506," entitled "Details," dated April 18, 2012, last revised April 18, 2012, prepared by M.G. McLaren P.C.; plan labeled "C-507," entitled "Details," dated April 18, 2012, last revised April 18, 2012, prepared by M.G. McLaren P.C.; plan labeled "C-601," entitled "Lighting Plan," dated September 9, 2011, last revised April 18, 2012, prepared by M.G. McLaren P.C.; plan labeled "C-602," entitled "Recreation Area Plan," dated October 13, 2011, last revised April 18, 2012, prepared by M.G. McLaren P.C.; plan labeled "L-1," entitled "Landscape Plan," dated August 17, 2011, last revised March 12, 2012, prepared by William (Buddy) Johnson Landscape Architect; plan labeled "A-100.01," entitled "Proposed First Floor Plan," dated September 7, 2011, last revised April 25, 2012, prepared by David Lawrence Mammina Architect, AIA; plan labeled "A-200.01," entitled "Proposed Second Floor Plan," dated September 7, 2011, last revised April 25, 2012, prepared by David Lawrence Mammina Architect, AIA; plan labeled "A-300.01," entitled "Proposed Third Floor Plan," dated September 7, 2011, last revised April 25, 2012, prepared by David Lawrence Mammina Architect, AIA; and plan labeled "A-400.01," entitled "Proposed Building Elevations" dated September 7, 2011, last revised April 25, 2012, prepared by David Lawrence Mammina Architect, AIA., as described herein, be and are hereby conditionally approved, subject to the following conditions and modifications; and

BE IT FURTHER RESOLVED, that, except as otherwise expressly amended herein, all other terms, provisions and conditions of the Planning Board resolution of approval adopted by the Planning Board on November 21, 2011, are incorporated herein by reference and shall remain in full force and effect; and

BE IT FURTHER RESOLVED that, this site plan and wetlands 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. The Applicant shall secure a County Stream Control Permit from the Westchester County Department of Public Works and Transportation.
- _____ 2. The applicant shall prepare a Stormwater Pollution Prevention Plan in accordance with Chapter 173 of the Town Code.
- _____ 3. The site plan and landscape plan do not depict the same loading layout. The plans should be revised to be consistent.
- _____ 4. The Applicant shall be required to submit an agreement, in recordable form satisfactory to the Town Attorney, concerning the construction, maintenance and inspection of the features of the stormwater management plan. Such agreement shall specify that the property owner shall be responsible in perpetuity for maintenance of the stormwater basins and wetland mitigation area, and shall be responsible for monitoring the basins and mitigation to the satisfaction of the Town Engineer.
- _____ 5. The Applicant shall submit a permanent easement agreement, in recordable form satisfactory to the Town Attorney, providing for access by the Town of North Castle, if necessary, to perform maintenance of the features of the stormwater management system.
- _____ 6. The submitted landscape plan shall be revised to provide adequate screening of the generator to the satisfaction of the Town Planner.
- _____ 7. The SWPPP and plans shall be revised to include sizing calculations for the temporary sediment traps to the satisfaction of the Town Engineer.
- _____ 8. The Applicant shall submit documentation from the Sewer and Water Department indicating that the plans are satisfactory.
- _____ 9. The site plan shall provide adequate area for the storage of recyclables taking into account the recently expanded County regulations for recycling plastics # 1-7.
- _____ 10. Payment of all applicable fees, including any outstanding consulting fees.
- _____ 11. The Applicant shall submit to the Planning Board Secretary six (6) sets 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.

- _____ 12. The Applicant shall submit final construction plans for site improvements to the Town Engineer for his approval of driveways, parking areas, storm drainage system, water and sewer connections, sidewalks, erosion and sediment controls and any other information requested by the Town Engineer to the satisfaction of the Town Engineer.
- _____ 13. The Applicant shall demonstrate to the satisfaction of the Town Engineer that all required approvals from the Westchester County Health Department and/or the North Castle Sewer and Water Department have been issued.

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 provide water saving features in the facility, including, but not limited to, low water usage laundry facilities, low flow toilets, sink aerators and rain sensors on the irrigation system to the satisfaction of the Building Department and Sewer and Water Department.
- _____ 2. The approved site plan shall be signed by both the Planning Board Chair and Town Engineer.
- _____ 3. 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.
- _____ 4. Payment of all outstanding fees, including professional review fees.
- _____ 5. The Applicant shall provide the Town with a bond or letter of credit with respect to the Business Park Drive intersection in an amount of \$30,000 in a form acceptable to the Town Attorney, and approved by the Town Board.

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 payment of the recreation fee in the amount of one thousand (\$1,000) for each new assisted living unit, for a total of \$138,000 as stated in Section 143-5 of the Town Code.
- _____ 2. The Applicant shall reconfigure the Business Park Drive intersection by removing the existing median and reconfiguration of the travel lane into two lanes or provide any other improvement as acceptable to the Town of North Castle and the New York State Department of Transportation, as necessary, at a cost to the Applicant not to exceed \$30,000. If the Town and NYSDOT cannot agree as to

what improvements are required by the time a Certificate of Occupancy is ready to be issued, the Applicant shall place \$30,000 in escrow with the Town until the Town and NYSDOT have agreed upon an appropriate course of action.

- _____ 3. Prior to the issuance of a certificate of occupancy, the actual construction, installation and implementation of all landscaping 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 Applicant.
- _____ 4. The submission to the Town Building Inspector of an "As Built" site plan.

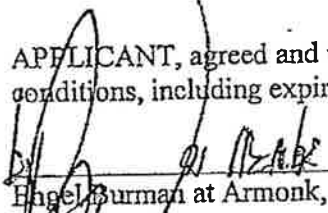
Other Conditions:

1. Prior to the installation of any new sign within the Business Park Drive right-of-way, the Applicant shall receive approval from the Town Board. In addition, the Applicant shall receive final approval from the Architectural Review Board for the proposed size, height, shape and contents of any proposed Business Park sign. It is recommended that the Town Board and ARB require that any sign provide space for all tenants in the Business Park who wish to participate in the sign.
2. The Assisted Living facility shall be staffed by at least one EMT at all times.
3. 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.
4. 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.
5. 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.
6. 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.

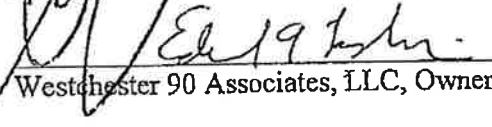
7. Throughout the construction period, a qualified professional retained by the Applicant shall, on at least a weekly basis, prior to any predicted rain event and after any runoff-producing rain event, inspect the soil erosion and sedimentation control measures to ensure their proper functioning. Soil 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.
8. 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.
9. Compliance with all applicable local laws and ordinances of the Town of North Castle and any conditions attached to permits issued thereunder.
10. 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.
11. 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.

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

7/24/12
Date

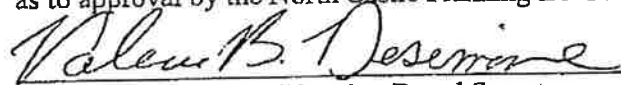

Engel Burman at Armonk, LLC, Applicant

7/25/12
Date


Westchester 90 Associates, LLC, Owner

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

7/25/12
Date


Valerie B. Desimone, Planning Board Secretary


KELLARD ENGINEERING & CONSULTING P.C.
As to Drainage and Engineering Matters

7/25/12
Date


John Kellard, P.E. Joseph H. Ceriale, P.E.
Consulting Town Engineer

STEPHENS BARONI REILLY & LEWIS LLP
As to Form and Sufficiency

7/28/12
Date


Roland A. Baroni, Jr. Esq., Town Counsel

NORTH CASTLE PLANNING BOARD

7/30/12
Date

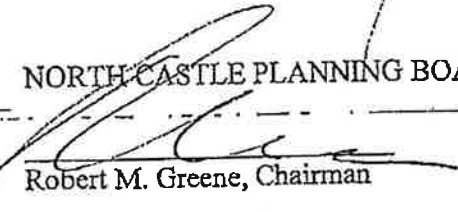

Robert M. Greene, Chairman

Exhibit B

Appearance Ticket

**JUSTICE COURT: TOWN OF NORTH CASTLE
COUNTY OF WESTCHESTER: STATE OF NEW YORK**

-----X
THE PEOPLE OF THE STATE OF NEW YORK

-Against-

**COUNTY IDA WESTCHESTER
Defendant(s),**
-----X

**APPEARANCE TICKET
& INFORMATION FILE**

#2022-370

APPEARANCE TICKET

Justice Court, Town of North Castle
15 Bedford Road Armonk, New York

Defendant(s) Name: COUNTY IDA WESTCHESTER
Address: 3355 VETERANS MEMORIAL HWYC/O UCA LIVING MANAGEMENT
LLC
RONKONKOMA,NY 11779

Address of Violation: 90 BUSINESS PARK DR
Tax Information: 108.03-1-49

TO THE ABOVE-NAMED DEFENDANT(S)

You are hereby directed to appear in the Justice Court of the Town of North Castle located at 15 Bedford Road, Armonk, Westchester County, State of New York at the below date and time in connection with your alleged commission of offences stated below.

Date of Court Appearance: 9:00 AM on 02/23/2024

Offenses:

In violation of the Town of North Castle code section 355-75D (1 count) and 355-41 (1 count).

COUNT(S)

TOWN OF NORTH CASTLE CODE 355-41

No building permit shall be issued, and no structure or use of land shall be established or changed, other than for one single-family dwelling approved in accordance with the procedures specified in Article VII of this chapter, except in conformity with a site development plan approved and endorsed by the Planning Board with its date of approval, and no certificate of occupancy for such structure or use of land shall be issued until all the requirements of such site plan and any conditions attached thereto have been met. The continued validity of any certificate of occupancy shall be subject to continued conformance with such approved plan and conditions. Revisions of such plans shall be subject to the same approval procedure.

TOWN OF NORTH CASTLE CODE 355-75 D

A certificate of occupancy is required for both initial, continued or changed occupancy and use of building or land to which it applies. It shall continue in effect as long as such building and the use thereof, and the use of such land is in full conformance with the provisions of the chapter at the time of approval and any requirements made in connection therewith at the time of the issuance

thereof. The details of any plan or site plan approved by the Town Board, Planning Board or Board of Appeals acting under the terms of this chapter, and any conditions attached to such approval, shall be deemed to be such requirements. In the event of a change of use or occupancy of any existing building or premises, a certificate of occupancy shall become null and void unless the building and/or premises are in conformance with the provisions of any required approved site plan within six months of the date of approval of said site plan.

PLEASE TAKE FURTHER NOTICE THAT EACH DAY THAT EACH OF THE FOREGOING VIOLATIONS CONTINUED CONSTITUTES A SEPARATE AND ADDITIONAL VIOLATION SUBJECT TO PENALTIES IMPOSED BY LAW.

FACTS

A complaint received from the Armonk fire department indicates that the Assisted living facility is not providing the required EMT to assist the fire department during fire/ ems calls at the facility.


Further research indicates that Sutton Court Assisted Living Facility is in violation of their Certificate of Occupancy and their Planning Board resolution dated 6/30/2012, other conditions item 2 which states " The Assisted Living facility shall be staffed by at least one EMT at all times."

After a meeting with Faraz Kayani it has been confirmed that they do not have an EMT on staff.

All of the above is contrary to the provisions of the statute in such case made and provided for. The complainant herein on direct knowledge (and upon information and belief) makes the above allegations of fact, with the sources of complainant information and the grounds for his belief being: files of the Building Department of the Town of North Castle, New York and conversations with the personnel of the North Castle Police Department.

NOTICE: PURSUANT TO THE PENAL LAW, SECTION 210.45, IT IS A CRIME PUNISHABLE AS CLASS A MISDEMEANOR TO KNOWINGLY MAKE A FALSE STATEMENT HEREIN.

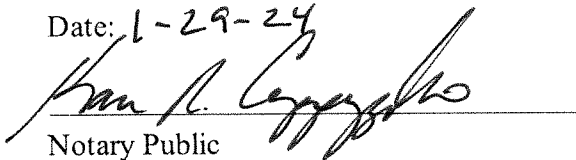
Dated:



Rob Melillo, Building Inspector

Sworn to before me this

Date: 1-29-24



Notary Public

KAREN R. CAPPUZZELLO
Notary Public, State of New York
No. 01CA6150664
Qualified in Rockland County
Commission Expires August 7, 2024

The foregoing is based upon an inspection and/or information contained in the files of the Building Department of the Town of North Castle N.Y. and for each day the violation exists it shall constitutes a separate and distinct violation, FALSE STATEMENTS MADE HEREIN ARE PUNISHABLE AS A CLASS A MISDEMEANOR UNDER SECTION 210.45 OF THE PENAL LAW.

THIS APPEARANCE TICKET REQUIRES PERSONAL APPEARANCE. PLEASE BRING THIS TICKET WITH YOU. FAILURE TO APPEAR IN COURT ON RETURN DATE WILL RESULT IN THE ISSUANCE OF A WARRANT FOR YOUR ARREST

Exhibit C

Emergency Care Policy



Policy No.	Date Created: April 2008
Title: Emergency Care	Date Last Modified: February 22, 2024
Department: Administration/ Resident Services	

Policy:

The Bristol staff will handle all resident medical emergencies and/or a resident’s need for assistance due to illness, injury, or behavior including arranging for emergency medical or other services, in accordance with this policy.

Procedure:

1. When a staff member finds that a resident requires emergency assistance, he/she will immediately notify the Director of Wellness or Designee (Director of Reflections, LPN Supervisor or First Aid Certified Lead Aide or, for Armonk only – Community Support Responder).
2. If the staff member cannot leave the resident, i.e., resident fall, unconsciousness, seizure, etc., he/she will call for assistance, maintain the resident in the position found and provide emotional support until the Director of Wellness or designee arrives. **If the resident has fallen, is found on the floor or is unresponsive, the resident is not to be moved unless instructed to do so by the Director of Wellness or designee.**
3. The Director of Wellness or Designee will:
 - a. Evaluate the situation and determine next steps, i.e.,
 - i. No further care;
 - ii. First aid;
 - iii. Transfer to the hospital via private ambulance;
 - iv. Transfer to the hospital via 911
 - b. Protect the resident’s safety and comfort

For Armonk only, as stipulated by the Armonk Fire Department:

- a. *Examples of emergency: breathing issues, bleeding issue, something broken, loss of consciousness. Proceed with calling Armonk 911.*
 - b. *Examples of non-emergency: bad labs, catheter removals, altered mental status. Proceed with calling another EMS provider, Westchester EMS and SeniorCare.*
4. Should the resident exhibit behavior which constitutes a danger to him/herself or others including expression of suicidal thoughts, the Director of Wellness or Designee will arrange for transfer to the hospital in accordance with this policy. A staff member will be assigned to remain with the resident until transfer.

5. If the resident requires transfer to the hospital, the Director of Wellness/Designee will:
 - a. Assign staff to remain with the resident
 - b. Call private ambulance* or 911, as appropriate pursuant to this policy
 - c. Call concierge/reception desk to notify of transfer – Concierge to notify ED or designee
 - d. Enter transfer in Electronic Health Record System (EHR) via quick ADT
 - e. Print Transfer Form from Electronic Health Record
 - f. Copy any advanced directives (DNR/Health Care Proxy, MOLST, etc.) to send to the hospital
 - g. Copy Transfer Form and place copy in the Wellness Record
 - h. Remove the resident's Emergency Response Pendant or WanderGuard, tag with the resident's name and place in a secure locked area
 - i. If a Reflections' resident, put wrist band on resident indicating resident's name, name of Bristol and phone number
 - j. Meet the emergency responders to provide transfer form and information or designate staff member to do so
 - k. Call hospital emergency room to inform of pending transfer
 - l. Call the resident's physician to advise of transfer
 - m. Call the resident's representative to advise of transfer **
 - n. Record the resident's transfer in the 24-hour communication log
 - i. Approximate time of transfer;
 - ii. Name of hospital;
 - iii. Name of ambulance company used;
 - iv. Reason for transfer;
 - v. Name of physician notified;
 - vi. Name of resident's representative notified;
 - vii. Where pendant or WanderGuard has been stored;
 - viii. Resident's status
 - o. Call the hospital before the end of the shift to check on the resident's status.

6. If the resident does not require transfer to the hospital, the Director of Wellness or Designee will:
 - a. contact the physician immediately after assessing the situation
 - b. contact resident's representative
 - c. document the event in the 24-hour communication log including the notifications to physician and representative

7. The Director of Wellness or Designee will complete an incident report following the [Incidents - Non-Reportable](#) or [Incidents - Reportable NYSDOH](#) policy.

8. The Executive Director (ED) is notified of all transfers as soon as possible.

9. The Director of Wellness, Director of Reflections, LPN Supervisor or Director of Case Management will document the event in the resident's electronic record including notifications and resident's status. The Director of Case Management remains responsible for ensuring proper documentation has been completed.

10. The Director of Case Management will follow up regarding the event and document the resident's status post event.

Employees are not trained by the Bristol in the delivery of cardiopulmonary resuscitation (CPR). They are not expected to deliver CPR in the course of their employment unless specifically instructed to do so by 911 after determination that a DNR or DNR/MOLST order is not on file indicating that the resident does not want CPR.

*NOTE: Ask the ambulance company for an estimated time of arrival (ETA). If the ETA is too long and the resident requires more urgent attention, call the next ambulance on the list. If the **RESIDENT** does not wish to be transported to the hospital and the Director of Wellness or designee determine hospital evaluation is warranted, the ambulance is to be called, and the resident may refuse the ambulance upon arrival.

Ambulant Services Order of Call for Armonk only:

1. Westchester EMS
2. SeniorCare EMS
3. Empress Ambulance Services
4. Armonk 911 – Armonk Independent Fire Company

**NOTE: If the resident's representative cannot be reached, the Director of Wellness or Designee is to continue attempting contact for 24 hours or until contact is achieved. If after 24 hours, no contact has been made, the ED is to be notified.

Related Policies/Checklists:

[Hospitalized Residents and Hospital Log](#)

[Advanced Directives](#)

[Transfer Checklist](#)

Revised 12/21/16; 2/21/17; Revised 11/13/19; 12/2/19; 12/20/20; 1/7/21; 3/23/23; 2/22/24
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Exhibit D

Emergency Flow Chart

Bristol Flow Chart

