Agenda
Regular Meeting
North Castle Zoning Board of Appeals
Town Hall - Court Room
15 Bedford Road
Armonk, NY 10504
September 3, 2026

Ray Rodriguez, Chairman
John Stipo
Robert Greer
Scott Stopnik
Ed Lashins

Mary Desmond, Esq. Town Counsel
Rob Melillo Building Inspector
Lori J. Zawacki Secretary

1. DRF No 1 LLC, regarding the property located at 379 Main Street, Armonk, NY 10504 and known on the Town Tax Assessment Maps as Section 108.03, Block 1, Lot 5 and located in the CB-A2 Zoning District. In order to obtain site plan approval, the following variance is needed:

   Pursuant to Section 355-57 for Off Street Parking, 47 spaces are required where 7 are provided, requiring a variance for 40 off-street parking spaces.

2. KEITH & MELINDA HAINES, 31 Woodcrest Drive, Armonk, NY 10504 and known on the Town Tax Assessment Maps as Section 95.03, Block 1, Lot 25 and located in the R2A Zoning district. In order to construct a new front porch, the following variance is required:

   The minimum front yard setback per Section 355-21 of the Town Code is 50 ft., where 38 feet 9 inches is provided, requiring a variance of 11 feet 3 inches.

3. NCD ACQUISITIONS, regarding the property located at 45 Bedford Road, Armonk, NY 10504 and known on the Town Tax Assessment Maps as Section 108.03, Block 1, Lot 65 and located in the R-MF-DA Zoning District. In order to obtain site plan approval, the following variances are required which were previously granted on October 5, 2025 and have since expired:

   1. Pursuant to Section 355-21 of the Town Code the maximum building coverage permitted is 20%, where 23.7% is provided requiring a variance of 3.7%.

   2. Pursuant to Section 355-21 of the Town Code the maximum permitted floor area ratio (FAR) is 0.4% where 0.477 is proposed requiring a variance of 0.077%.

AGENDA - SUBJECT TO CHANGE

Lori J. Zawacki, Secretary

ZONING BOARD OF APPEALS
TOWN OF NORTH CASTLE

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN, that a Public Hearing will be held by the Zoning Board of Appeals of the Town of North Castle at Town Hall, 15 Bedford Road, Armonk, New York on Thursday evening, September 3, 2026 at 7:30 p.m. regarding a request on the appeal and application of DRF No 1 LLC, regarding the property located at 379 Main Street, Armonk, NY 10504 and known on the Town Tax Assessment Maps as Section 108.03, Block 1, Lot 5 and located in the CB-A2 Zoning District which is a referral from the Planning Board of the Town of North Castle. In order to obtain site plan approval, the following variance is needed:

Pursuant to Section 355-57 for Off Street Parking, 47 spaces are required where 7 are provided, requiring a variance for 40 off street parking spaces.

Lori J. Zawacki, Secretary

ZARIN & STEINMETZ LLP

Kory Salomone
ksalomone@zarin-steinmetz.com
Also admitted in CT

August 6, 2026

Via Email and Hand Delivery
Hon. Ray Rodriguez, Chairman
Town of North Castle Zoning Board of Appeals
17 Bedford Road
Armonk, NY 10504

Re: DRF No.1 LLC
379 Main Street (108.03-1-5)
Parking Variance Application

Honorable Chairman and Members of the Board:

I. INTRODUCTION

This firm represents DRF No. 1, LLC ("Owner"), the owner of the property located at 379 Main Street (the "Property"), and Bobo's Café ("Bobo's" or "Applicant"), in connection with this variance application ("Application"). The Applicant proposes to convert approximately 3,500 square feet of existing retail space into a Bobo's Café. As a result of the proposed change in use, additional off-street parking spaces are required pursuant to Section 355-57 of the Town Zoning Ordinance, necessitating an area variance.

The purpose of this letter is to transmit an application for the required parking variance and to request placement on your September 3, 2026 agenda. For the reasons set forth below, we submit that the requested variance, if granted, is the minimum relief required and will not have an adverse impact on the neighborhood.

II. DESCRIPTION OF SITE

The Property is approximately 0.20 acres and is located in the CB-A2 (Central Business – A2 District) Zoning District. The Property is currently improved with a one-story commercial building and seven off-street parking spaces. Until recently, the site was occupied by Cherry Blossom Farm, a retail market.

III. CURRENT PROPOSAL AND NEED FOR PARKING VARIANCE

As noted above, the Applicant seeks to convert the former Cherry Blossom Farm retail space into a Bobo's Café. As shown on the enclosed plans, the front-of-house area will include a

counter where patrons may order food for takeout or table delivery, a seating area with 66 seats, and restrooms. The back-of-house area will include a kitchen, washing area, walk-in coolers, and storage area.

The Property currently contains seven parking spaces. As a practical matter, although there are no formal easements in place, the parking area behind the buildings on the west side of Main Street, between Kent Place and Whippoorwill Rd., is shared among the various parcel owners, businesses, and the North Castle Public Library. The former retail use required a total of 18 parking spaces (3,530 ÷ 200 = 17.65), yet only seven spaces were provided on site, resulting in an existing deficiency of 11 spaces.

The proposed change in use results in a need for additional parking. Pursuant to the Town's off-street parking requirements, cafés require one space for each three seats or one space for each 75 square feet of gross floor area, whichever is greater. Based on the gross floor area calculation, the proposed café requires 47 parking spaces (3,530 ÷ 75 = 47.06), which is greater than the 22 spaces required based on seat count (66 ÷ 3 = 22). Therefore, the Applicant requires a variance of 40 spaces[1].

IV. STANDARDS FOR GRANTING AN AREA VARIANCE

Statutory Provisions:

1. Town Law § 267-b(3): This Section of the Town Law provides the framework and statutory underpinning for the Zoning Board's review of area variances. This Section provides as follows:

> "Area Variances. (a) The zoning board of appeals shall have the power, upon an appeal from a decision or determination of the administrative official charged with the enforcement of such ordinance or local law, to grant area variances as defined herein.
>
> (b) In making its determination, the zoning board of appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the board shall also consider: (1) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created

[1] Please note that the Town Board recently approved the creation of a Parking District on the west side of Main St. If the new Parking District was already in effect, the referenced off-street parking regulations would not be applicable to properties, such as the subject Property, that are located within the district, and no variance would be required. Unfortunately, while the creation of the district was approved, it is not in place at this time and, therefore, the Applicant must obtain a variance from the ZBA. A copy of the resolution approving the parking district is attached for your reference.

> by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.
>
> (c) The board of appeals, in the granting of area variance, shall grant the minimum variances that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community."

2. Zoning Ordinance § 355-77(B)(4)(a): In addition to the applicable provisions of the Town Law as set forth above, the Zoning Ordinance of the Town of North Castle provides an additional framework for the Zoning Board's review of area variances. This section provides as follows:

> "Area Variances. 'Area variance' shall mean the authorization by the Zoning Board of Appeals for the use of land in a manner which is not allowed by the dimensional or topographical requirements of the applicable zoning regulations. Where an applicant requests a variance of the requirements of this chapter, the Board may grant an area variance in the application of the provisions of this chapter in the specific case, provided that, as a condition to the grant of any such variance, the Board shall take into consideration the benefit to the applicant if the variance is granted as weighed against any detriment to the health, safety and welfare of the neighborhood or the community if such variance is granted. Specific findings shall be made considering each of the following factors:
>
> [1] That the variance is or is not substantial in relation to the requirement.
>
> [2] That the effect of any increased population density which may thus be produced upon available services and facilities is or is not significant.
>
> [3] That a substantial change in the character of the neighborhood or a substantial detriment to adjoining properties will or will not be created.
>
> [4] That the difficulty can or cannot be alleviated by some method feasible for the applicant to pursue other than a variance.

[5] That, in view of the manner in which the difficulty arose and considering all of the above factors, the interests of justice will or will not be served by allowing the variance.

[6] That the variance would or would not cause adverse aesthetic, environmental or ecological impacts on the property or on surrounding areas."

These "local" standards are virtually identical to the state standards.

B. Application of Area Variance Standard to the Present Application:

1. Overall Standard: The overall standard that governs the Zoning Board's review of area variances is a balancing test set forth in § 267-B(3)(b) of the Town Law and § 355-77(B)(4)(A) of the Town Zoning Ordinance. This standard requires the Zoning Board of Appeals to balance "…the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant." The state statute then provides the Zoning Board with five specific considerations to take into account in evaluating the balancing test set forth above.

The granting of the requested variance will not be a detriment to the health, safety, and welfare of the neighborhood or community, but it will be a great benefit to the Applicant.

On balance, and for the reasons set forth below, we feel that the Applicant is entitled to the requested variance.

2. Specific Standards for Zoning Board Review:

a. *Whether the requested area variance is substantial in relation to the requirement*:

In this case, 7 parking spaces are being provided for the cafe, where 47 are required. Accordingly, the Applicant is seeking a variance for 40 parking spaces. This represents a variance of 85%. While this variance could be deemed substantial on purely numerical basis, it is respectfully submitted that there will be virtually no impact associated with the granting of the requested variance. As noted above, the entire parking area behind the buildings on Main Street is shared among the respective property owners. Further, the Town recently approved the creation of a parking district on the west side of Main Street. The Property is one of 15 properties that is included in the parking district. If this district was in place at this time as opposed to just being approved, there would be no parking requirement associated with this change of use and, therefore, no variance would be necessary. Accordingly, the requested variance is not substantial.

Even if your Board were to view the required variance as substantial, it is respectfully submitted that substantiality is not viewed in the abstract. See Aydelott v. Town of Bedford Z.B.A., 6/25/2003, M.Y.L.J. 21 (Col 4) (Sup Ct. Westchester Cnty. 2003) ("The ZBA's consideration of this percentage deviation alone, taken in a vacuum, is not an adequate indicator of the substantiality of Petitioners' Variance application. Certainly, a small deviation can have a substantial impact or a large deviation can have little or no impact depending on the circumstance of the variance application.").

Further, substantiality is not viewed in isolation, but rather, must be considered in the context of the requested variance. In particular, the actual impact that the requested variance would have on the surrounding community is critical to the overall analysis. In this case, the Property, along with 14 others, will be subject to the rules and regulations of the parking district, which will not include parking requirements. Therefore, the granting of this variance will have no impact on the surrounding community.

b. *Whether the effect of any increased population density which may thus be produced upon available services and facilities is or is not significant:*

It is respectfully submitted that the granting of the requested variance will not increase population density and will have no impact upon available services.

c. *Whether an undesirable change will be produced in the character of the neighborhood or a detriment to adjoining properties will be created by the granting of the area variance*:

It is respectfully submitted that the granting of the requested variance will not produce an undesirable change in the character of the neighborhood or be a detriment to adjoining properties. This is particularly true given that this property is one of 15 properties along the west side of main street that is located within the recently approved parking district[2]. If the new Parking District was already in effect, the referenced off-street parking regulations would not be applicable to properties, such as the subject Property, that are located within the district, and no variance would be required. Unfortunately, while the creation of the district was approved, it is not in place at this time.

d. *Whether the benefits sought by the Applicant can be achieved by some method, feasible for the Applicant to pursue, other than an area variance:*

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[2] Technically, only 14 properties are on the west side of Main St. the 15th property is located at 12 Maple Avenue.

It is respectfully submitted that there is no feasible alternative to the requested variance. There are only 7 existing parking spaces on the Property and there is no area where additional spaces could be added. Further, as previously mentioned, the Property is located within the newly created parking district on the west side of Main Street. Once the district becomes effective, this variance will no longer be necessary.

e. *Whether, in view of the manner in which the difficulty arose and considering all of the above factors, the interests of justice will or will not be served by allowing the variance:*

It is respectfully submitted that the granting of the requested variance will serve the interests of justice.

f. *Whether the proposed variance will have an adverse effect or impact on the aesthetic, environmental or ecological conditions on the property or surrounding area:*

It is respectfully submitted that the granting of the requested variance will not have an adverse effect or impact on the aesthetic, environmental, or ecological conditions on the property or surrounding area. The granting of this variance simply allows conditions to remain the same with respect to the aesthetic, environmental, or ecological conditions on the Property and surrounding area.

g. *Whether the alleged difficulty was self-created*:

To the extent your Board considers the alleged hardship to be self-created, such a determination does not preclude the granting of the requested variance. See N.Y. Town Law § 267-b(3)(b)(5); De Sena v. Bd. Of Zoning Appeals of Inc. Vill. Of Hempstead, 45 N.Y.2d 105, 408 N.Y.S.2d 14, 15 (1978) ("A finding of self-created hardship normally should not in and of itself justify denial of an application.").

3. Application of Balancing Tests: The standard that the Zoning Board of Appeals must use in evaluating this request for an area variance is the benefit to the Applicant if the variance is granted, compared to any detriment to the health, safety and welfare of the neighborhood or community created by such grant. In this case, there will be no detriment to the health, safety and welfare of the neighborhood. This is borne out by the fact that the Town Board recently approved the creation of a parking district on the west side of Main Street, which evidences that, from the Town's perspective, as well as the Applicant's, there is sufficient parking in the lot behind the stores on the west side of Main Street for a variety of uses, including cafes.

The analysis of the specific factors set forth above clearly demonstrates that the benefit to the Applicant outweighs any detriment to the health, safety and welfare of the neighborhood. For all of the foregoing reasons, it is respectfully requested that the variance sought herein be granted.

V. CONCLUSION

In support of this application, the following plans are enclosed:

1. Site Plan (C1.01), prepared by Joseph Thompson Architect, dated June 22, 2026;
2. Demolition Plan (AX1.01), prepared by Joseph Thompson Architect, dated May 27, 2026;
3. First Floor Plan (A1.01), prepared by Joseph Thompson Architect, dated June 3, 2026;
4. Main St. Elevation – Wall Signage (A2.01A), prepared by Joseph Thompson Architect, dated June 22, 2026;
5. Resolution of the Town Board creating a parking district on the west side of Main Street;
6. Zoning Board of Appeals Application; and
7. Shore EAF.

Please place this matter on the Zoning Board's September 3, 2026 agenda and advise if any additional information is required. Thank you for your consideration.

Very truly yours,

Kory Salomone

Kory Salomone

REGULATIONS FOR FILING FOR A VARIANCE TO THE ZONING BOARD OF APPEALS

The Zoning Board of Appeals regularly conducts public hearings on the first Thursday of each month.

You will be issued a ZBA Notice sign. A $50 deposit in the form of a check (payable to The Town of North Castle) will be required for the sign to be issued. If the sign and its stand are returned in a reusable condition, as determined by the ZBA secretary, your deposit will be returned. If the sign is not reusable, the deposit will be used to replace the sign.

The following items ***must*** be submitted to the Zoning Board Secretary *no later* than the date specified on the Zoning Board Meeting Dates calendar and application deadline date posted on the town website and also available at the Building Department.

- Application for a zoning variance must be completed.
- Application fee for ZBA application in the amount of $275.
- Site plan or current survey, seven (7) copies, showing the following:
  - Building plans showing all dimensions and exterior elevations (rendering of structures)
  - Set-backs for zoning district – front, side, and rear.
  - All measurements, calculations, heights, and elevations needed for processing application.
- Proof of publication for notice of public hearing in the Journal News at least ten (10) days prior to the date of said public hearing.
- Notice of public hearing will be prepared for the applicant by the Zoning Board secretary only upon submission of completed application form and all documents needed to complete application.
- Notification to Neighbors: A minimum of ten (10) days prior to the public hearing, copies of the notice of hearing shall be sent by First Class Mail, to all property owners within a distance of two-hundred-fifty (250) feet of the property lines of the applicant.

  This list must be obtained at theTown of North Castle Assessor's office for a $50.00 fee. Postal Form 3665 "Certificate of Mailing" (copy attached) shall be filled out and stamped by the Post Office at the time of mailing.

- Other notification: If the application involves curb cuts, changes or other alterations to Town roads, the notice of hearing and a copy of the application must be sent by certified mail, return receipt requested to the Senior Highway Foreman at least ten (10) days prior to the hearing.

Other Notification: If the application involves problems of traffic in front of and/or adjacent to the premises in question, the notice of hearing and a copy of the application must be sent by certified mail, return receipt requested, to the Chief of Police at least ten (10) days prior to the hearing.

General Municipal Law: County Planning Board has jurisdiction over certain actions on properties within 500 feet of County and State Highway or Parks, County drainage, channel lines, and State and County owned land on which public buildings or institutions are situated on Municipal Boundaries. The County Planning Board must be notified within 30 days prior to the meeting date so that that they may review and submit a report.

The property identification card must be conspicuously placed on the mailbox or entrance of the property (in plain sight) so as to identify the property locations requesting a variance.

Note the Following:

1. The preparation and cost of publication and mailing of any notice required for public hearings shall be at the cost and expense of the applicant. At the hearing, the applicant must appear in person or by duly authorized representatives(s) to present his or her proofs, including the proof of title.

2. When applying for an area variance, the applicant should seek the least amount of relief possible from the requirements of the zoning code.

3. The applicant must make a Good Faith Attempt to purchase adjoining property before seeking an area variance.

If a meeting is cancelled due to circumstances beyond our control, the "public hearing and notification process must start anew."

TOWN OF NORTH CASTLE

APPLICATION FOR ZONING VARIANCE

Please Print or Type

APPLICANT:

Name: Bobo's Cafe c/o Lisa DeRosa

Address: _____

_____

Phone #: 914 420 7911

AGENT/ATTORNEY:

Name: Kory Salomone

Address: 81 Main Street, Suite 415

White Plains, NY 10601

Phone #: 914 220 9800

OWNER:

Name: DRF No 1 LLC

Address: 235 Main St, PH

White Plains, NY 10601

Phone #: 914 428 8500

LESSEE:

Name: _____

Address: _____

_____

Phone #: _____

LOCATION OF PREMISES IN NEED OF A VARIANCE:

Address: 379 Main St

Armonk, NY 10504

Section: 108.03 Block: 1 Lot: 5 Zoning District: CB-A2

Please check the box that describes the variance you are requesting:

☐ Use ☐ Area ☐ Height ☐ Frontage

☐ Depth ☐ Coverage ☐ Floor Area ■ Parking

☐ Other (Please Describe): _____

Application is hereby made under the discretionary power vested in you by the Zoning Ordinance of the Town of North Castle. You must state here all sections of Town Zoning Code from which you are requesting relief including descriptions, measurements, and calculations:

355 57 Offstreet Parking 47 spaces required. 7 spaces provided. Variance for 40 spaces is required.

In connection with: ☐ New Construction ■ Existing Structure ☐ Addition ☐ Alteration

Description of Work:

Change of occupancy from retail to cafe. Interior renovations.

Has any previous application or variance been applied for or granted to this premises?
☐ Yes ■ No If Yes, please list all:

What is the applicant's interest in the premises? ■ Owner ☐ Lessee ☐ Contract Vendee

Is there any violation or court action pending relative to this premises or this matter?
☐ Yes ■ No If Yes, please describe below:

What is the approximate cost of this project? $_____

Are there any deed restrictions, covenants, or easements on the premises? ☐ Yes ■ No
If Yes, please describe below:

Has the applicant offered to purchase additional property from adjoining neighbors?
☐ Yes ■ No If Yes, please describe below:

Is the property affected by this application within 500 feet of any of the following: City, Village, Town, County, or State recreational areas; County or State right-of-ways, Thruways, Parkways, Expressways, Highways, Controlled-access ways; streams or drainage channels owned by the County, Town or State; land owned by the County, State, or City of New York, or any public building or institution? If Yes, please give the name and location of public land, institutions and buildings:

I HEREBY DISPOSE AND SAY THAT ALL THE ABOVE STATEMENTS AND THE STATEMENTS CONTAINED IN ALL THE PAPERS AND PLANS SUBMITTED WITH THIS APPLICATION ARE TRUE.

Kory Salomone, as agent _____ 8/6/26 _____
Applicant Date

UNITED STATES POSTAL SERVICE®

Certificate of Mailing — Firm

Name and Address of Sender	TOTAL NO. of Pieces Listed by Sender	TOTAL NO. of Pieces Received at Post Office™	Affix Stamp Here ***Postmark with Date of Receipt.***
	Postmaster, per *(name of receiving employee)*		

USPS® Tracking Number Firm-specific Identifier	Address (Name, Street, City, State, and ZIP Code™)	Postage	Fee	Special Handling	Parcel Airlift
1.					
2.					
3.					
4.					
5.					
6.					

Short Environmental Assessment Form
Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information

Name of Action or Project:
Bobo's Cafe

Project Location (describe, and attach a location map):
379 Main Street, Armonk, New York

Brief Description of Proposed Action:
Interior renovations to convert 3,530 s.f. of existing retail space into a cafe.

Name of Applicant or Sponsor:	Telephone: 914-420-7911
Bobo's Cafe (c/o Lisa DeRosa)	E-Mail: lisa@boboscafe.net

Address:

City/PO:	State:	Zip Code:

	NO	YES
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If No, continue to question 2.	☑	☐
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Site Plan Approval from Planning Board and ARB approval for signs	☐	☑

3. a. Total acreage of the site of the proposed action? 0.2 acres
   b. Total acreage to be physically disturbed? 0 acres
   c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 0.2 acres

4. Check all land uses that occur on, are adjoining or near the proposed action:
   ☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☒ Commercial ☐ Residential (suburban)
   ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify):
   ☐ Parkland

	NO	YES	N/A
5. Is the proposed action,			
a. A permitted use under the zoning regulations?	☐	☑	☐
b. Consistent with the adopted comprehensive plan?	☐	☑	☐

	NO	YES
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	☐	☑

	NO	YES
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?		
If Yes, identify:	☑	☐

	NO	YES
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	☑	☐
b. Are public transportation services available at or near the site of the proposed action?	☐	☑
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	☐	☑

	NO	YES
9. Does the proposed action meet or exceed the state energy code requirements?		
If the proposed action will exceed requirements, describe design features and technologies: _____	☐	☑

	NO	YES
10. Will the proposed action connect to an existing public/private water supply?		
If No, describe method for providing potable water: _____	☐	☑

	NO	YES
11. Will the proposed action connect to existing wastewater utilities?		
If No, describe method for providing wastewater treatment: _____	☐	☑

	NO	YES
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	☐	☑
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	☐	☑

	NO	YES
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	☐	☑
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	☑	☐
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____		

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:

☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional

☐ Wetland ☐ Urban ☒ Suburban

	NO	YES
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	☑	☐
16. Is the project site located in the 100-year or 500-year flood plain?	☐	☑
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	☑	☐
a. Will storm water discharges flow to adjacent properties?	☐	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	☐	☐
If Yes, briefly describe: _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____	☑	☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	☑	☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	☐	☑
21. Is the project located within, or within ½ mile of, a disadvantaged community?	☑	☐
If No, could impacts from the project affect a disadvantaged community?	☑	☐
If Yes to either question in 21, answer the following question.		
a. Identify the potential pollution impacts of the project, either direct or indirect, that may occur within the disadvantaged community (e.g., wastewater discharges, air emissions, noise, odors, solid or hazardous waste generation or management):		

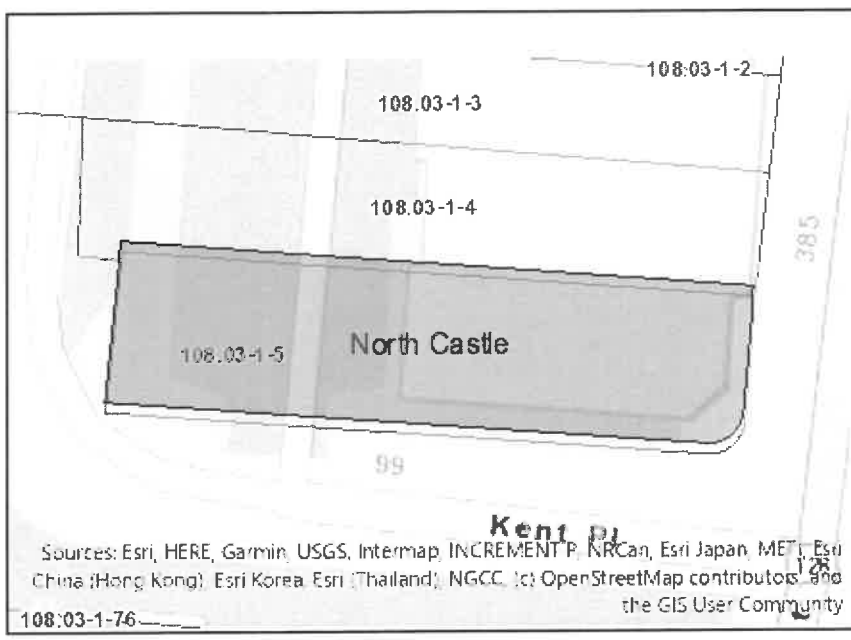
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor/name: Bobo's Cafe Date: 8/6/26

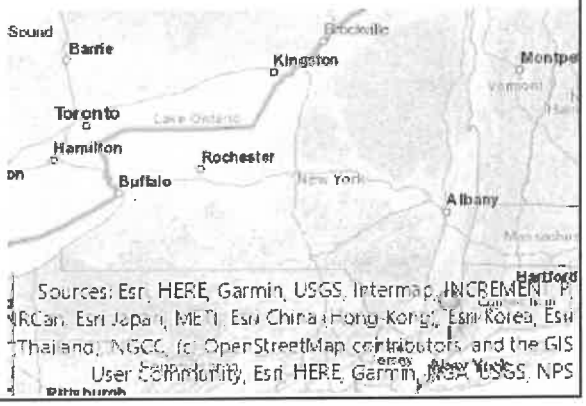
Signature: Kory Salomone Title: Authorized Agent

EAF Mapper Summary Report

Thursday, July 2, 2026 3:01 PM



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources to confirm data provided by the Mapper or to obtain data not provided by the Mapper.



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	Yes
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local, New York State, and federal wetlands and waterbodies is known to be incomplete. Refer to the EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 or 500 Year Floodplain]	Yes
Part 1 / Question 20 [Remediation Site]	Yes
Part 1 / Question 21 [Disadvantaged Community]	No

TOWN OF NORTH CASTLE
Town Hall - 15 Bedford Road
Armonk, New York 10504
northcastleny.com

Established 1736

ALISON SIMON, J.D., M.P.A.
Town Clerk

(914) 273-3000 x42
asimon@northcastleny.com

RESOLUTION DATED JUNE 10, 2026

A Preliminary Resolution Approving the Establishment of a Parking District in the Town of North Castle, Westchester County, New York, to be Known as North Castle Parking District No. 2 Main Street (West)

WHEREAS, pursuant to Section 209 of the Town Law, the Town Board of the Town of North Castle, Westchester County, New York, has heretofore duly caused a list of real property tax map designations to be prepared and filed in the office of the Clerk of said Town in relation to the establishment of a Parking District in said Town, to be known as the North Castle Parking District No. 2 Main Street (West), which list of real property tax map designations (Schedule A attached hereto) has as its boundaries portions of an area of the Town bordered by Kent Place to the South and Whippoorwill Road East – Maple Avenue to the North; and

WHEREAS, an Order was duly adopted by said Town Board on April 22, 2026, reciting a description of the boundaries of said proposed District by tax map designation, the manner of operation proposed, the maximum amount proposed to be expended for same, reference to the map, plan and report, the fact that a map, plan and report prepared by the town's planner and engineers was on file in the Town Clerk's Office for public inspection and specifying the 10th day of June 2026, at 7:30 o'clock p.m., Prevailing Time, at Town Hall, in Armonk, New York, as the time when and the place where said Town Board would meet for the purpose of holding a public hearing to hear all persons interested in the subject thereof concerning the same; and

WHEREAS, such order was duly published and posted in the manner and within the time prescribed by Section 193 and 209 of the Town Law, and proof of such publication and posting has been duly presented to said Town Board; and

WHEREAS, said public hearing was duly held at the time and place set forth in said order, as aforesaid, at which all persons desiring to be heard were duly heard; and

WHEREAS, following said public hearing and based upon evidence given thereat, said Town Board duly adopted a resolution determining in the affirmative all of the questions set forth in subdivision 1 of Section 209-e of the Town Law; and

WHERAS, it is now desired to adopt a further resolution pursuant to subdivision 3 of Section 209-e of the Town Law approving the establishment of said District, and the rendering of services proposed subject to the approval of New York State Office of the State Comptroller;

NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of North Castle, Westchester County, New York, as follows:

Section 1. The establishment of a Parking District in the Town of North Castle, Westchester County, New York, pursuant to proceedings undertaken pursuant to the Town Law and the statutes of the State of New York, to be known as the North Castle Parking District No. 2 Main Street (West), to be bounded and described according to real property tax map designations as set forth in Exhibit A attached hereto and made a part hereof, and the rendering of services required in connection therewith, and at the maximum estimated cost and first year costs to the typical property, as described and set forth in the Map, Plan and Report dated April 9, 2026, is hereby approved and authorized subject to the approval of the New York State Office of the State Comptroller.

Section 2. The Town Clerk is hereby ordered and directed within ten (10) days of the adoption of this resolution to (i) record a certified copy of this resolution with the Clerk of the County of Westchester and (ii) file a certified copy of this resolution with the Office of the Department of Audit and Control in Albany, New York.

Section 3. This resolution is subject to a permissive referendum in the manner as provided for in Article 7 of the Town Law.

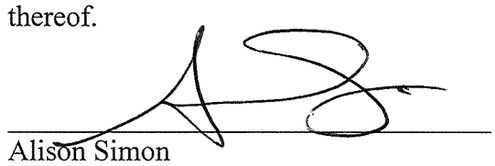
Section 4. The North Castle Town Board hereby determines pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review) of the Environmental Conservation Law that establishment of the North Castle Parking District No. 2 will not have a significant impact on the environment.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Sonny Vataj	voting Aye
Saleem Hussain	voting Aye
José Berra	voting No
Hon. Joseph A. Rende	voting Aye
Barbara DiGiacinto	voting Recusal

and the resolution was thereupon declared duly adopted.

I, Alison Simon, Town Clerk of the Town of North Castle, do hereby certify that the above resolution was duly adopted at a regularly scheduled meeting of the Town Board of the Town of North Castle held on June 10, 2026 and that the above resolution is a true and correct transcript thereof.



Alison Simon

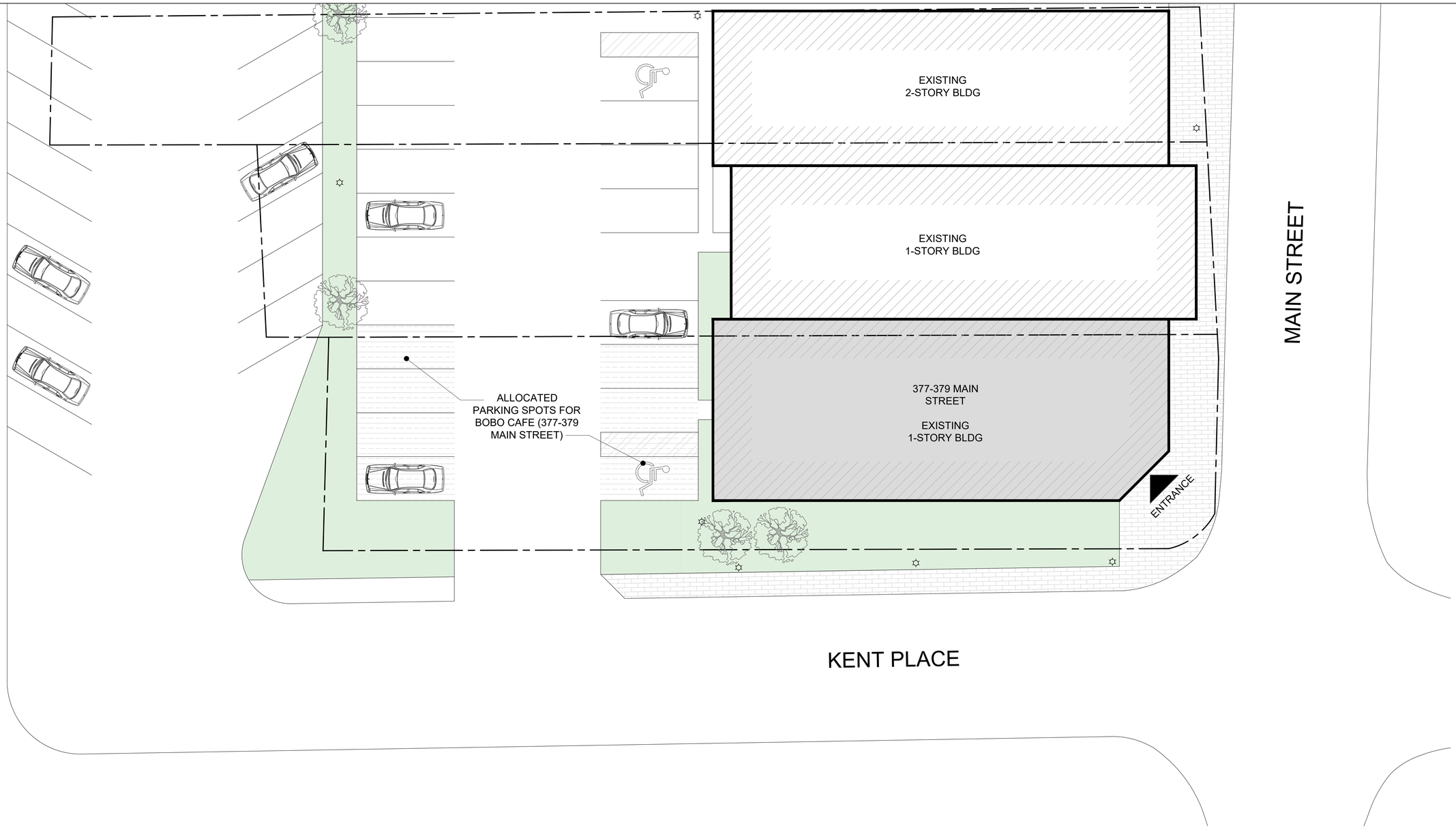
Dated: June 10, 2026
Armonk, New York

SCHEDULE A

PROPOSED DISTRICT AREA

The proposed Armonk Parking District will provide public parking for the west side of Main Street. The proposed district area includes the following properties:

PROPERTY ADDRESS	SBL	PROPERTY OWNER	CURRENT USE
419 MAIN STREET	108.01-6-42	ARMONK WHIPPOORWILL ASSOC	Retail
409 MAIN STREET	108.01-6-44	DFR NO LLC	Restaurant/Retail
407 MAIN STREET	108.01-6-45	407 MAIN CORP.	Post Office
401 MAIN STREET	108.01-6-46	NATIONAL BANK OF NO. AMERICA	Bank
399 MAIN ST	108.01-6-47	SEEGUS REALTY CO	Restaurant/Office
WHIPPOORWILL RD E (road)	108.01-6-48	BANMONK REALTY LLC	Road
WHIPPOORWILL RD E (road)	108.01-6-49	SEEGUS REALTY CO	Road
393 MAIN ST	108.03-1-1	COUNTRY JAC INC	Restaurants
387 MAIN ST	108.03-1-2	RUTH JONES ANDERSON TR 50% RUTH JONES ANDERSON-TRS	Office
385 MAIN ST	108.03-1-3	ARMONK WHIPPOORWILL ASSOC	Personal Services
381 MAIN ST	108.03-1-4	ARMONK WHIPPOORWILL ASSOC	Retail
379 MAIN ST	108.03-1-5	DFR NO 1 LLC	Convenience Store
1 KENT PL	108.03-1-76	MAZZOTTA BROTHERS REALTY LLC	Restaurant
375 MAIN ST	108.03-1-75	REVOCABLE LIVING TRUST OF MERRIE HUGHES	Gas Station
12 MAPLE AVE	108.01-6-26	GMS 12 Maple LLC	Office Building/Vacant



1 C1.01 New Site Plan

Scale: 1" = 10'

NOTE: INFORMATION ON THIS SITE PLAN HAS BEEN TAKEN FROM A PROPERTY SURVEY PREPARED BY THOMAS C. MERRITS LAND SURVEYOR FOR JOHN DIGIACINTO AND JOSEPH DIGIACINTO DATED APRIL 26, 1997

N

PARKING REQUIREMENTS

USE	PARKING REQUIREMENTS*		SPACES REQUIRED	SPACES PROVIDED
RESTAURATE	1 SPACE/ 75 SF OR 1 SPACE / 3 SEATS	3,530 GROSS SF / 75 = **47 SPOTS** OR 66 SEATS / 3 = 22 SPOTS	47 SPACES	7 SPACES

* PARKING REQUIREMENTS AS PER THE TOWN OF NORTH CASTLE CODE SECTION §355-57.

JTA
JOSEPH THOMPSON
ARCHITECT

Joseph G. Thompson Architect, PLLC
108 N Division Street, Ste 100
Peekskill, New York 10566

PH: (845) 532-8156
EM: joe@jthompsonarch.com

NOTES:

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DO NOT SCALE DRAWINGS. WRITTEN DIMENSIONS GOVERN.

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REGISTERED ARCHITECT
JOSEPH G. THOMPSON
036057
STATE OF NEW YORK

SEAL

Joseph G. Thompson, RA
New York State License #036057
Expiration: August 31, 2027

Bobo's Cafe - Armonk

x (Owner) : Bobo's Cafe (Tenant)
377-379 Main Street
Armonk, New York 10504
S-B-L: 108.03-1-5 (379 Main Street)
Town of North Castle - Westchester County

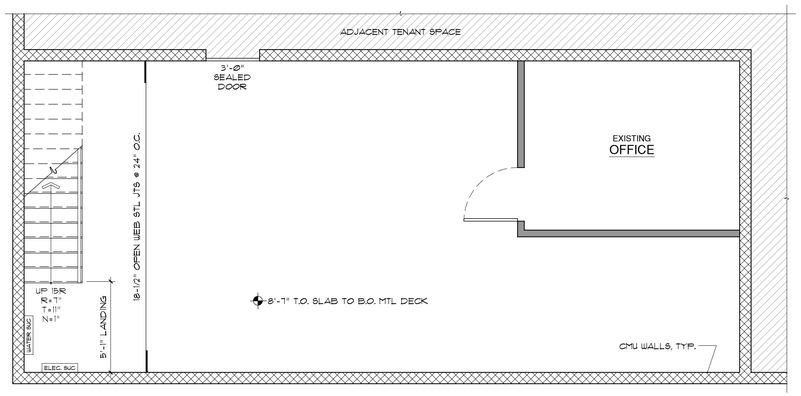
Design Review Document- NOT FOR PERMIT OR CONSTRUCTION

Date: June 22, 2026

Revisions:

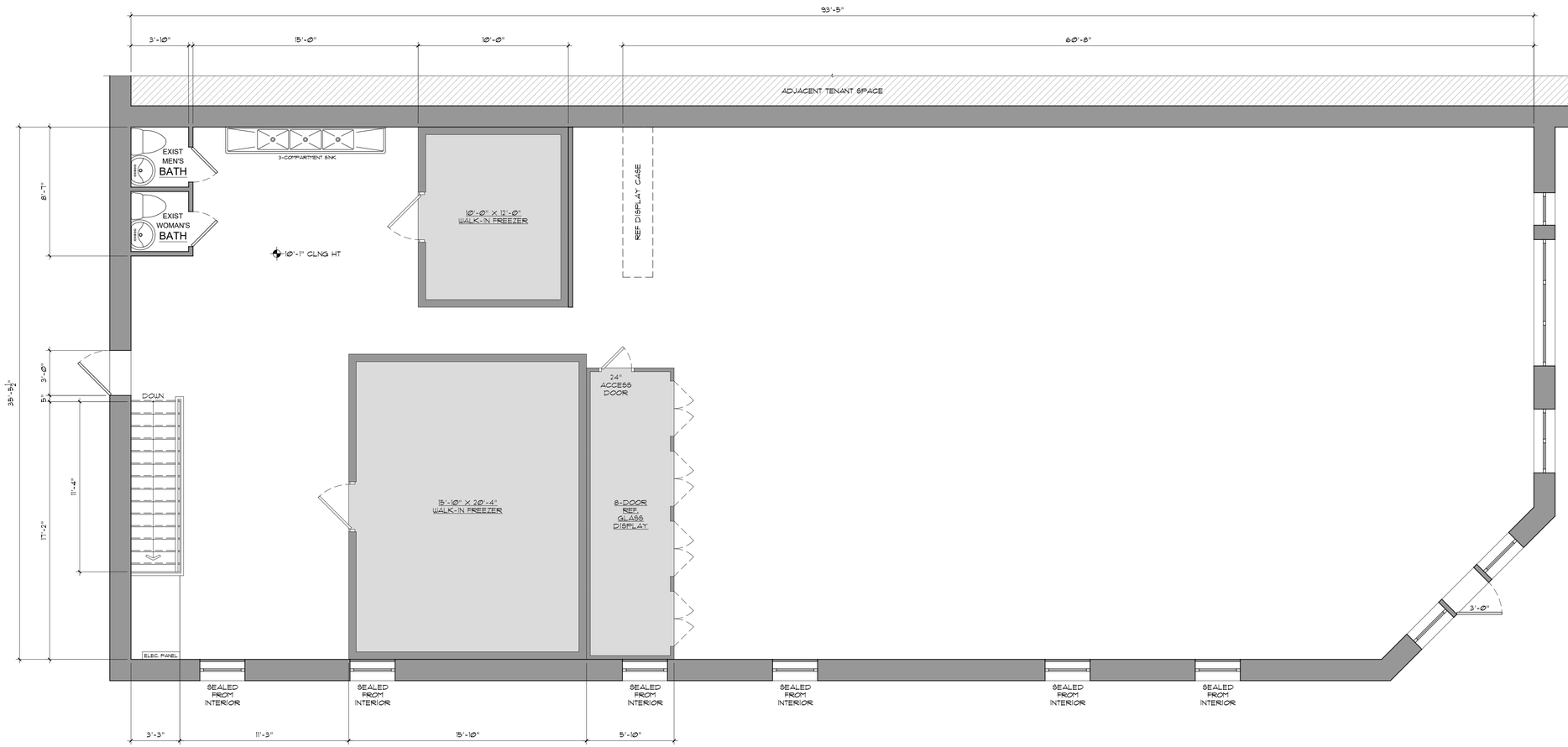
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C1.01



1 AX1.01 **Basement Demolition Plan (697 SF +/- Gross)**

Scale: 1/4" = 1'-0"



2 AX1.01 **First Floor Demolition Plan (3,261 SF +/- Gross)**

Scale: 1/4" = 1'-0"

N

JTA
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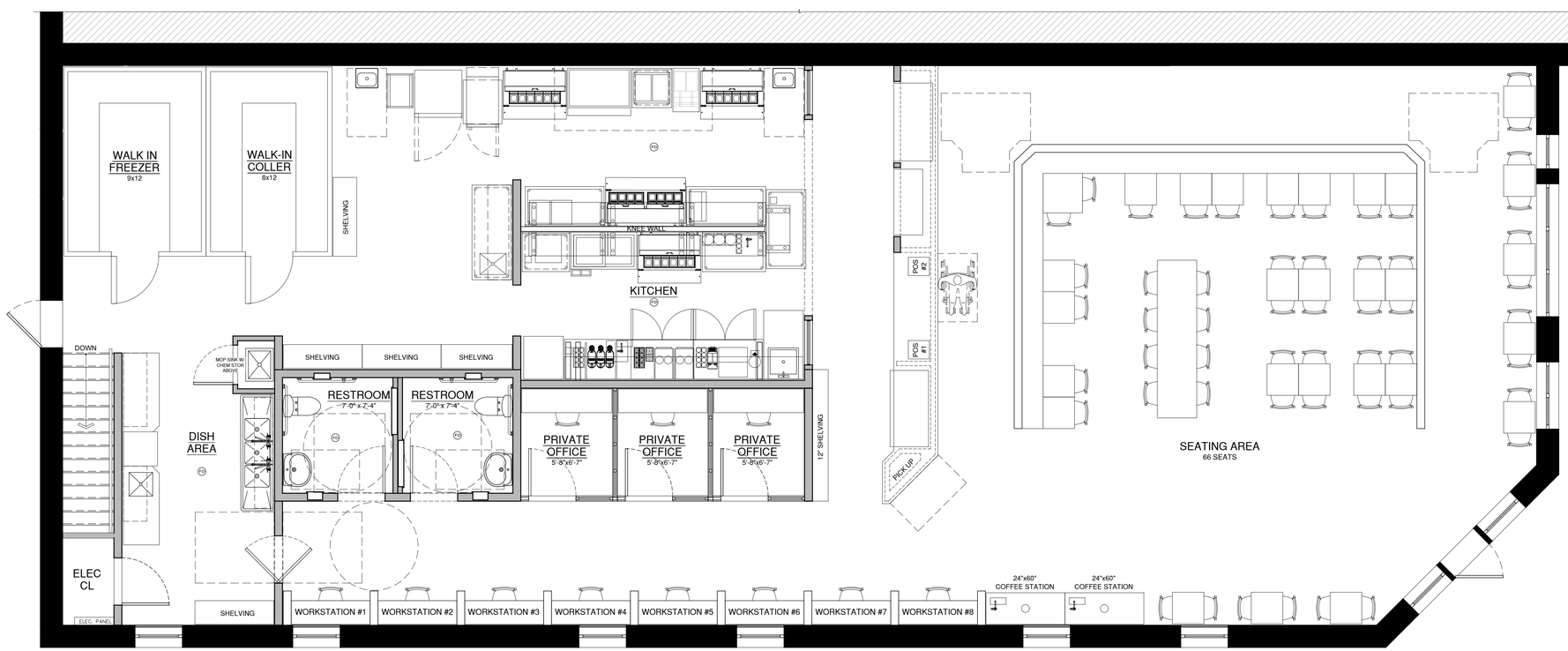
Design Review Document- NOT FOR PERMIT OR CONSTRUCTION

Date: May 27, 2026

Revisions:

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AX1.01



1 / A1.01 New First Floor Architectural Plan (+/- 3,530 SF Leasable Gross)

Scale: 1/4" = 1'-0"

N

JTA
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Town of North Castle - Westchester County

Design Review Document- NOT FOR PERMIT OR CONSTRUCTION

Date: June 3, 2026

Revisions:

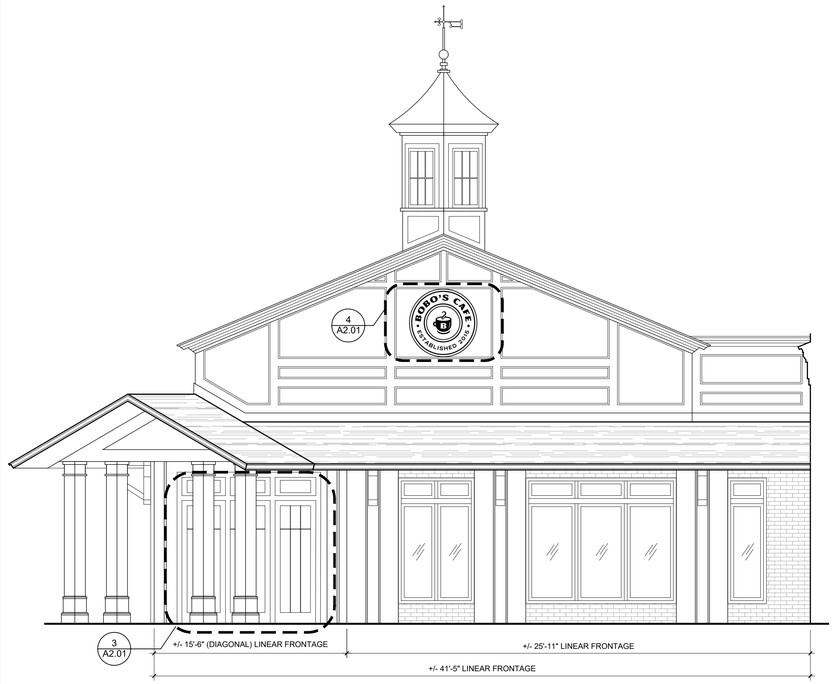
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A1.01



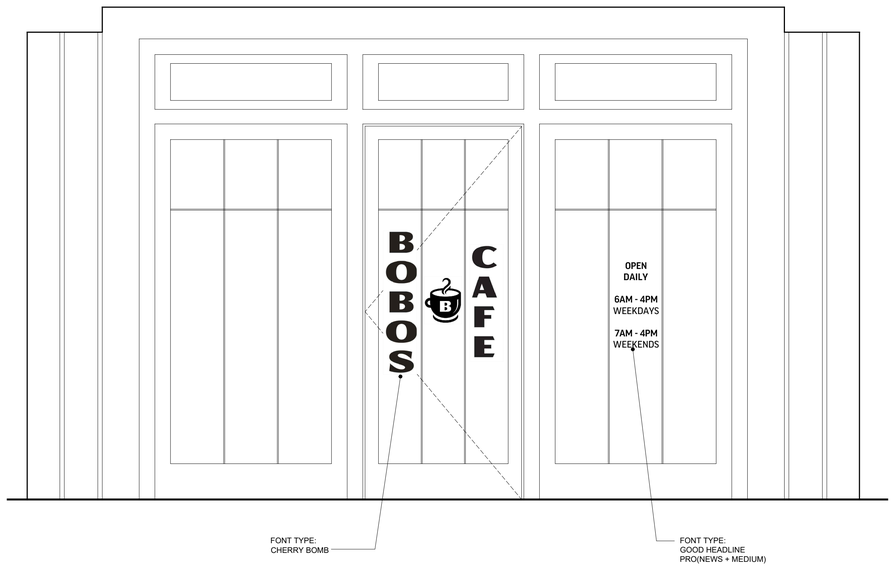
1 A2.01 **New Kent Place Elevation**

Scale: 1/4" = 1'-0"



2 A2.01 **New Main Street Elevation**

Scale: 1/4" = 1'-0"



3 A2.01 **Typical Entrance Door Sign**

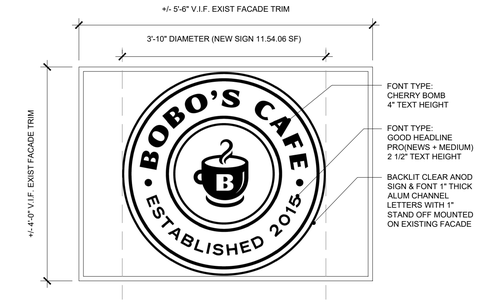
Scale: 3/4" = 1'-0"

Wall Signage

Frontage	Maximum Area	Maximum Text Height	Front Signage Proposed
85'-3" + 15'-6" +25'-11" = **126'-8"**	2 SF PER LF 126-8" LF / 2 SF = **63.33 SF**	2.5' SIGN HEIGHT EXPECT THAT THE 1ST LETTER OR SYMBOL MAY NOT EXCEED 4'	AREA = 11.54 SF 4" TEXT HEIGHT

SIGNAGE NOTES:

1. MAXIMUM WALL SIGNS SIGNAGE ALLOWANCE PER TOWN OF NORTH CASTLE CODE SECTION §355-16.
2. SIGN CONTRACTOR SHALL VERIFY EXISTING CONDITIONS ON SITE AND PROVIDE SHOP DRAWINGS, INCLUDING ENGINEERED CONNECTIONS TO EXISTING BUILDING FACADE, TO ARCHITECT FOR REVIEW & APPROVAL PRIOR TO FABRICATION.
3. SIGN CONTRACTOR SHALL OBTAIN A SIGN PERMIT FROM THE TOWN OF NORTH CASTLE BUILDING DEPARTMENT PRIOR TO INSTALLATION.
4. FONT TYPE: "CHERRY BOMB"
5. SIGN LETTERS: 1" ALUMINUM CHANNEL LETTERS WITH 1" STANDOOF.
6. FINISH: DARK BRONZE ANODIZED



4 A2.01 **Signage Detail at Main Street**

Scale: 3/4" = 1'-0"

JTA
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ARCHITECT

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S.B.L: 108.03-1-5 (379 Main Street)
Town of North Castle - Westchester County

Design Review Document- NOT FOR PERMIT OR CONSTRUCTION

Date: June 24, 2026

Revisions:

1
2
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4
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A2.01A

ZONING BOARD OF APPEALS
TOWN OF NORTH CASTLE

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN, that a Public Hearing will be held by the Zoning Board of Appeals of the Town of North Castle at Town Hall, 15 Bedford Road, Armonk, New York on Thursday evening, September 3, 2026 at 7:30 p.m. regarding a request on the appeal and application of KEITH & MELINDA HAINES, 31 Woodcrest Drive, Armonk, NY 10504 and known on the Town Tax Assessment Maps as Section 95.03, Block 1, Lot 25 and located in the R2A Zoning District which is a denial from the Building Inspector of the Town of North Castle. In order to construct a new front porch, the following variance is required:

The minimum front yard setback per Section 355-21 of the Town Code is 50 ft., where 38 feet 9 inches is provided, requiring a variance of 11 feet 3 inches.

Lori J. Zawacki, Secretary

TOWN OF NORTH CASTLE

APPLICATION FOR ZONING VARIANCE

Please Print or Type

APPLICANT:

Name: Norm Jansa

Address: Westchester Modular Homes Construction Corp
1995 Rt 22, Brewster, NY 10509

Phone #: 845.278.1700

AGENT/ATTORNEY:

Name: _____

Address: _____

_____

Phone #: _____

OWNER:

Name: Keith & Melinda Haines

Address: 31 Woodcrest Dr, Armonk, NY 10504

_____

Phone #: 312.206.2911

LESSEE:

Name: _____

Address: _____

_____

Phone #: _____

LOCATION OF PREMISES IN NEED OF A VARIANCE:

Address: 31 Woodcrest Dr, Armonk, NY 10504

_____

Section: 95.03 Block: 1 Lot: 25 Zoning District: R-2A

Please check the box that describes the variance you are requesting:

☐ Use ■ Area ☐ Height ☐ Frontage
☐ Depth ☐ Coverage ☐ Floor Area ☐ Parking
☐ Other (Please Describe): _____

Application is hereby made under the discretionary power vested in you by the Zoning Ordinance of the Town of North Castle. You must state here all sections of Town Zoning Code from which you are requesting relief including descriptions, measurements, and calculations:

Zoning 355 Attachment 1, 355-21
Zoning District R-2A: Front Yard Setback is 50' from property line
Proposing New Front Porch @ 38'-9" from property line
Requesting a zoning variance of 11'-3"

In connection with: ☐ New Construction ☐ Existing Structure ☒ Addition ☐ Alteration

Description of Work:

New garage addition with modular addition above containing new kitchen and dining area, addition of new front porch - Renovation of certain areas of the existing house

Has any previous application or variance been applied for or granted to this premises?
☐ Yes ☒ No If Yes, please list all:

What is the applicant's interest in the premises? ☐ Owner ☐ Lessee ☒ Contract Vendee

Is there any violation or court action pending relative to this premises or this matter?
☐ Yes ☒ No If Yes, please describe below:

What is the approximate cost of this project? $500,000.00

Are there any deed restrictions, covenants, or easements on the premises? ☐ Yes ☒ No
If Yes, please describe below:

Has the applicant offered to purchase additional property from adjoining neighbors?
☐ Yes ☒ No If Yes, please describe below:

Is the property affected by this application within 500 feet of any of the following: City, Village, Town, County, or State recreational areas; County or State right-of-ways, Thruways, Parkways, Expressways, Highways, Controlled-access ways; streams or drainage channels owned by the County, Town or State; land owned by the County, State, or City of New York, or any public building or institution? If Yes, please give the name and location of public land, institutions and buildings:

No

I HEREBY DISPOSE AND SAY THAT ALL THE ABOVE STATEMENTS AND THE STATEMENTS CONTAINED IN ALL THE PAPERS AND PLANS SUBMITTED WITH THIS APPLICATION ARE TRUE.

Norm Jansa
Digitally signed by Norm Jansa
DN: C=US, E=njansa@westchestermodular.com, O=Westchester Modular Homes Construction Corp., CN=Norm Jansa
Reason: I am approving this document
Date: 2026.08.05 12:35:36-04'00'

Applicant

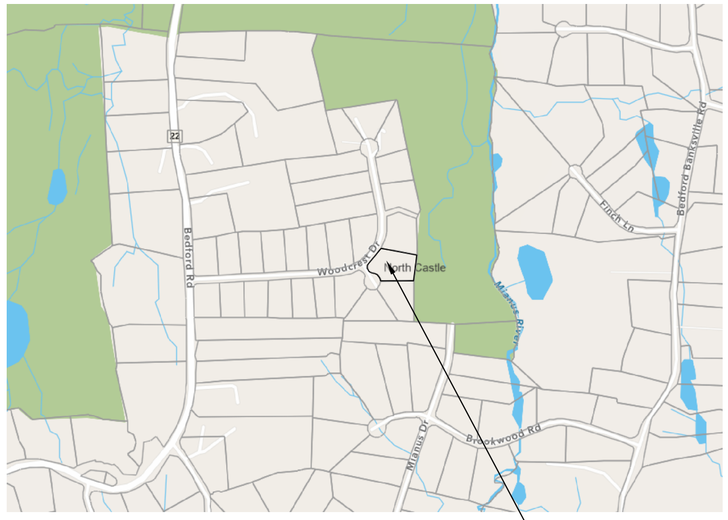
08.05.26

Date

GARAGE & KITCHEN ADDITION PLUS RENOVATION

KEITH & MELINDA HAINES

31 WOODCREST DRIVE
ARMONK, NY. 10504



SITE LOCATION
31 WOODCREST DRIVE

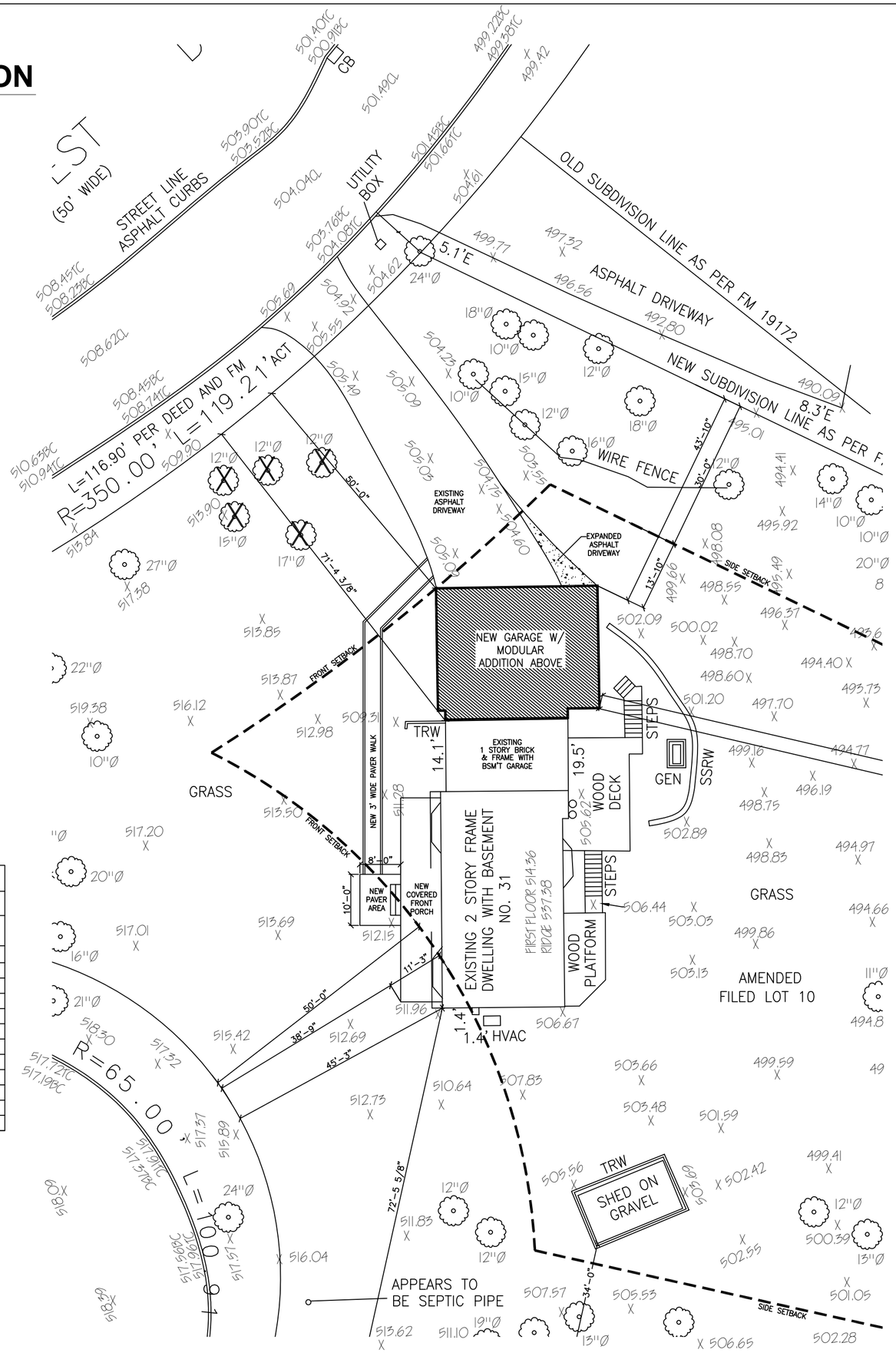
Location Map

N.T.S.

ZONING SCHEDULE – R2–2A				
TAX MAP DESIGNATION: SECT: 95.03		BLOCK: 1	LOT: 25	
ITEM	REQUIRED/ALLOWED	SHOWN	VARIANCE REQUESTED	VARIANCE GRANTED
LOT AREA	2 ACRES	1.25 ACRES	--	
BUILDING HEIGHT	30 FT.	26'–2"	--	
SETBACKS				
FRONT	50 FT.	50'–0"	--	
SECOND FRONT	50 FT.	38'–9"	11'–3"	
REAR	50 FT.	199'–2"	--	
SIDES	30 FT.	43'–10"	--	
MAX BUILDING COVERAGE	8%–4,356 SQ. FT.	4.8%–2656 SQ. FT.	--	
MIN DWELLING SIZE	1400 SQ. FT.	2346 SQ. FT.	--	

Zoning Info

N.T.S.



Proposed Partial Site Plan

1" = 20'-0"

"Unauthorized alteration or addition to this drawing is a violation of Section 7209(2) of the NYS Education Law"

WESTCHESTER MODULAR HOMES
CONSTRUCTION CORP.

PE / RA

STATE OF NEW YORK ★ LICENSED PROFESSIONAL ENGINEER ★ ANTHONY A. PISARRI

SERIAL No. 00000
PRODUCTION No. PRODUCTION

REVISION	DATE

CHECK	DATE

HOMEOWNER: KEITH & MELINDA HAINES
SITE: 31 WOODCREST DRIVE ARMONK, NY 10504

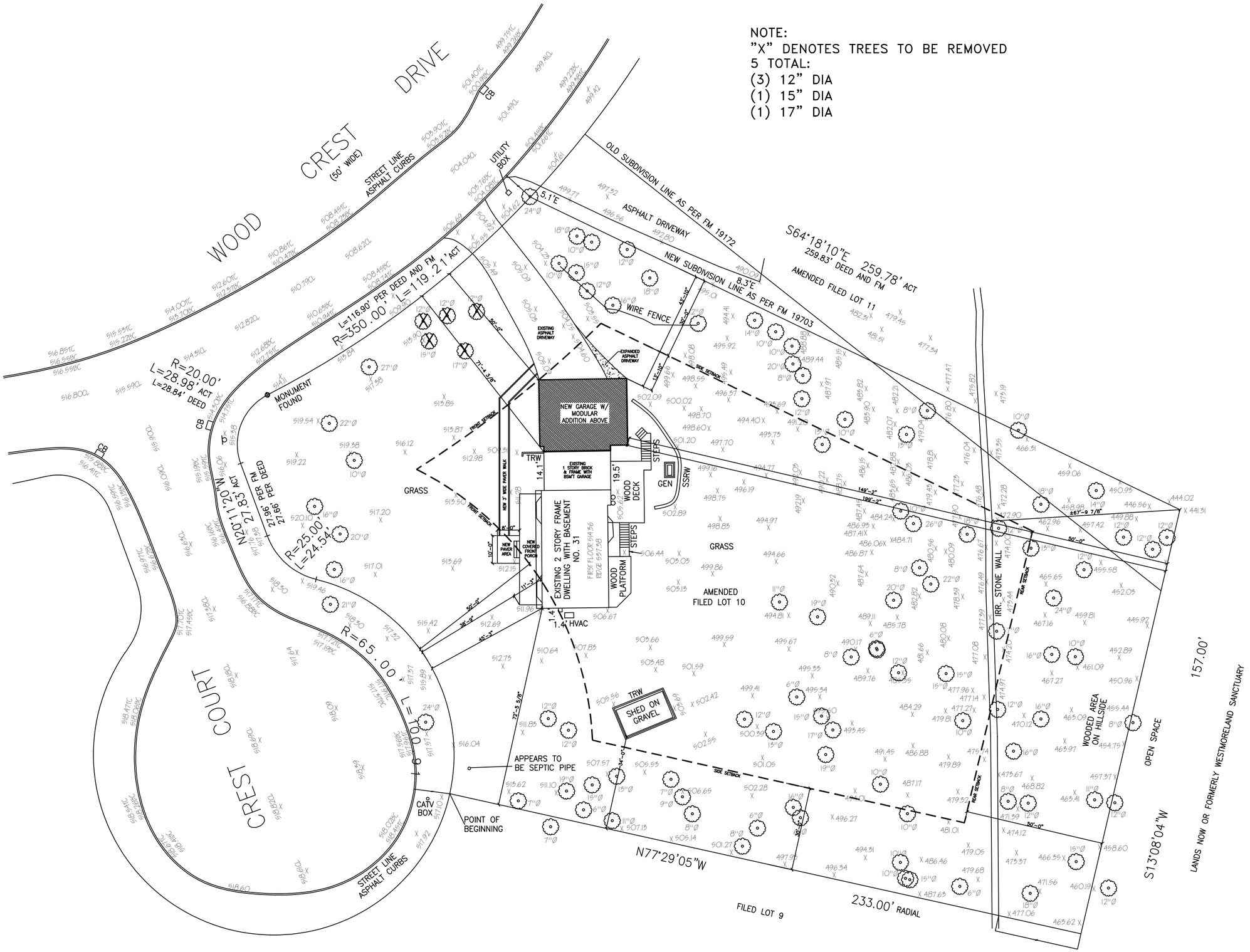
BUILDER: Westchester Modular Homes Construction Corp.
1995 Rt. 22 Brewster, NY 10509
845-278-1700

COLONIAL CTM-L

PROPOSED PARTIAL SITE PLAN

www.wmhconstruction.com

USE GROUP: DETACHED SINGLE FAMILY DWELLING
CONST. TYPE: WOOD FRAME UNPROTECTED
DESIGNER: NJ
DATE: 08.05.26
SCALE: 1" = 20'
PAGE: 1



Proposed Site Plan

1" = 30'-0"

"Unauthorized alteration or addition to this drawing is a violation of Section 7209(2) of the NYS Education Law"

WESTCHESTER MODULAR HOMES
CONSTRUCTION CORP.

PE / RA

STATE OF NEW YORK ★ LICENSED ★ ENGINEER ANTHONY S. PISARRI

SERIAL No. 000000
PRODUCTION No. PRODUCTION

REVISION	DATE

BUILDER:
Westchester Modular Homes
Construction Corp.
1995 Rt. 22 Brewster, NY 10509
845-278-1700

HOMEOWNER:
KEITH & MELINDA HAINES
SITE:
31 WOODCREST DRIVE
ARMONK, NY 10504

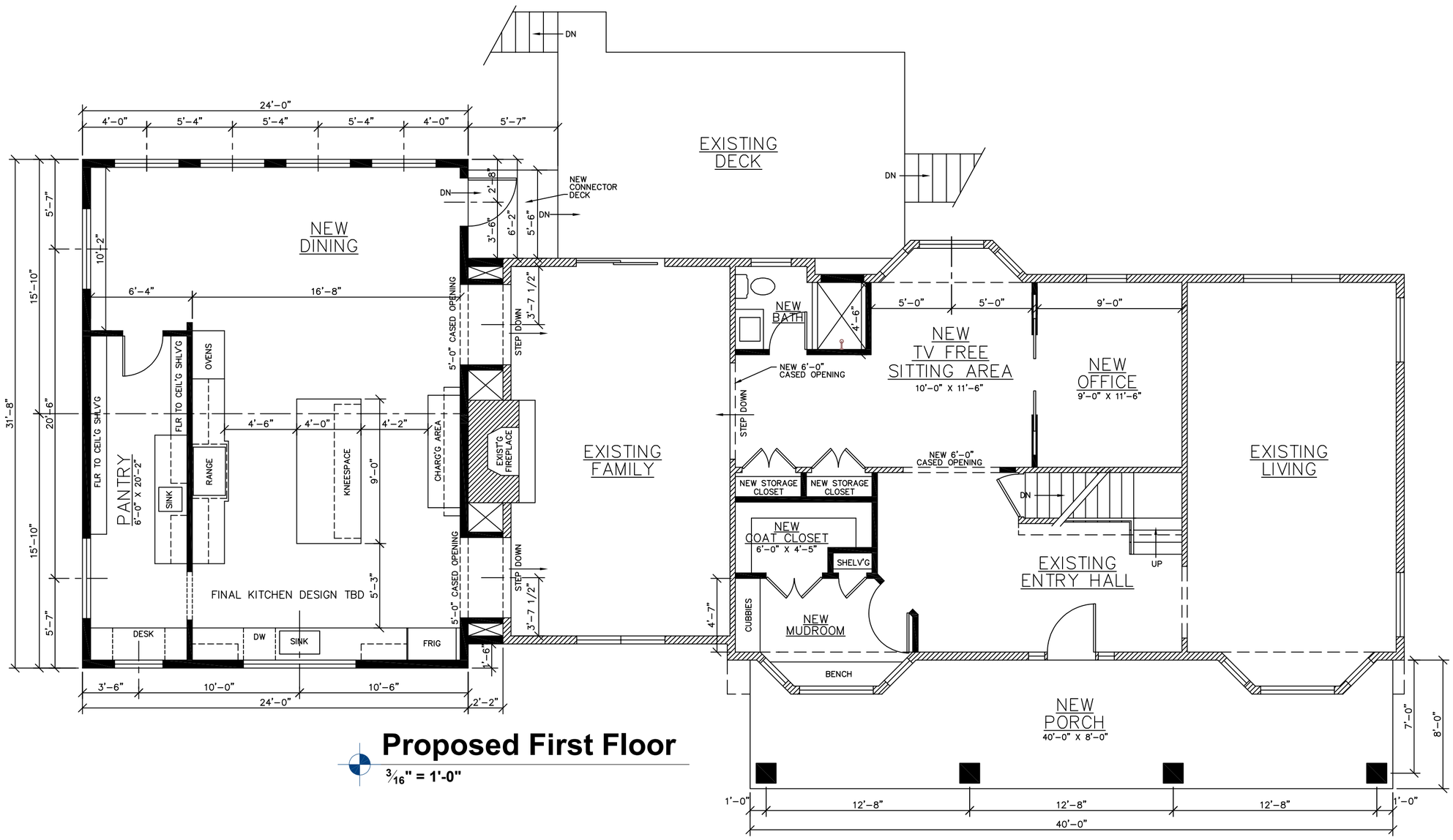
COLONIAL CTM-L

PROPOSED SITE PLAN

CHECK	DATE

USE GROUP:
DETACHED SINGLE FAMILY DWELLING
CONST. TYPE:
WOOD FRAME UNPROTECTED
DESIGNER:
NJ
DATE:
08.05.26
SCALE:
1" = 30'
PAGE:
1

www.wmhconstruction.com



Proposed First Floor

3/16" = 1'-0"

"Unauthorized alteration or addition to this drawing is a violation of Section 7209(2) of the NYS Education Law"

WESTCHESTER MODULAR HOMES
CONSTRUCTION CORP.

PE / RA

STATE OF NEW YORK ★ ANTHONY S. PIGARRI ★ ENGINEER

SERIAL No. 000000
PRODUCTION No. PRODUCTION

REVISION	DATE

CHECK	DATE

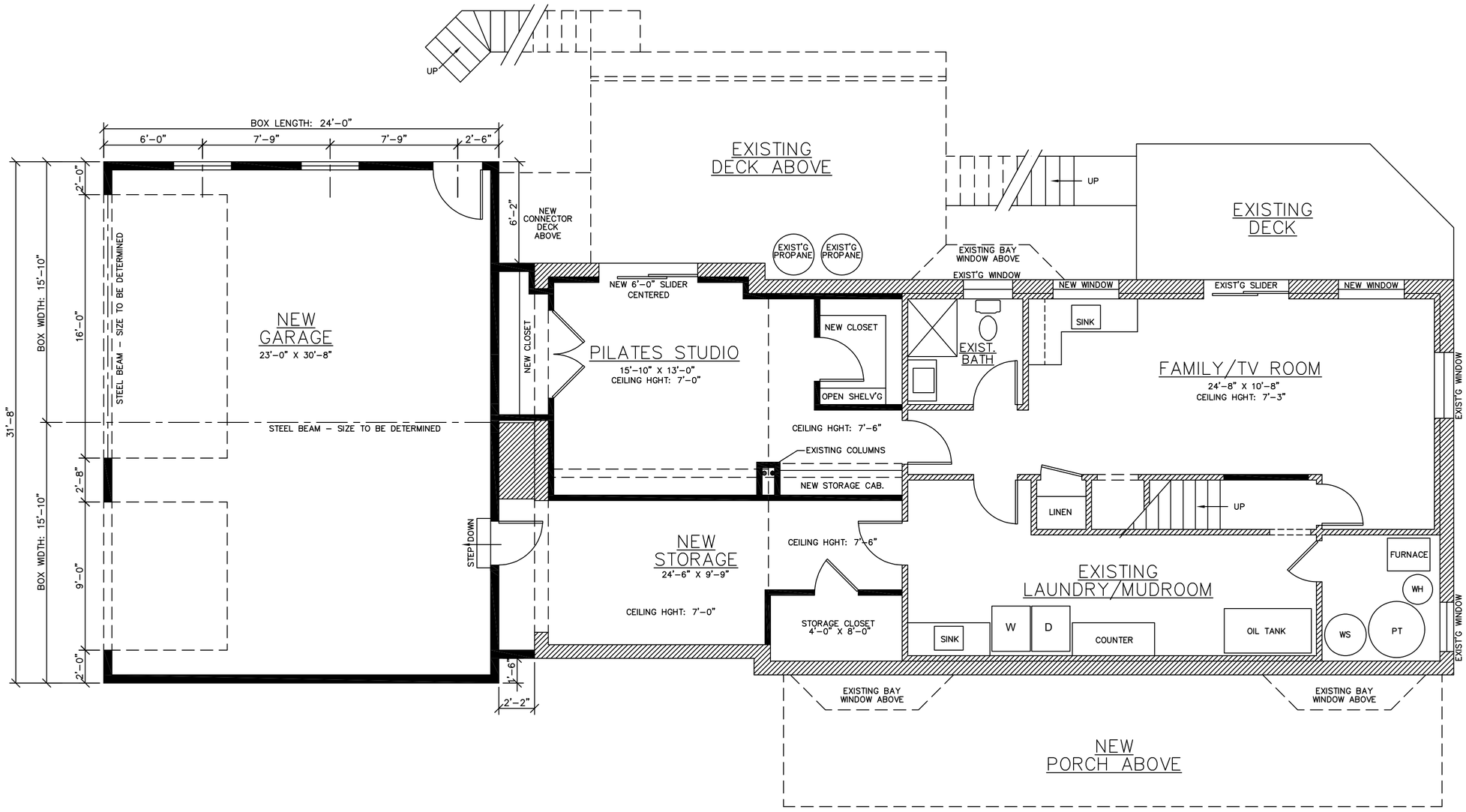
HOMEOWNER: KEITH & MELINDA HAINES
SITE: 31 WOODCREST DRIVE ARMONK, NY 10504

BUILDER: Westchester Modular Homes Construction Corp.
1995 Rt. 22 Brewster, NY 10509
845-278-1700

COLONIAL CTM-L
PROPOSED FLOORPLANS

www.wmhconstruction.com

USE GROUP: DETACHED SINGLE FAMILY DWELLING
CONST. TYPE: WOOD FRAME UNPROTECTED
DESIGNER: NJ
DATE: 08.05.26
SCALE: 3/16"=1'-0"
PAGE: 1



Proposed Basement Floor

3/16" = 1'-0"

"Unauthorized alteration or addition to this drawing is a violation of Section 7209(2) of the NYS Education Law"

WESTCHESTER MODULAR HOMES
CONSTRUCTION CORP.

PE / RA

STATE OF NEW YORK ★ ANTHONY S. PAGANI ★ LICENSED PROFESSIONAL ENGINEER

SERIAL No. 00000
PRODUCTION No. PRODUCTION

REVISION	DATE
CHECK	DATE

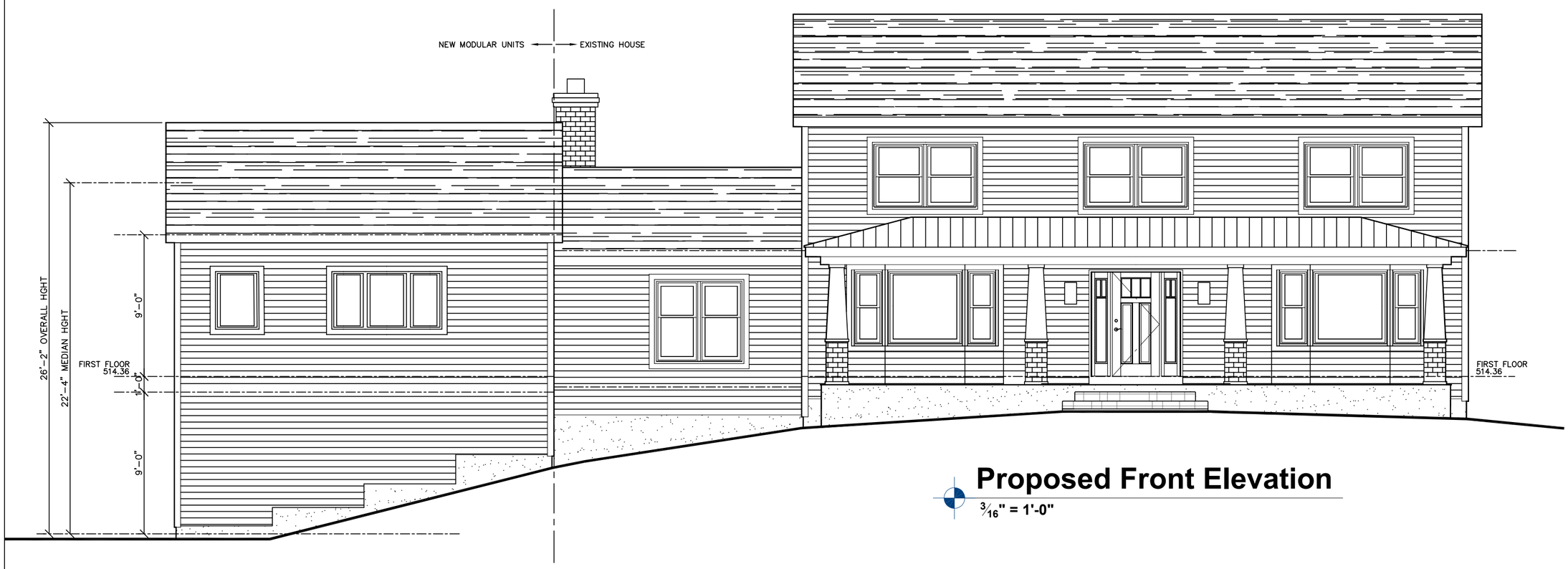
HOMEOWNER: KEITH & MELINDA HAINES
SITE: 31 WOODCREST DRIVE ARMONK, NY 10504

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USE GROUP: DETACHED SINGLE FAMILY DWELLING
CONST. TYPE: WOOD FRAME UNPROTECTED
DESIGNER: NJ
DATE: 08.05.26
SCALE: 3/16"=1'-0"
PAGE: 1



Proposed Front Elevation

3/16" = 1'-0"

"Unauthorized alteration or addition to this drawing is a violation of Section 7209(2) of the NYS Education Law"

WESTCHESTER MODULAR HOMES
CONSTRUCTION CORP.

PE / RA

STATE OF NEW YORK ★ PE ★ ANTHONY S. PIGARI ★ LICENSED PROFESSIONAL ENGINEER

SERIAL No. 00000

PRODUCTION No. PRODUCTION

REVISION	DATE
CHECK	DATE

HOMEOWNER:
KEITH & MELINDA HAINES

SITE:
31 WOODCREST DRIVE
ARMONK, NY 10504

BUILDER:
Westchester Modular Homes
Construction Corp.
1995 Rt. 22 Brewster, NY 10509
845-278-1700

COLONIAL CTM-L

PROPOSED FRONT ELEVATION

www.wmhconstruction.com

USE GROUP:
DETACHED SINGLE FAMILY DWELLING

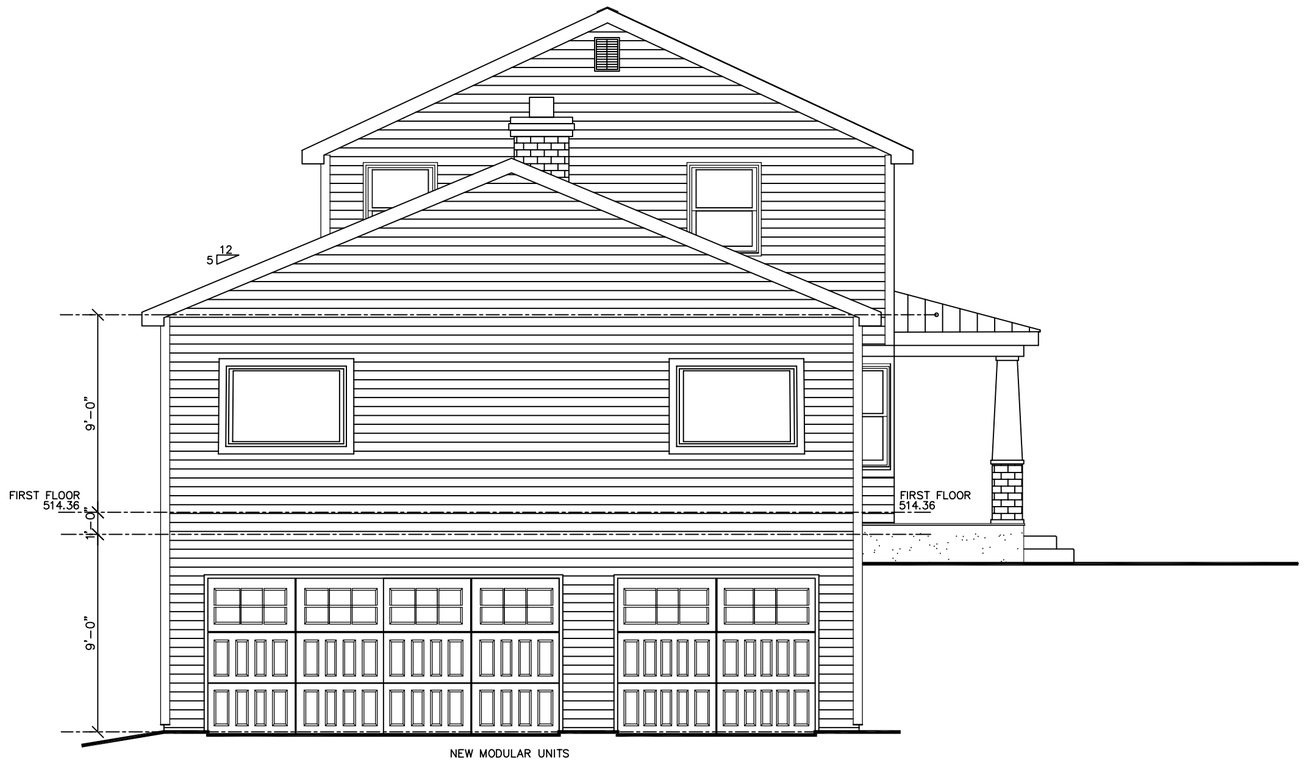
CONST. TYPE:
WOOD FRAME UNPROTECTED

DESIGNER:
NJ

DATE:
08.05.26

SCALE:
3/16"=1'-0"

PAGE:
1



Proposed Left Elevation

3/16" = 1'-0"

"Unauthorized alteration or addition to this drawing is a violation of Section 7209(2) of the NYS Education Law"

WESTCHESTER MODULAR HOMES
CONSTRUCTION CORP.

PE / RA

STATE OF NEW YORK ★ ENGINEER ★ ANTHONY S. PIGAFRI

SERIAL No. 000000
PRODUCTION No. PRODUCTION

REVISION	DATE

CHECK	DATE

BUILDER:
Westchester Modular Homes
Construction Corp.
1995 Rt. 22 Brewster, NY 10509
845-278-1700

HOMEOWNER:
KEITH & MELINDA HAINES

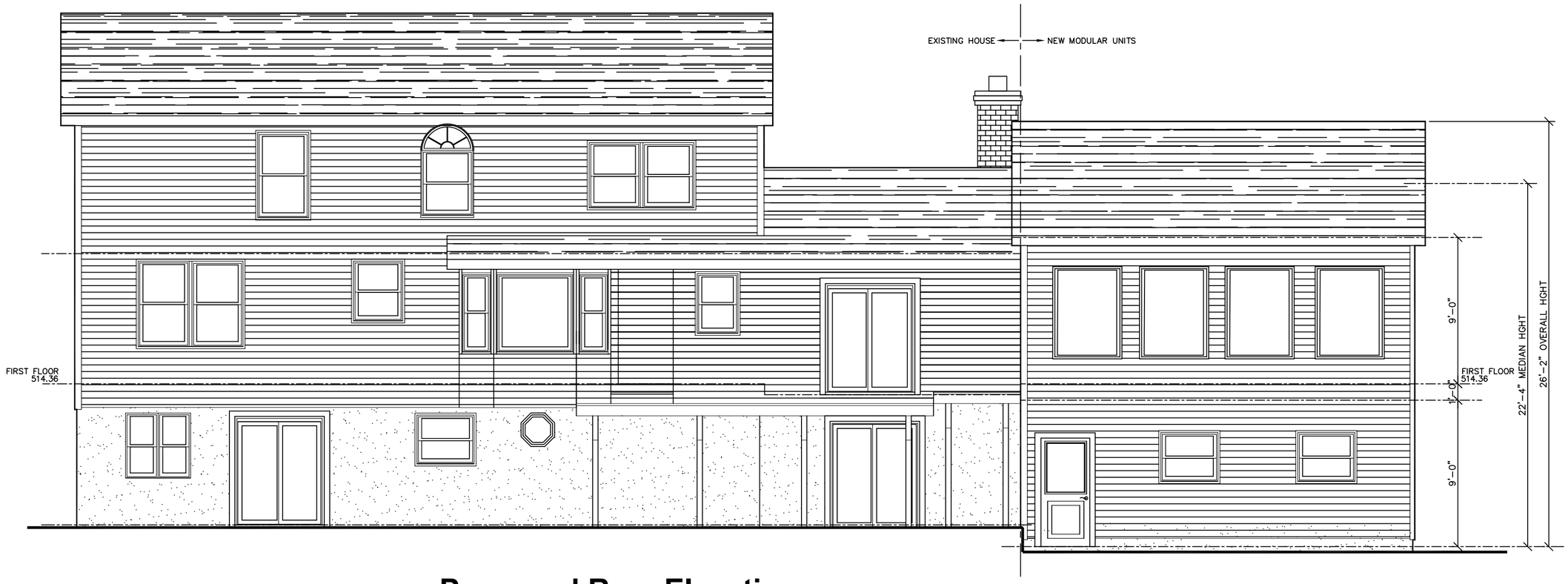
SITE:
31 WOODCREST DRIVE
ARMONK, NY 10504

COLONIAL CTM-L

PROPOSED LEFT ELEVATION

www.wmhconstruction.com

USE GROUP:	DESIGNER:	SCALE:	PAGE:
DETACHED SINGLE FAMILY DWELLING	NJ	3/16"=1'-0"	1
CONST. TYPE:	DATE:		
WOOD FRAME UNPROTECTED	08.05.26		



Proposed Rear Elevation

3/16" = 1'-0"

"Unauthorized alteration or addition to this drawing is a violation of Section 7209(2) of the NYS Education Law"

WESTCHESTER MODULAR HOMES
CONSTRUCTION CORP.

PE / RA

STATE OF NEW YORK ★ LICENSED PROFESSIONAL ENGINEER ★ ANTHONY V. PIGARRI

SERIAL No. 00000
PRODUCTION No. PRODUCTION

REVISION	DATE
CHECK	DATE

HOMEOWNER:
KEITH & MELINDA HAINES
SITE:
31 WOODCREST DRIVE
ARMONK, NY 10504

BUILDER:
Westchester Modular Homes
Construction Corp.
1995 Rt. 22 Brewster, NY 10509
845-278-1700

COLONIAL CTM-L
PROPOSED REAR ELEVATION

www.wmhconstruction.com

USE GROUP: DETACHED SINGLE FAMILY DWELLING
CONST. TYPE: WOOD FRAME UNPROTECTED
DESIGNER: NJ
DATE: 08.05.26
SCALE: 3/16"=1'-0"
PAGE: 1

ZONING BOARD OF APPEALS
TOWN OF NORTH CASTLE

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN, that a Public Hearing will be held by the Zoning Board of Appeals of the Town of North Castle at Town Hall, 15 Bedford Road, Armonk, New York on Thursday evening, September 3, 2026 at 7:30 p.m. regarding a request on the appeal and application of NCD ACQUISITIONS, regarding the property located at 45 Bedford Road, Armonk, NY 10504 and known on the Town Tax Assessment Maps as Section 108.03, Block 1, Lot 65 and located in the R-MF-DA Zoning District which is a referral from the Planning Board of the Town of North Castle. In order to obtain site plan approval, the following variances are required which were previously granted on October 5, 2023 and have since expired:

1. Pursuant to Section 355-21 of the Town Code the maximum building coverage permitted is 20%, where 23.7% is provided requiring a variance of 3.7%.

2. Pursuant to Section 355-21 of the Town Code the maximum permitted floor area ratio (FAR) is 0.4% where 0.477 is proposed requiring a variance of 0.077%.

Lori J. Zawacki, Secretary

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

PLANNING DEPARTMENT
Adam R. Kaufman, AICP
Director of Planning

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

July 28, 2026

Chairman Ray Rodriguez and Zoning
Board of Appeals Members Town of
North Castle
15 Bedford Road
Armonk, New York 10504

Subject: 45 Bedford Road The Gateway Site Plan – [#2026-016]
Tax Map Designation: 108.03-1-65

Dear Chairman Rodriguez and Board Members:

The Planning Board is in the process of reviewing a site plan for the construction of a 34 unit (68 bedroom) multifamily residential project on the former Mariani Gardens property.

The Planning Board, at its meeting held on July 27, 2026 referred the following variances to the Zoning Board of Appeals:

- The submitted Zoning Compliance Chart indicates a Building Coverage of 23.7% where 20% is the maximum permitted in the R-MF-DA Zoning District.
- The Applicant has proposed to enclose the underbuilding parking area in some of the buildings. This space is required to be counted as Floor Area. The inclusion of the space as Floor Area brings the proposed Floor Area Ratio above that permitted in the Town Code.

If you have any questions, please do not hesitate to contact the Planning Department.

Sincerely,

Adam R. Kaufman, AICP
Director of Planning

TOWN OF NORTH CASTLE
APPLICATION FOR ZONING VARIANCE

Please Print or Type

APPLICANT:
Name: NCD ACQUISITIONS
Address: c/o Smith Buss & Jacobs
733 Yonkers Ave, Yonkers NY 10704
Phone #: 914.476.0600

AGENT/ATTORNEY:
Name: Jeffrey D. Buss, Esq
Address: 733 Yonkers Avenue
Yonkers, NY 10704
Phone #: 914.476.0600

OWNER:
Name: NCD Acquisitions
Address: See above
Phone #:

LESSEE:
Name: N/A
Address:
Phone #:

LOCATION OF PREMISES IN NEED OF A VARIANCE:
Address: 45 Bedford Road
Armonk, New York
Section: 108.03 Block: 1 Lot: 65 Zoning District: R-MF-DA

Please check the box that describes the variance you are requesting:
☐ Use ☐ Area ☐ Height ☐ Frontage
☐ Depth ☒ Coverage ☒ Floor Area ☐ Parking
☐ Other (Please Describe): Renewal/Extension of October 5, 2023 Variance

Application is hereby made under the discretionary power vested in you by the Zoning Ordinance of the Town of North Castle. You must state here all sections of Town Zoning Code from which you are requesting relief including descriptions, measurements, and calculations:
See attached

TOWN OF NORTH CASTLE
BOARD OF ZONING APPEALS

In Re:	:	**AFFIRMATION IN SUPPORT OF NCD'S REQUEST FOR A DECLARATION OR IN THE ALTERNATIVE AN EXTENSION**
NCD Acquisitions, LLC 108.03-1-65 45 Bedford Road, Armonk, N.Y. 4.14 Acres R-MF-DA Zoning District	:	

Jeffrey D. Buss, Esq., hereby affirms pursuant to CPLR 2106 that:

1. I am a member of Smith Buss & Jacobs, LLP counsel for NCD Acquisitions ["NCD"]. I am fully familiar with the facts set forth in this affirmation and respectfully submit this affirmation in support of NCD's application for the relief described below.

THE RELIEF REQUESTED

2. NCD respectfully requests:

a.) A determination by the Board that no extension of the approved variance is necessary because NCD Acquisitions has a vested right to the variance issued on October 5, 2023, by the Town of North Castle Zoning Board of Appeals for 45 Bedford Road, Armonk, New York, known on the Town Tax Assessment Roll as Section 108.03, Block 1, Lot 65 and located in the R-MF-DA Zoning District or, in the alternative,

b.) An extension of that variance.

3. Pursuant to Section 355-21 of the Town Code, the maximum building coverage permitted at 45 Bedford Road is 20% and the maximum permitted floor area ratio [FAR] is 0.4. The planned development as approved, after incorporating changes requested by the Town, is 23.7% and the proposed floor area ratio is 0.477. The proposed development thus required minor variances of 3.7% for coverage and 0.077% for FAR.

BACKGROUND

4. NCD Acquisitions acquired the 45 Bedford Road project site from Mariani Gardens.

5. After Acquisition, NCD Acquisitions applied for Site Plan and Wetland approval from the North Castle Planning Board and a Special Exception Use Permit from the Town Board.

6. The State Environmental Quality Review Act (SEQRA) review by the Town Board, as Lead Agency, was completed in the first half of 2019. On June 12, 2019, the Town Board, having determined that the project posed no significant environmental impact, issued a Negative Declaration.

7. On October 5, 2023, the Zoning Board of Appeals considered and granted NCD's application for building coverage and floor area ratio variances. (*See* October 5, 2023, variances, annexed as Exhibit A and incorporated here by reference as if full set forth).

8. As NCD explained at the October 5, 2023, public hearing, the variances were necessitated by changes in the plans requested by the Town Planning Board in connection with its review of the then pending application for site plan and wetland approval and the Town Board in regard to its review of the Special Exception Use Permit.

9. At the hearing before the Zoning Board of Appeals, counsel to the Zoning Board advised the Board that the hardship emanated largely from the Town Board's desire for underground parking. Counsel to the Town advised the Board that the variance was not substantial and was the subject of a positive referral from the Planning Board. The Zoning Board's approval was unanimous. (*See*, ZBA October 5, 2023, annexed as Exhibit A).

10. On June 10, 2024, the Planning Board issued Site Plan and Wetland permit approvals for the project.

11. On May 29, 2025, the Planning Board issued its first extension of the original approval until August 31, 2025. (*See* Exhibit C annexed hereto and incorporated by reference).

12. At the May 29, 2025, meeting, the Town Planner, Adam Kaufman, and the Chairman of the Planning Board advised the Planning Board that the night before, May 28, 2025, the Town Board had reviewed the request by NCD Acquisitions for an extension by the Town Board of its Special Exception Use Permit approval.

13. The minutes of the May 28, 2025, Town Board meeting reflect that the request for a one-year extension of the previously issued Special Exception Use Permit was not acted upon. Rather, the Town Board granted an interim extension until the July 2025 Town Board meeting for the applicant to trim the lawn, restrict public access to the site, and generally clean up and improve the appearance of the site.

14. The request to clean up the site was not, and is not, a legal basis for the Town to deny the requested extension. The only legal basis would be a material change in conditions, which did not, and has not occurred.

15. However, NCD, in a gesture of good will, voluntarily entered into a "gentleperson's agreement" with the Town, agreeing to trim the lawn, lock the gate, and clean up the site before the next July 2025 Town Board meeting. NCD wants to be a good neighbor, and recognized the fact that is property is located next to Town Hall, and is visible to persons entering Town, and would be particularly visible as the Town began its annual Fol de Roi festival with the local Lion's Club. As part of that gentleperson's agreement, the Town Board agreed that it would grant the requested one year extension at its July 2025 meeting.

16. The Town Attorney, the Town Clerk, and the Town Planner were all present for the May 2025, Town Board Meeting. All had actual knowledge of the gentleperson's agreement.

17. On May 29, 2025, the Planning Board took the same action as the Town Board and entered into a gentleperson's agreement with the applicant. Present for that meeting were the Town Attorney, the Town Clerk, and the Town Planner, who all had actual knowledge of the agreement with the Town.

18. The Chairman advised the applicant that upon compliance with the Town Board's requirements for the Special Exception Use Permit, NCD's request to the Planning Board for an extension of the Site Plan and Wetland Permit would be considered at the August 11, 2025, meeting of the Planning Board.

19. NCD fully complied with the gentleperson's agreement. NCD trimmed the lawn, restricted access, and cleaned up the site to the satisfaction of the Town before the Town Board's July 2025 deadline. As noted above, the Town Board, in the presence of the Town Attorney, the Town Clerk, and the Town Planner, granted NCD's request for an extension.

20. NCD Acquisitions request for an extension to the Planning Board has never been withdrawn and appeared on the calendar of the next Planning Board meeting on August 2025. The published calendar contained a resolution extending NCD's Site Plan and Wetlands Permit through July 24, 2026. Present at the Planning Board meeting were the Town Attorney, the Town Clerk, and the Town Planner, all of whom had actual knowledge that NCD had fully complied with the gentleperson's agreement, that the Town Board had granted an extension of the Special Use Permit, and that NCD's application to the Planning Board, based on the same facts and circumstances, was extant.

21. NCD reasonably and rationally assumed the Town, acting through the Planning Board, on the same set of facts and circumstances as the Town Board considered and approved by the Town Board, would automatically issue the extension at the August 11, 2025, meeting.

VESTED RIGHTS

22. Section 355-77(-B) (4) of the Town of North Castle Code provides that variances run with the land but expire "within two years of the date of approval unless a building permit or certificate of occupancy has been issued for the variance." After the minor variance had been approved on October 5, 2023, and before October 5, 2025, the date two years thereafter, NCD applied for and received two permits, 1) permit number 2022-1193, issued November 10, 2022, for the demolition of three buildings (*See* Exhibit D), and 2) permit number 2023-0749, issued November 2, 2023, for rock crushing (*See* Exhibit F).

23. In reliance upon the permits, NCD expended $150,000.00 in furtherance of the work sanctioned by the permits. The property had been improved by the construction of significant on-site buildings at a cost in excess of seven figures. NCD, in reliance upon the issued permits, removed those structures, changing the property's use for retail purposes, and readied the site for residential development in accordance with the issued permits.

24. Under New York's common law, a vested right in a zoning approval is acquired when, pursuant to a legally issued permit, the landowner demonstrates a commitment to the purpose for which the permit was granted by effecting substantial changes and incurring substantial expenses to further the development *Glacial Aggregates LLC v. Town of Yorkshire*, 14 N.Y.3d 127 (2010); *Town of Orangetown v. Magee*, 88 N.Y.2d 41 (1996). The doctrine is grounded in constitutional due process principles: where a landowner's investment is so substantial that municipal interference would render the improvements essentially valueless, enforcement of the zoning restriction amounts to an unconstitutional deprivation of property .

25. The *Town of Orangetown* standard has three essential components: (1) a legally issued permit; (2) substantial physical changes to the property; and (3) substantial financial

expenditures — all made in good faith reliance on the permit. *Town of Orangetown v. Magee*, 88 N.Y.2d 41, (1996).

26. As a common law principle, the vested rights doctrine survives local variance expiration provisions. Courts have confirmed that local zoning boards may validly impose time limits on variances *Ambrosio v. Zoning Bd. of Appeals of Town of Huntington*, 196 Misc. 1005 (1949), but where a landowner obtains vested rights through substantial construction and expenditures in good faith reliance on valid permits, the variance expiration is not enforceable against that landowner.

27. The common law doctrine operates independently of local expiration provisions. NCD can demonstrate that it has vested rights due to the substantial construction, expenditures and change in use effectuated by its good faith reliance on the variances and the building permits issued under those variances. As such, the Town cannot enforce the expiration against NCD. *Town of Orangetown v. Magee*, 88 N.Y.2d 41, (1996); *Glacial Aggregates LLC v. Town of Yorkshire*, 14 N.Y.3d 127, (2010). NCD's activities here satisfy the legal standard for vesting.

28. In addition to the expenditure pursuant to the two permits, and besides the ten million ($10,000,000.00) dollars on acquisition cost of the site, NCD expended significant dollars and time for architectural, engineering, and legal fees on the site plan, wetland permits and special exception use permits.

29. NCD's demolition and removal of three large retail and commercial buildings on the site constitutes tangible, physical changes to the land itself. Early New York cases emphasized that the test for vested rights is not merely whether the landowner spent money, but whether there has been any tangible change in the land itself by excavation and construction.

See Rice v. Van Vranken, 132 Misc. 82 (1928). Demolition of substantial, existing commercial structures are physical changes that go beyond mere permit applications or planning activities.

30. NCD acted immediately after the variances were issued, obtaining building permits and commencing work without delay, demonstrating clear good faith reliance on the validity of the variances and the permits.

31. NCD's prompt action demonstrates exactly the kind of reliance the Court of Appeals has emphasized as an element of vested rights. See *Glacial Aggregates LLC v. Town of Yorkshire*, 14 N.Y.3d 127, (2010).

32. If the variance expires and NCD cannot proceed with the project, the ten million dollars ($10,000,000) expended by NCD on site acquisition, architectural, engineering and legal fees, together with the $150,000 expended on demolition and site clearance, and the income lost due to the abandonment of the property's use for commercial purposes, will be a significant, material loss.

33. The vested rights doctrine is designed precisely to prevent this kind of serious loss where a landowner has committed resources in good faith reliance on a valid municipal approval. *Town of Orangetown v. Magee*, 88 N.Y.2d 41, (1996); *Glacial Aggregates LLC v. Town of Yorkshire*, 14 N.Y.3d 127, (2010).

EXTENDING THE VARIANCE

34. As indicated in paragraph 2 through 8, after Planning Board review, the Zoning Board issued both a lot coverage and F.A.R. variance on October 5, 2023, (*See,* Exhibit A annexed). If the Zoning Board does not accept NCB's vested rights argument, and determines that the variances have expired, it should nevertheless extend those variances.

35. Zoning Boards may extend variances they have issued. *See New York Life Ins. Co. v. Galvin*, 35 NY2d 52 (1974).

36. An application for an extension is not a new application. New public notice and a full public hearing are not necessary. Still further, NCD on an application for an extension is not required to reprove the original grounds for the variance in order for the variance to be extended. *See 230 Tenants Corp. v. Bd of Standards and Appeals of City of New York,* 101 AD 2d 53 (1st Dept. 1984); *420 Tenants Corp. v. EBM Long Beach, LLC*, 41A.D. 3d 641 (2nd Dept. 2007).

(a) No Change in Circumstances Rule

37. The most powerful legal principle applicable here is the no-change-in-circumstances rule. In *Center Square Ass'n, Inc. v. City of Albany Bd. of Zoning Appeals*, 19 A.D.3d 968 (3rd Dept, 2005), the Appellate Division, Third Department, articulated the rule directly: if an extension application is treated as a reapplication based on the expiration of the variance's time limitation, the application can be denied only if there has been no change in the relevant circumstances. Because there is no proof of a change in circumstances, the board appropriately granted the extension in that case. This rule derives from *American Red Cross, Tompkins County Chapter v. Board of Zoning Appeals of City of Ithaca*, 161 A.D.2d 878 (4th Dept, 1990), which established that a Zoning Board cannot arbitrarily depart from its prior determination absent a change in the underlying facts.

38. Here, NCD's factual position is strong: since the variance was issued there have been no changes in the premises other than the demolition and site clearance in reliance on a permit and approvals.

39. In order for the ZBA to deny NCD's extension application on the merits, it would need to identify a material change in the relevant circumstances, a change in the character of the

neighborhood, new evidence of harm, or some other development. None of those factual showings can be made.

40. A change in circumstances not having occurred, a departure from its original determination is against the weight of decisional authority. In the absence of such a change, a denial would be arbitrary and capricious and subject to annulment in an Article 78 proceeding.

41. The Appellate Division, Second Department, reinforced this principle in *Halperin v. Board of Appeals on Zoning of City of New Rochelle,* 24 A.D.3d 767 (2nd Dept, 2005), holding that a ZBA's grant of an extension of area variances was not an abuse of discretion, particularly where the delay in construction was attributable to legitimate circumstances.

42. Here, the Town itself created uncertainty when it issued an RFP for the redevelopment of the Town Hall property which abuts NCD's property. A change of use of the Town Hall property created significant uncertainty regarding the approved residential development of NCD's adjoining property.

43. In addition to this uncertainty, NCD has suffered substantial financial hardship in that it expended over $150,000.00 to demolish the Mariani Nursery buildings, ending the property's use for commercial and retail purposes, in accord with the plan of the Town of North Castle and the issued rock crushing and demolition permits.

CONCLUSION

44. NCD Acquisitions has expended significant time and treasure, and materially changed the land and its use in reliance upon the permits issued by the Town. This has created a situation where NCD has a "vested right" to the variance, which means that no further extension of the variances is required. However, in an abundance of caution, NCD asks the Zoning Board to extend the variance for two more years.

45. It is therefore respectfully requested that the Town of North Castle Zoning Board of Appeals issue a determination that NCD is vested, or, in the alternative, an extension of time for the two variances issued on October 5, 2023, to a date two years after the October 5,2025,5 date or October 5, 2027.

CERTIFICATION

I hereby affirm this 24th day of June 2026, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing statement is true, and I understand that this document may be filed in an action or proceeding in a court of law.

Dated: June 24, 2026
Yonkers, New York

Smith Buss
& Jacobs, LLP

By: *Jeffrey D. Buss*

Jeffrey D. Buss, Esq.
Attorneys for Applicant
733 Yonkers Avenue
Yonkers, N.Y. 10704
914.476.0600
jbuss@sbjlaw.com

TOWN OF NORTH CASTLE
BOARD OF ZONING APPEALS

In Re: the Application of NCD Acquisitions 108.03-1-65 45 Bedford Road, Armonk, N.Y. 4.14 Acres R-MF-DA Zoning District	:	**AFFIRMATION OF DAVID LINN IN SUPPORT OF NCD'S REQUEST FOR A DECLARATION OR IN THE ALTERNATIVE AN EXTENSION**

DAVID LINN hereby affirms under the penalty of perjury that:

1. I am a principal of the applicant NCD Acquisitions [NCD or Applicant]. I am personally familiar with the facts and circumstances set forth in this affirmation.

THE RELIEF REQUESTED

2. This is an application for an extension of a variance approval issued on October 5, 2023 by the Town of North Castle Zoning Board of Appeals for 45 Bedford Road, Armonk, New York. The property is known on the Town Tax Assessment Roll as Section 108.03, Block 1, Lot 65, and is located in the R-MF-DA Zoning District.

3. Pursuant to Sections 355-21 and 355-21.IB of the Town Code, an application was made to increase the maximum building coverage from 20% to 23.7%, a variance of 3.7%; and to increase the maximum floor area ratio from .4 to .477 , a variance of .077%.

4. On October 5, 2023 the Zoning Board of Appeals approved NCD's application and issued the requested variances. (See October 5, 2023 variances, annexed as **Exhibit A** and incorporated here by reference as if fully set forth).

5. At the October 5, 2023 public hearing NCD explained that the variances were necessitated by the Planning Board in connection with its review of the then pending application for site plan and wetland approval, and the review by the Town Board in regard to NCD's request for a Special Exception Use Permit.

6. In addition to the testimonial evidence presented by NCD at the Zoning Board of Appeals hearing, and a positive referral from the Planning Board, Mr. Reilly, counsel to the Zoning Board, advised the Board that the hardship upon which the variance request was based emanated largely from the Town Board's desire for underground parking. Mr. Reilly advised the Board that the variance was not substantial and was the subject of a positive referral from the Planning Board. The ZBA unanimously approved the two variances (See, ZBA October 5, 2023 approval annexed as **Exhibit A**).

7. There have been no changes in the site plan or in the special exception use or in any other approval issued by the Town of North Castle. Counsel for NCD advises that since there has been no changes to the Site Plan, the application for an extension routinely issues.

THE SUBJECT PREMISES

8. The premises owned by NCD Acquisitions at 45 Bedford Road, Armonk, New York, a/k/a 108.03-1-65 on the Town of North Castle Tax Map, consists of 4.14 acres in an R-MF-DA Zoning District, adjacent to Town Hall.

9. The property had previously been known as the Mariani Gardens property. It was improved by three large buildings and used for commercial and retail business purposes.

BACKGROUND

10. When the Mariani Gardens business failed NCD acquired the property at a cost of approximately $10,000,000.00.

11. After various meetings with Town officials, NCD agreed to convert the property from commercial to residential use and embarked upon a series of expensive and lengthy permit applications.

12. NCD applied for Site Plan and Wetland approval from the North Castle Planning Board and applied for a Special Exception Use Permit from the Town Board.

13. The State Environmental Quality Review Act (SEQRA) review by the Town Board, as Lead Agency, was completed in the first half of 2019. On June 12, 2019, having determined that the project, from an environmental viewpoint may be carried out, the Board issued a Negative Declaration.

14. On October 5, 2023 the Zoning Board issued variances. (**Exhibit A**).

15. On June 10, 2024 the Town of North Castle Planning Board issued Site Plan and Wetlands Permit Approval to NCD for the development of a new 34 unit, 68 bedroom multi-family residential project on applicant's property. See **Exhibit B** annexed hereto and incorporated by reference.

16. On May 29, 2025 the Planning Board issued its first extension of the original approval until August 31, 2025. (See **Exhibit C** annexed hereto and incorporated by reference).

17. At the May 29, 2025 meeting, Town Planner, Adam Kaufman, and the Chairman of the Planning Board advised the Planning Board that the night before, May 28, 2025, the Town Board had reviewed a companion request by NCD for an extension by the Town Board of its Special Exception Use Permit approval.

18. The minutes of the May 28, 2025 Town Board meeting reflect that the request for a one year extension of the previously issued Special Exception Use Permit was not acted upon that night. Rather, the Town Board gave an interim extension approval until July 2025 for the applicant to clean up debris at the site. The Town Board entered into a "gentleperson's agreement" with Applicant that upon cleanup of the site the Town Board would grant the request for a full extension.

19. On May 29, 2025 the Planning Board took similar action as the Town Board and entered into a gentleperson's agreement with the applicant. The Chairman advised the applicant that in order to be consistent with the Town Board's actions, the Applicant's request to the Planning Board for an extension of the Site Plan and Wetland Permit would be considered at the August 11, 2025 meeting of the Planning Board.

20. Before the Town Board July 2025 deadline the site was cleaned to the satisfaction of the Town.

21. NCD Acquisitions was under the apparent misunderstanding that each Board would automatically issue the requested extension (the Town Board at its first meeting in July 2025 and the Planning Board on August 11, 2025), and that the Town would act in a consistent, non-arbitrary fashion.

THE ZONING BOARD APPROVAL

22. As indicated above on October 5, 2023, the Zoning Board issued both a lot coverage and F.A.R. variance (See, **Exhibit A** annexed).

The Zoning Board's Authority to Grant Extension

23. As more fully set forth in the accompanying affirmations of NCD's counsel, Jeffrey D. Buss, the courts in this State have established that Zoning Boards may issue extensions on variances it has issued, even if they have arguably expired. See, *New York Life Ins. Co. v. Galvin* 35 NY2d 52 (1974).

24. Further, counsel advises that an application for an extension is not a new application. New public notice and a full public hearing are not necessary. NCD on an application for an extension is not required to reprove the original grounds for the extension to issue. See, *230 Tenants Corp. v. Bd of Standards and Appeals of City of New*

York, 101 AD 2d 53 (1." Dept. 1984); *420 Tenants Corp. v. EBM Long Beach, LLC* 41A.D. 3d 641 (2nd Dept. 2007).

(b) No Change in Circumstances Rule

25. NCD's application is supported by the "no-change-in-circumstances" rule.

26. As set forth by counsel in his affirmation, *In Center Square Ass'n, Inc. v. City of Albany Bd. of Zoning Appeals,* 19 A.D.3d 968 (3rd Dept, 2005), the Appellate Division, Third Department, articulated the "no-change" rule as follows: if an extension application is treated as a reapplication based on the expiration of the variance's time limitation, a denial must be premised on a change in the relevant circumstances. Because there is no proof of a change in circumstances, the board appropriately granted the extension in that case. This rule derives from *American Red Cross, Tompkins County Chapter v. Board of Zoning Appeals of City of Ithaca*, 161 A.D.2d 878 (4th Dept, 1990), which established that a Zoning Board cannot arbitrarily depart from its prior determination absent a change in the underlying facts.

27. Here, NCD's factual position is strong: since the variance was issued there have been no changes in the circumstances upon which the variances were originally granted. In order for the ZBA to deny an extension application now, the Board would need to identify a material change in the relevant circumstances; for example, a change in the character of the neighborhood, new evidence of harm, or some other materially different condition.

28. A change in circumstances not having occurred, a departure from its original determination is against the weight of decisional authority and would render the Town liable.

29. In the absence of such a change, a denial of the requested extension would be arbitrary and capricious and subject to annulment in an Article 78 proceeding.

30. The Appellate Division, Second Department, reinforced this principle in *Halperin v. Board of Appeals on Zoning of City of New Rochelle*, 24 A.D.3d 767 (2nd Dept, 2005), affirming that a ZBA's grant of an extension of area variances was not an abuse of discretion, particularly where the delay in construction was attributable to legitimate circumstances.

VESTING

31. As set forth herein, and in the accompanying affirmation of counsel, the request for an extension is potentially not required because the rights of NCD have vested as a matter of law. In order to ensure that NCD is not prejudiced, NCD is making both a request for an extension as well as a determination by the ZBA that the variances previously granted remain in effect.

32. If the variances are not extended, or deemed to remain in place, NCD would suffer substantial financial hardship. NCD expended over $10,000,000 to acquire the property and in excess of $150,000.00 to demolish the three (3) significant commercial buildings previously on the site. These actions and expenditures were made in accord with a demolition permit issued by the Town of North Castle and with the intended development and use of the property for residential rather than commercial purposes in accordance with the various permits issued by the Town Board and the Planning Board.

33. As set forth in the accompanying affirmation of counsel, the fact that NCD expended substantial sums in reliance on the permits is significant and, as such, NCD has acquired vested rights in the variances issued by the Board, See, *Westbury Laundromat, Inc. v. Mammina*, 62 A.D.3d 880 (2d Dept, 2009).

34. On November 10, 2022 the Town issued Building Permit Number 2022-1193 to NCD for the demolition of three buildings (See **Exhibit D** annexed hereto and incorporated hereby reference).

35. Also on November 10, 2022 the Town issued to NCD a Flood Development Permit. (See **Exhibit E** annexed hereto and incorporated here by reference).

36. On October 2, 2023 the Town of North Castle issued Permit Number 2023-0749 for rock crushing and processing of concrete material obtained as a result of the demolition of the buildings on the site (See **Exhibit F**, annexed hereto and incorporated by reference).

37. All of these applications, permits, actions, and expenditures of time and money were incurred by NCD in reliance upon the Town's permits, including specifically, the variances previously granted by the Board herein.

CONCLUSION

38. NCD Acquisitions has expended over $10,000,000 in acquisition costs, $150,00.00 in demolition work, and thousands of dollars in professional fees, preparing the site for residential rather than commercial use, creating a situation where the variances have "vested", obviating the need for an extension. However, in an abundance of caution NCD also respectfully seeks an extension of the variances previously granted.

39. It is respectfully requested that the Town of North Castle Zoning Board of Appeals issue an extension of time for the two variances issued on October 5, 2023 to a date two (2) years after the October 5, 2025 date or October 5, 2027.

I hereby affirm this day of 25th day8 June, 2026, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing statement is true, and I understand that this document may be filed in an action or proceeding in a court of law.

Dated: June 25, 2026
Purchase, New York

David Linn
David Linn

EXHIBIT A

TOWN OF NORTH CASTLE
ZONING BOARD OF APPEALS
15 Bedford Road, Armonk, NY 10504
October 5, 2023 7:30 p.m.

ZONING BOARD MEMBERS:	**Joseph Monticelli, Chairman** **John L. Stipo** **Robert Greer** **Scott Stopnik** **Ray Rodriguez**
ALSO PRESENT:	**Gerald Reilly, Esq. Town Counsel** **Rob Melillo, Building Insp.** **Lori J. Zawacki, Secretary**

The meeting was called to order at 7:30 p.m. Chairman Monticelli asked for a roll call. All members present.

Approval of Minutes

Bob Greer made a motion to accept the minutes of September 7, 2023, and the motion was seconded by Scott Stopnik.

The Chairman called for the first application.

REMIX PROPERTIES, LLC, 12 Maple Avenue, Armonk, NY 10504 and known on the Town Tax Assessment Maps as Section 108.01, Block 6, Lot 26 and located in a CB-A2 Zoning District. In order to obtain a site plan approval, the applicant will need the following variance:

> ***Pursuant to Section 355-57 of the Town Code, 48 off-street parking spaces are required where 15 are provided, needing a variance of 33 off-street parking spaces.***

The Secretary announced that the applicant had requested an adjournment from the October 2023 meeting to the November 2, 2023 meeting.

The Chairman called for the next application and the Public Hearing was opened.

45 BEDFORD ROAD LLC, 45 Bedford Road, Armonk, NY 10504 and known on the Town Tax Assessment Maps as Section 108.03, block 1, Lot 65 and located in a R-MF-DA Zoning

District. In order to obtain a site plan approval, the applicant will need the following variances:

1. *Pursuant to Section 355-21 of the Town Code the maximum building coverage permitted is 20% where 23.7 % is provided requiring a variance of 3.7%.*
2. *Pursuant to Section 355-21.I B of the town Code the maximum floor area ration permitted is .4, where. 4.477 is provided requiring a variance of .077%.*

This application was represented by Anthony Veneziano, Esq.

Mr. Veneziano clarified along with Mr. Reilly that there was a clerical error on the application and the applicant is actually requesting a variance of .077%.

He went on to describe the size of the property and the fact that it is currently in front of the Planning Board and also received a Special Use Permit from the Town Board for 34 Town House Units. He explained the FAR variance is exclusively for including and encapsulating underground parking. This came from the Town Board as this area is located in the Historic District and they felt the underground parking would best serve this area. Also, the coverage variance came into play when the previous Boards who looked at this application felt the buildings should be shortened to conform more to this area as well. He read the referral from the Planning Board which was positive for both variances should the Zoning Board decide to grant.

Ron Hoina, the Architect for the project showed the drawings to the Board which showed how the buildings were shortened and spread as Mr. Veneziano had stated supporting the need for both variances.

Mr. Veneziano went through the 5 Factors for the granting of these variances and saw no issues with the factors in the granting of the variances and felt his client had satisfied all factors.

Chairman Monticelli asked the Board members of anyone from the Public had any questions.

Mr. Rodriguea asked how much did you actually lower the buildings.

Ron Hoina stated approximately three feet. To maintain the FAR the building then swelled.

The Public Hearing was closed.

Mr. Stipo stated he was ready to make a motion to grant both variances.

Mr. Reilly stated this is one of those rare applications where this is not self-created. The variances are not substantial and the alternative is to go back to and start all over again. This has been approved by the Town Board and currently a positive referral from the Planning Board.

Mr. Greer asked if this was approved by the Planning Board.

Mr. Reilly explained that Mr. Veneziano read the Planning Board minutes where this application is in front of them, and they are in favor of and have no objections to the granting of the two variances.

Mr. Veneziano then stated the steps they had taken to get where they are and that they are currently in front of the Planning Board for site plan and require these variances to move forward and other issues would be stormwater to be addressed by the Planning Board.

Mr. Stipo adopted Mr. Reilly's statements and made the motion to grant the variances.

The motion was 2nd by Scott Stopnik.

Roll call by the Secretary: John Stipo – Yes, Scott Stopnik, Yes, Bob Greer – Yes, Ray Rodriguez – Yes, and Joseph Monticelli – Yes. Both variances were granted by a unanimous vote of 5-0.

The Chairman called for the next application.

GREENWICH REALTY GROUP LLC, 23 Bedford Banksville Road, Bedford, NY 10506 and known on the Town Tax Assessment Maps as Section 102.04, Block 1, Lot 9, Section 102.04, Block 1, Lot 15, Section 102.04, Block 1, Lot 8 and Section 102.04, Block 1, Lot 16, and located in a GC-B and GB Zoning Districts. In order to obtain a site plan approval, the applicant will need the following variance:

> ***Pursuant to Section 355-22 of the Town Code the proposed three story warehouse exceeds the maximum number of two stories permitted.***

This application is represented by Anthony Veneziano, Esq. attorney for the applicants.

He stated that his client has obtained the property several years ago. He had a site plan with the existing conditions on the site along with the proposed new warehouse building. He explained how the older buildings were in a major state of disrepair. There was a fill operation in the rear, a prior nonconforming use and also old trucks stored and junk and very upset neighbors. We ended up evicting 5 tenants which took a bit of work and we also paid fines to the Town in excess of $20,000 for violations. Since then my client who does lighting and some landscaping has been trying to make improvements. When we were talking to the Building Department there was an old building that was slated to be condemned. There are other multiple problems, the septic field is in the wetlands. The County came in to test and it functions and put a limit of 16 to 20 people on the site maximum.

The new building is to be self- storage and hardly needs anyone there to operate it. The septic defines what you can put here. This new building will improve the whole area. No school children, no traffic and no taxes. It is a win win.

RESOLUTION OF APPROVAL FOR AREA VARIANCE

ZONING BOARD OF APPEALS
TOWN OF NORTH CASTLE

----------X

In the matter of the Application of

45 BEDFORD ROAD LLC

----------X

WHEREAS, the applicant, **45 BEDFORD ROAD LLC, 45 Bedford Road, Armonk, NY 10504** and known on the Tax Assessment Map of the Town of North Castle as 108.03, Block 1 , Lot 65 and located in a R-MF-DA Zoning District, has applied for the following variance from the provisions of the zoning code of the Town of North Castle. In order to obtain a site plan approval, the applicant will need the following:

1. **Pursuant to Section 355-21 of the Town Code the maximum building coverage permitted is 20%, where 23% is provided requiring a variance of 3.7%.**
2. **Pursuant to Section 355-21.1 B if the Town Code the maximum floor area ratio Permitted is .4, where 4.477 is provided requiring a variance of .077.**

WHEREAS, prior to the hearing, members of the Board of Appeals conducted an inspection of the premises and surrounding neighborhood; and whereas on October 5, 2023 the Board conducted a duly noticed public hearing on the application, at which time all interested parties had the opportunity to be heard; and

WHEREAS, The Zoning Board of Appeals was referred this matter from the Planning Board of the Town of North Castle by letter dated September 12, 2023 as part of the record.

WHEREAS, the applicant has submitted proof of proper notice to nearby property owners required to receive notice thereof:

NOW, THEREFORE, the Board of Appeals makes the following findings:

1. The requested activity is a Type 2 action under the State Environmental Quality Review Act.

2. The variance is not substantial and not self created.

3. That the effect of any increased population density which may thus be produced upon available services facilities does not exist.

4. There will be no substantial change to the character of the neighborhood nor a substantial detriment to adjoining properties. This will be an enhancement to the neighborhood.

5 That the difficulty cannot be alleviated by some other method feasible for the applicant to pursue.

6. That in view of the manner in which the difficulty arose and considering all of the above factors, the 'interests of justice will be served by allowing the variances.

7. That the variance would not cause adverse aesthetic, environmental or ecological impacts on the property or on the surrounding area.

8. This project has been approved by the Town Board and a positive referral from the Planning Board.

9. The FAR variance is one necessary because of the proposed underground parking on the 34 Town House Units.

NOW, THEREFORE, BE IT RESOLVED, that the application for relief by the grant of this variance from the requirements of the Zoning Code of the Town of North Castle is hereby granted.

Motion by: JOHN STIPO

Seconded by: SCOTT STOPNIK

JOHN L. STIPO	voting AYE
SCOTT STOPNIK	voting AYE
JOSEPH MONTICELLI	voting AYE
ROBERT GREER	voting AYE
RAY RODRIGUEZ	voting AYE

THERE BEING FIVE (5) VOTES IN FAVOR, THE RESOLUTION IS GRANTED BY ORDER OF THE BOARD OF APPEALS.

\

DATED: 11/9/2023

Joseph Monticelli, Chairman

Gerald Reilly, Esq.

I HEREBY CERTIFY this to be a true copy of a resolution approved by the vote of the Zoning Board of Appeals of the Town of North Castle at a meeting held on October 5, 2023, at the Town Hall, 15 Bedford Road, Armonk, New York

Lori J Zawacki, Secretary

EXHIBIT B

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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

RECEIVED 6/27/2024
TOWN CLERK'S OFFICE

RESOLUTION

Action:	Site Plan and Wetlands Permit Approvals
Application Name:	The Gateway Residential Project [2023-016]
Owner:	NCD Acquisitions
Applicant:	Kings Capital Construction
Designation:	108.03-1-65
Zone:	R-MF-DA Zoning District
Acreage:	4.14 acres
Location:	45 Bedford Rd
Date of Approval:	June 10, 2024
Expiration Date:	June 10, 2025 (1 year)

WHEREAS, an application for site plan approval was submitted to the Planning Board and the requisite fee was paid; and

WHEREAS, the Applicant is proposing the construction of a new 34 unit (68 bedroom) multifamily residential project on the former Mariani Gardens property; and

WHEREAS, the application consists of the following drawings:

- Plan labeled "CS101," entitled "Site Plan," dated August 7, 2023, last revised May 31, 2024, prepared by Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, D.P.C.
- Plan labeled "GI101," entitled "Legend and General Notes," dated August 7, 2023, last revised May 31, 2024, prepared by Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, D.P.C.
- Plan labeled "CD101," entitled "Existing Conditions and Removals Plan," dated August 7, 2023, last revised May 31, 2024, prepared by Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, D.P.C.
- Plan labeled "CG101," entitled "Grading and Drainage Plan," dated August 7, 2023, last revised May 31, 2024, prepared by Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, D.P.C.
- Plan labeled "CG201," entitled "Drainage Profiles," dated August 7, 2023, last revised May 31, 2024, prepared by Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, D.P.C.
- Plan labeled "CG202," entitled "Flood Plain Profile," dated August 7, 2023, last revised May 31, 2024, prepared by Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, D.P.C.

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- Plan labeled "CU101," entitled "Utility Plan," dated August 7, 2023, last revised May 31, 2024, prepared by Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, D.P.C.
- Plan labeled "CU201," entitled "Sanitary Sewer Profile," dated August 7, 2023, last revised May 31, 2024, prepared by Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, D.P.C.
- Plan labeled "CE101," entitled "Soil Erosion & Sediment Control Plan," dated August 7, 2023, last revised March 19, 2024, prepared by Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, D.P.C.
- Plan labeled "CS501," entitled "Details (1 of 4)," dated August 7, 2023, last revised May 31, 2024, prepared by Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, D.P.C.
- Plan labeled "CS502," entitled "Details (2 of 4)," dated August 7, 2023, last revised May 31, 2024, prepared by Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, D.P.C.
- Plan labeled "CS503," entitled "Details (3 of 4)," dated August 7, 2023, last revised May 31, 2024, prepared by Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, D.P.C.
- Plan labeled "CS504," entitled "Details (4 of 4)," dated August 7, 2023, last revised May 31, 2024, prepared by Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, D.P.C.
- Plan labeled "FG01," entitled "Fire Truck Movements," dated September 27, 2023, last revised May 31, 2024, prepared by Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, D.P.C.
- Plan labeled "LP101," entitled "Planting Plan," dated August 7, 2023, last revised May 31, 2024, prepared by Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, D.P.C.
- Plan labeled "LP102," entitled "Off Site Mitigation Plan," dated March 15, 2024, last revised March 19, 2024, prepared by Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, D.P.C.
- Plan labeled "LP103," entitled "Overall Buffer Mitigation Plan," dated March 19, 2024, last revised May 31, 2024, prepared by Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, D.P.C.
- Plan labeled "LP501," entitled "Planting Details and Notes," dated August 7, 2023, last revised May 31, 2024, prepared by Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, D.P.C.
- Plan labeled "LL101," entitled "Site Lighting Plan," dated August 7, 2023, last revised May 31, 2024, prepared by Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, D.P.C.

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- Plan labeled "LL501," entitled "Site Lighting Details and Notes," dated August 7, 2023, last revised May 31, 2024, prepared by Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, D.P.C.
- Document entitled "Stormwater Pollution Prevention Plan," dated August 7, 2023, last revised January 8, 2024, prepared by Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, D.P.C.
- Plan entitled "Cover Sheet (With Enclosed Garages)," dated April 9, 2024, prepared by Design Development, PLLC.
- Plan labeled "A-SK-001," entitled "Proposed Site Turning Lane," dated April 9, 2024, prepared by Design Development, PLLC.
- Plan labeled "A-SK-02," entitled "Bedford Rd Townhouse Layout – Proposed Plans," dated April 9, 2024, prepared by Design Development, PLLC.
- Plan labeled "A-SK-03," entitled "Bedford Rd Townhouse Layout – Proposed Elevations," dated April 9, 2024, prepared by Design Development, PLLC.
- Plan labeled "A-SK-04," entitled "Proposed Site Turning Lane," dated April 9, 2024, prepared by Design Development, PLLC.
- Plan labeled "A-SK-05," entitled "Enlarged Plan Intersection and Future Turning Lane," dated April 9, 2024, prepared by Design Development, PLLC.
- Plan labeled "A-SK-06," entitled "Bedford Rd Townhouse – Proposed Elevations Corner of Maple," dated April 9, 2024, prepared by Design Development, PLLC.
- Plan labeled "A-SK-07," entitled "Bedford Rd Townhouse– Proposed Elevations Middle Building," dated April 9, 2024, prepared by Design Development, PLLC.
- Plan labeled "A-SK-08," entitled "Bedford Rd Townhouse – Proposed Elevations End Unit," dated April 9, 2024, prepared by Design Development, PLLC.
- Plan labeled "A-SK-09," entitled "Bedford Rd Townhouse– Street Elevation," dated April 9, 2024, prepared by Design Development, PLLC.
- Plan labeled "A-SK-10," entitled "Maple Avenue Townhouse– Proposed Street Elevation," dated April 9, 2024, prepared by Design Development, PLLC.
- Plan labeled "A-SK-11," entitled "Maple Avenue Townhouse– Proposed," dated April 9, 2024, prepared by Design Development, PLLC.
- Plan labeled "A-SK-12," entitled "Maple Avenue Townhouse– Proposed," dated April 9, 2024, prepared by Design Development, PLLC.
- Plan labeled "A-SK-13," entitled "Maple Avenue Townhouse– Proposed," dated April 9, 2024, prepared by Design Development, PLLC.
- Plan labeled "A-SK-14," entitled "Building A – Proposed Elevations (With Enclosed Garages)," dated April 9, 2024, prepared by Design Development, PLLC.
- Plan labeled "A-SK-15," entitled "Elevations Side – Proposed (With Enclosed Garages)," dated April 9, 2024, prepared by Design Development, PLLC.

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- Plan labeled "A-SK-16," entitled "Building A – Proposed Finishes," dated April 9, 2024, prepared by Design Development, PLLC.
- Plan labeled "A-SK-17," entitled "Proposed Ground Signage and Bus Stop," dated April 9, 2024, prepared by Design Development, PLLC.
- Plan labeled "A-SK-18," entitled "Bedford Rd Townhouse Layout – Proposed Plans," dated April 9, 2024, prepared by Design Development, PLLC.
- Plan labeled "A-SK-19," entitled "Bedford Rd Townhouse Layout – Proposed Plans," dated April 9, 2024, prepared by Design Development, PLLC.
- Plan labeled "A-SK-20," entitled "Bedford Rd Townhouse Layout – Proposed Plans," dated April 9, 2024, prepared by Design Development, PLLC.
- Plan labeled "A-SK-21," entitled "Maple Avenue Townhouse – Proposed," dated April 9, 2024, prepared by Design Development, PLLC.
- Plan labeled "A-SK-22," entitled "Maple Avenue Townhouse – Proposed," dated April 9, 2024, prepared by Design Development, PLLC.
- Plan labeled "A-SK-23," entitled "Maple Avenue Townhouse – Proposed," dated April 9, 2024, prepared by Design Development, PLLC.
- Plan labeled "A-SK-24," entitled "Maple Avenue Townhouse – Proposed," dated April 9, 2024, prepared by Design Development, PLLC.
- Plan labeled "A-SK-25," entitled "Maple Avenue Townhouse – Proposed," dated April 9, 2024, prepared by Design Development, PLLC.
- Plan labeled "A-SK-26," entitled "Maple Avenue Townhouse – Proposed," dated April 9, 2024, prepared by Design Development, PLLC.
- Plan labeled "A-SK-27," entitled "Grade Level Layout – Proposed Type A," dated April 9, 2024, prepared by Design Development, PLLC.
- Plan labeled "A-SK-28," entitled "Second/Third Level Layout – Proposed," dated April 9, 2024, prepared by Design Development, PLLC.
- Plan labeled "A-SK-36," entitled "Bedford Rd Townhouse – Rendering Option C," dated April 9, 2024, prepared by Design Development, PLLC.
- Plan labeled "A-SK-37," entitled "Bedford Rd Townhouse – Rendering Option A," dated April 9, 2024, prepared by Design Development, PLLC.
- Plan labeled "A-SK-38," entitled "Building A – Rendering (Internal to Site) (With Enclosed Garages)," dated April 9, 2024, prepared by Design Development, PLLC.

WHEREAS, pursuant to the Town Code, the Applicant obtained a Town Board Special Use Permit for the proposed development on June 28, 2023; and

WHEREAS, the development site is a 4.14 acre property located in the R-MF-DA Zoning District and is designated on the Tax Maps of the Town of North Castle as lot 108.03-1-65; and

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WHEREAS, the site plan depicts a Building Coverage of 23.7% where 20% is the maximum permitted in the R-MF-DA Zoning District; and

WHEREAS, the Applicant obtained a Building Coverage variance from the Zoning Board of Appeals on October 5, 2023; and

WHEREAS, the site plan depicts a FAR of 0.477 exceeding the maximum FAR of 0.4; and

The Applicant obtained a FAR variance from the Zoning Board of Appeals on October 5, 2023; and

WHEREAS, the Applicant received Architectural Review Board approval on March 6, 2024; and

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

WHEREAS, portions of the proposed floodplain compensation and landscaping will be within the Maple Avenue right-of-way; and

WHEREAS, the Town Board approved floodplain mitigation and landscaping within the Maple Avenue right-of-way; and

WHEREAS, portions of the proposed wetland mitigation plan are proposed at the rear of the Town Hall Annex; and

WHEREAS, the Town Board approved the wetland mitigation at the rear of the Town Hall Annex; and

WHEREAS, the Conservation Board in a March 28, 2024 memorandum to the Planning Board recommended issuance of the wetlands permit; and

WHEREAS, the SEQRA review of this project concluded with the adoption of a Negative Declaration by the Town Board on June 12, 2019; and

WHEREAS, the site plan depicts proposed pavement and buildings within the Town-regulated wetland buffer; and

WHEREAS, a total of 30,400 square feet of buffer impact is proposed; and

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WHEREAS, the Applicant has submitted a proposed wetland buffer mitigation plan that is 61,900 square feet in area and includes 9,400 sq ft. located at the adjacent Town Hall; and

WHEREAS, pursuant to Chapter 225 of the Town Code, the Planning Board determined that a fully suitable recreation area cannot be properly located on the property; and

WHEREAS, the Planning Board may require a payment to the Town to be placed in a trust fund to be used by the Town Board exclusively for neighborhood park, playground or recreation purposes, including the acquisition of property; and

WHEREAS, pursuant to Section 225-5.B of the Town Code, a recreation fee of $3,000/unit ($1,000/unit for AFFH) is required where open space and on-site recreational amenities are not provided; and

WHEREAS, pavement, patios and fences are proposed within the easement area on the portion of property adjacent to Maple Avenue;

WHEREAS, the Town Board approved such structures within the easement area; and

WHEREAS, the Town Board adopted an affordable housing local law on May 14, 2014; and

WHEREAS, 10% of the market rate units within the project must be AFFH units; and

WHEREAS, four of the units will be will be AFFH units; and

WHEREAS, the application was referred to the Westchester County Planning Board (WCPB) pursuant to the requirements of the General Municipal law and Westchester County Administrative Codes; and

WHEREAS, the County noted that the project "would direct an appropriate level of residential and commercial density to the Armonk Hamlet, that a sidewalk along Maple Avenue should be combined with a new crosswalk across Route 22 (connecting to Business Park Drive) as well as a pedestrian signal, that the applicant should provide an enforceable maintenance program that will prevent the (stormwater) system from being clogged with sediment, and in turn force a higher amount of stormwater runoff into the Town's storm drain system, that a County Stream Control Permit may be required from the Westchester County Department of Public Works and that indoor bicycle parking rooms (should) be provided within the proposed apartment buildings, which includes electrical outlets to charge e-bicycles; and

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WHEREAS, the site plan depicts construction within a floodplain and the Applicant will need to obtain a floodplain development permit pursuant to Chapter 177 of the Town Code; and

WHEREAS, the site plan has been forwarded to the Chief of Police, Building 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 expressed concern with respect to traffic and pedestrian safety and recommended increased sight distances on the southwest corner as well as improvement to the guiderail and sidewalk to the existing bus stop on Maple Avenue; and

WHEREAS, the plans were forwarded to the Sewer and Water 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 effluent and water demand; and

WHEREAS, the Sewer and Water Department did not provide comment upon the design of the water and sewer infrastructure; and

WHEREAS, any issues raised by the Sewer and Water Department will be satisfactorily addressed during the Westchester County Health Department review; and

WHEREAS, a duly advertised public hearing regarding the site plan was opened on said application on January 22, 2024 and closed on June 10, 2024 at which time all those wishing to be heard were given the opportunity to be heard; and

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

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

WHEREAS, the requirements of the Zoning Ordinance and the Town of North Castle Comprehensive Plan Update have been met;

NOW THEREFORE BE IT RESOLVED, that the Planning Board based upon its review of the full environmental record finds that the proposed action will not result in any significant adverse

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environmental impacts and hereby reconfirms the Negative Declaration adopted on June 12, 2019; and

BE IT FURTHER RESOLVED, that the application for site plan and wetlands permit approvals, as described herein, be and is hereby conditionally approved, subject to the following conditions and modifications; and

BE IT FURTHER RESOLVED, that this approval shall expire one (1) year after the date of this resolution unless all of the conditions and modifications identified below have been substantially completed or an extension of time has been requested by the Applicant or granted by the North Castle Planning Board.

Prior to the Signing of the Site Plan:
(The Planning Board Secretary's initials and date shall be placed in the space below to indicate that the condition has been satisfied.)

_____1. Pre-treatment shall be provided for #2 Proposed Underground Storage System. Additionally, Section 3.2.2 of the SWPPP indicates Stormtech Isolator Row Plus units are to be used for pre-treatment. As it appears this is no longer proposed, the SWPPP section shall be revised to the satisfaction of the Town Engineer.

_____2. Work is proposed in the floodway. The applicant shall coordinate with NYSDEC to determine if the proposed work is acceptable. Otherwise, to the satisfaction of the Town Engineer and Building Inspector, the Applicant shall demonstrate that the work will not cause adverse conditions or flood rise as required by Town Code Chapter 177 or all work within the floodway shall be removed.

_____3. All comments prepared by the Building Department in their letter dated January 8, 2024 shall be addressed to the satisfaction of the Building Inspector. The SWPPP shall be revised, to the satisfaction of the Town Engineer, as necessary per any changes that may affect impervious coverage or the drainage design.

_____4. The site plan shall be revised to demonstrate that proposed improvements in the ROW would not impede future sidewalk construction from Bedford Rd to NYS Route 22 (future Town project) to the satisfaction of the Town Engineer and Planning Department.

_____5. The site plan shall be revised to include details of the proposed decorative vehicle guide rail to the satisfaction of the Highway Department and Town Engineer.

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_____6. The site plan shall be revised to demonstrate that a future Bedford Road right turn lane and a sidewalk can be accommodated with the proposed site design to the satisfaction of the Town's Traffic Consultant.

_____7. The Applicant shall submit a Unit/Bedroom table that also identifies which units shall be AFFH units. Based upon 30 market rate units, three units will need to be AFFH units.

_____8. The Unit/Bedroom table shall demonstrate that the AFFH units meet the minimum size requirements in Section 355-24(6)(a) and (b) to the satisfaction of the Planning Department.

_____9. The Applicant previously agreed to modify the southern (left) unit of the Maple Ave Townhouse plans to mimic the northern (right) layout. The plans shall be updated to the satisfaction of the Planning Department.

_____10. The Applicant shall submit plans, to the satisfaction of the Planning Department, that will permit the Planning and Building Departments to verify the submitted floor area calculations. The Applicant shall submit plans that graphically depict the areas counted toward the gross floor area calculations as well as include a chart of the calculations performed (tied to the graphic plan), which together can be used to verify the submitted calculations.

_____11. The Applicant shall submit a Building Coverage exhibit to the satisfaction of the Panning Department. The submitted Zoning Compliance Chart indicates a Building Coverage of 23.7%.

_____12. 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.

_____13. The Town charges a fee in lieu of providing recreation facilities. A $3,000/unit recreation fee ($1,000/unit AFFH) is required. Therefore, the Applicant shall submit a $94,000 recreation fee as stated in Chapter 225 of the Town Code.

_____14. The Applicant shall submit an amended Community Benefits Agreement, to the satisfaction of the Town Attorney, to include the additional benefits offered by the applicant during the site plan review process.

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_____15. The project will result in disturbances greater than one acre. As such, the applicant shall prepare a Stormwater Pollution Prevention Plan (SWPPP) in accordance with Chapter 267, Stormwater Management of the Town Code to the satisfaction of the Town Engineer. In addition, the project is required to obtain coverage under the New York State Department of Environmental Conservation (NYSDEC) SPDES General Permit, GP-0-20-001 for Stormwater Discharge from Construction Activity. The applicant shall file a Notice of Intent (NOI) with the NYSDEC. A draft copy shall be provided for review to the satisfaction of the Town Engineer. The SWPPP and NOI shall reflect the requirements and conditions of the latest General Permit to the satisfaction of the Town Engineer.

_____16. 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 the property owner shall be responsible in perpetuity for maintenance of the stormwater system and that the Town of North Castle shall be permitted access, if necessary, to perform maintenance of the features of the stormwater management system.

_____17. The Applicant shall submit, as necessary and appropriate, final details to the satisfaction of the Town Engineer of site, final grading and storm drainage, utility connections, sight lines and curbing, parking, driveway and pavement specifications.

_____18. Pursuant to Section 127-17 of the Town Code, the Applicant shall submit a detailed quantity cost estimate for all site improvements proposed, with the quantities certified to by the Applicant's engineer, to the satisfaction of the Town Engineer.

_____19. The Applicant shall obtain WCDH approval of all proposed sewer collection facilities and water supply distribution facilities to the satisfaction of the Town Engineer.

_____20. Submission to the Planning Board of a suitable legal agreement, in form satisfactory to the Town Attorney, permitting the construction of a public sidewalk and future right turn lane along Bedford Road.

_____21. Submission to the Planning Board of a suitable legal agreement, in form satisfactory to the Town Attorney, for installation and maintenance of the floodplain management improvements within the Maple Avenue right-of-way.

DocuSign Envelope ID: 0C6554CE-D1AB-466D-9CD0-4DCB264DE4E8

_____22. Submission to the Planning Board of a suitable legal agreement, in form satisfactory to the Town Attorney, for installation and maintenance of the wetland mitigation improvements located at the rear of the Town Hall Annex.

_____23. Payment of all applicable fees, including any outstanding consulting fees.

_____24. The Applicant shall submit to the Planning Board Secretary one (1) 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 pursuant to Chapter 177 of the Town Code to the satisfaction of the Building Department.

_____2. The Applicant shall obtain a County Stream Control Permit from the Westchester County Department of Public Works to the satisfaction of the Town Engineer.

_____3. Pursuant to Section 355-24.I.4 of the Town Code, a property containing any affordable AFFH units shall be restricted using a mechanism such as declaration of restrictive covenants in recordable form acceptable to the Town which shall ensure that the affordable AFFH unit shall remain subject to affordable regulations for the minimum 50 year period of affordability. The covenants shall require that the unit be the primary residence of the resident household selected to occupy the unit upon approval such declaration shall be recorded against the property containing the affordable AFFH unit prior to the issuance of a Certificate of Occupancy for the development.

_____4. The Applicant shall submit documentation demonstrating that the North Castle Highway Department has issued a Work Permit and Driveway Access Permit for the proposed work along Bedford Road.

_____5. Provide proof of coverage under the NYSDEC General Permit, GP-0-20-001, for Stormwater Discharge from Construction Activity, to the satisfaction of the Town Engineer.

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_____6. The approved site plan and shall be signed by both the Planning Board Chair and Town Engineer.

_____7. 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.

_____8. The Applicant shall submit an engineering inspection fee equal to 3% of the estimated cost of construction. If site work proceeds Building Permits, Inspection fee shall be paid to the town prior to the start of any structural site work.

_____9. Payment of all outstanding fees, including professional review fees.

Prior to the Issuance of a Certificate of Occupancy:
(The Planning Board Secretary's initials and date shall be placed in the space below to indicate that the condition has been satisfied.)

_____1. Prior to issuance of a Certificate of Occupancy for a building, the Applicant shall submit documentation confirming that the AFFH units or units in such building is available for sale/rental and comply with the AFFH requirements of Section 355-24.I of the Town Code to the satisfaction of the Town Planner.

_____2. The proper construction type stickers shall be affixed to the building to the satisfaction of the Building Department.

_____3. The submission to the Town Building Inspector of an "As Built" site plan.

_____4. The Applicant shall install Knox Boxes to the satisfaction of the Fire Inspector.

_____5. The Applicant shall have the approved stormwater management agreement executed and filed with the Westchester County Land Records.

_____6. The Applicant shall submit documentation demonstrating that Notice of Termination (NOT) filing for the NYSDEC General Permit has been completed to the satisfaction of the Town Engineer.

_____ 7. The applicant shall submit documentation demonstrating that all conditions of the North Castle Highway Department Work Permit and Driveway Access Permit have been satisfied to the satisfaction of the Town Engineer.

_____8. Payment of all outstanding fees, including professional review fees.

DocuSign Envelope ID: 0C6554CE-D1AB-466D-9CD0-4DCB264DE4E8

Other Conditions:

1. 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.

2. All AFFH units shall comply with Town Code Section 355-24.I.2. Maximum Rent and Sales Price .

3. 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.

4. Prior to the start of construction and throughout the construction period, area of disturbance lines shall be clearly delineated in the field with snow fence or another demarcation acceptable to the Town Engineer, which shall be placed around the entire proposed construction area. Except as necessary to provide mitigation plantings, no encroachment beyond these limits by workers or machinery shall be permitted.

5. 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.

6. Prior to the commencement of any site work, the Applicant shall stake the location of the proposed construction for inspection and approval by the Building Department and/or the Town Engineer.

7. All soil erosion and sedimentation control measures shown on this plan shall be in place prior to the start of any site work. The Town Engineer shall have inspected the installation of all required soil erosion and sedimentation control measures prior to the authorization to proceed with any phase of the site work.

8. 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.

DocuSign Envelope ID: 0C6554CE-D1AB-466D-9CD0-4DCB264DE4E8

9. If the Applicant, during the course of construction, encounters such conditions as flood areas, underground water, soft or silty areas, improper drainage, or any other unusual circumstances or conditions that were not foreseen in the original planning, he shall report such conditions immediately to the Building Department and/or the Town Engineer. The Applicant may submit, if he so desires, his recommendations as to the special treatment to be given such areas to secure adequate, permanent and satisfactory construction. The Building Department and/or the Town Engineer, without unnecessary delay, shall investigate the condition or conditions, and shall either approve the Applicant's recommendations to correct the conditions, order a modification thereof, or issue his own specifications for the correction of the conditions. In the event of the Applicant's disagreement with the decision of the Building Department and/or the Town Engineer, or in the event of a significant change resulting to the site plan or any change that involves the wetlands regulated areas, the matter shall be decided by the Planning Board. Any such conditions observed by the Planning Board or its agents shall be similarly treated.

10. Compliance with all applicable local laws and ordinances of the Town of North Castle and any conditions attached to permits issued thereunder.

11. 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 and NYSDEC Standards and Specifications for Erosion and Sediment Control.

12. 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.

13. Notwithstanding any provision of this resolution, separate building permits and temporary and final Certificates of Occupancy may be issued for each separate project building.

14. Notwithstanding any provision of this resolution, a site work permit may be issued by the Building Department prior to issuance of a building permit, subject to approval by the Town Engineer.

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****

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

6/25/2024 — DocuSigned by: David Linn — 2EC331DCD1604B7...
Date
NCD Acquisitions, Owner

6/19/2024 — DocuSigned by: JD Summa — ECFE1DAA5D074A7...
Date
Kings Capital Construction, Applicant

****

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

6/19/2024 — DocuSigned by: Joseline Huerta — B448555E8086425...
Date
Joseline Huerta, Planning Board Secretary
Certified as Approved by the North Castle Planning Board

CONSULTINGJAMES J. HAHN ENGINEERING, P.C.
As to Drainage and Engineering Matters

6/26/2024 — DocuSigned by: James J. Hahn — 94F2E0470432404...
Date
James J. Hahn, P.E.
Consulting Town Engineer

STEPHENS BARONI REILLY & LEWIS LLP
As to Form and Sufficiency

6/20/2024 — DocuSigned by: [signature] — 53BB4560DA42414...
Date
Roland A. Baroni, Jr. Esq., Town Counsel

NORTH CASTLE PLANNING BOARD

6/20/2024 — DocuSigned by: Christopher Carthy — CA20AD42EC43E37...
Date
Christopher Carthy, Chairman

EXHIBIT C

PLANNING BOARD
Christopher Carthy, Chair

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

RECEIVED 5/30/2025
TOWN CLERK'S OFFICE

RESOLUTION

Action:	Site Plan and Wetlands Permit Approvals – Extension of Time
Application Name:	The Gateway Residential Project [2023-016]
Owner:	NCD Acquisitions
Applicant:	Kings Capital Construction
Designation:	108.03-1-65
Zone:	R-MF-DA Zoning District
Acreage:	4.14 acres
Location:	45 Bedford Rd
Original Date of Approval:	June 10, 2024
Original Expiration Date:	June 10, 2025 (1 year)
1st Extension Date of Approval:	May 29, 2025
1st Extension Expiration Date:	August 31, 2025

WHEREAS, the Applicant received Planning Board approval, on June 10, 2024, for the construction of a new 34 unit (68 bedroom) multifamily residential project on the former Mariani Gardens property; and

WHEREAS, the original resolution is set to expire on June 10, 2025 and the Applicant has not yet met all of the conditions of such approval; and

WHEREAS, the Applicant, in a May 12, 2025 application, has requested a 1-year extension of time in which to complete all conditions of approval; and

WHEREAS, on May 29, 2025, the Planning Board reviewed said request and determined that there were no reasons to deny an extension of time, but extended the approval only until August 31, 2025 to better coincide with the expiration of the Town Board special use permit;

NOW, THEREFORE, BE IT RESOLVED, that the request for an extension of time is granted until August 31, 2025; and

BE IT FURTHER RESOLVED, that all conditions of the resolution of Site Plan and Wetlands Permit Approvals dated June 10, 2024 shall remain valid and in full force and effect.

EXHIBIT D

TOWN OF NORTH CASTLE
17 Bedford Road
Armonk, N.Y. 10504
914-273-3000 ext. 44 Fax 914-273-3554
Building@northcastleny.com

BUILDING PERMIT

Permit No.: 2022-1193
SBL: 108.03-1-65
Zoned: NB
Location: 45 BEDFORD RD

Date: 11/10/2022
Expiration Date: 11/09/2024
Cost of Construction: $
Total Fees: $600.00

Owner:

399 KNOLLWOOD RD STE 318
WHITE PLAINS, NY 10603

Contractor:

Kings Capital Construction
660 White Plains Rd, Suite 560
TarrytownNY 10591

A permit is hereby given by the Building Department, TOWN OF NORTH CASTLE, COUNTY OF WESTCHESTER, for the structure or work described herein.

Project Description:

Demolition of (3) buildings
FDP 2022-1192

Required Inspections:

FINAL

Conditions:

1. The Building permit shall be visibly displayed at the work site and shall remain visible until the authorized work has been inspected and plans must be on site at all times for inspections.
2. All work shall be performed in accordance with the Town of North Castle code, the NYS Uniform code and the construction documents which have been submitted with and accepted as part of the application for the building permit.
3. The permit holder shall immediately notify the Building Inspector of any change occurring during the course of the work. If the Building Inspector determines that such change warrants a new or amended building permit, such change shall not be made until and unless a new or amended building permit reflecting such change is issued.
3. Building permits shall become invalid unless the authorized work is commenced within 12 months following the date of issuance. Building permits shall expire 24 months after the date of issuance and the Town approved plans must be on site at all times.
4. It is the responsibility of the owner or agent to call for all of the required inspections listed on this permit at least one day in advance.
5. Occupancy of these premises is prohibited until after a final inspection has been conducted, all fees have been paid and a Certificate of Occupancy or Compliance has been issued.

Rob Melillo

TOWN OF NORTH CASTLE

BUILDING PERMIT

Permit No: 2022-1193

Issue Date: 11/10/2022

Expiration Date: 11/09/2024

Description of Work:

Demolition of (3) buildings
FDP 2022-1192

THIS PERMIT MUST BE PROMINENTLY DISPLAYED ON THE BUILDING OR SITE DURING CONSTRUCTION AND PLANS MUST BE ON SITE AT ALL TIMES FOR INSPECTIONS

IT IS REQUIRED THAT UPON COMPLETION OF WORK THAT A FINAL INSPECTION BE MADE WITH THE BUILDING DEPARTMENT IN ORDER FOR A FINAL CERTIFICATE TO BE ISSUED!

Permit Address: 45 Bedford Road **Date:** 11/09/2022

Building Permit Types

- ☐ Building Permit Residential
- ☐ Building Permit Commercial
- ☐ New One or Two-Family dwelling
- ☐ New Commercial/ Industrial Building
- ☐ New Multiple Dwelling
- ☐ Flood Development permit
- ■ Demolition Permit
- ☐ New Hazardous Occupancy
- ☐ Plumbing Permit
- ☐ Tree Permit
- ☐ Residential Additions/ Alterations
- ☐ Commercial Additions/ Alterations
- ☐ Multiple Dwelling Additions/ Alterations
- ☐ Change of Use
- ☐ Mechanical Permit
- ☐ Electrical Permit
- ☐ Wetlands Permit

Required Inspections

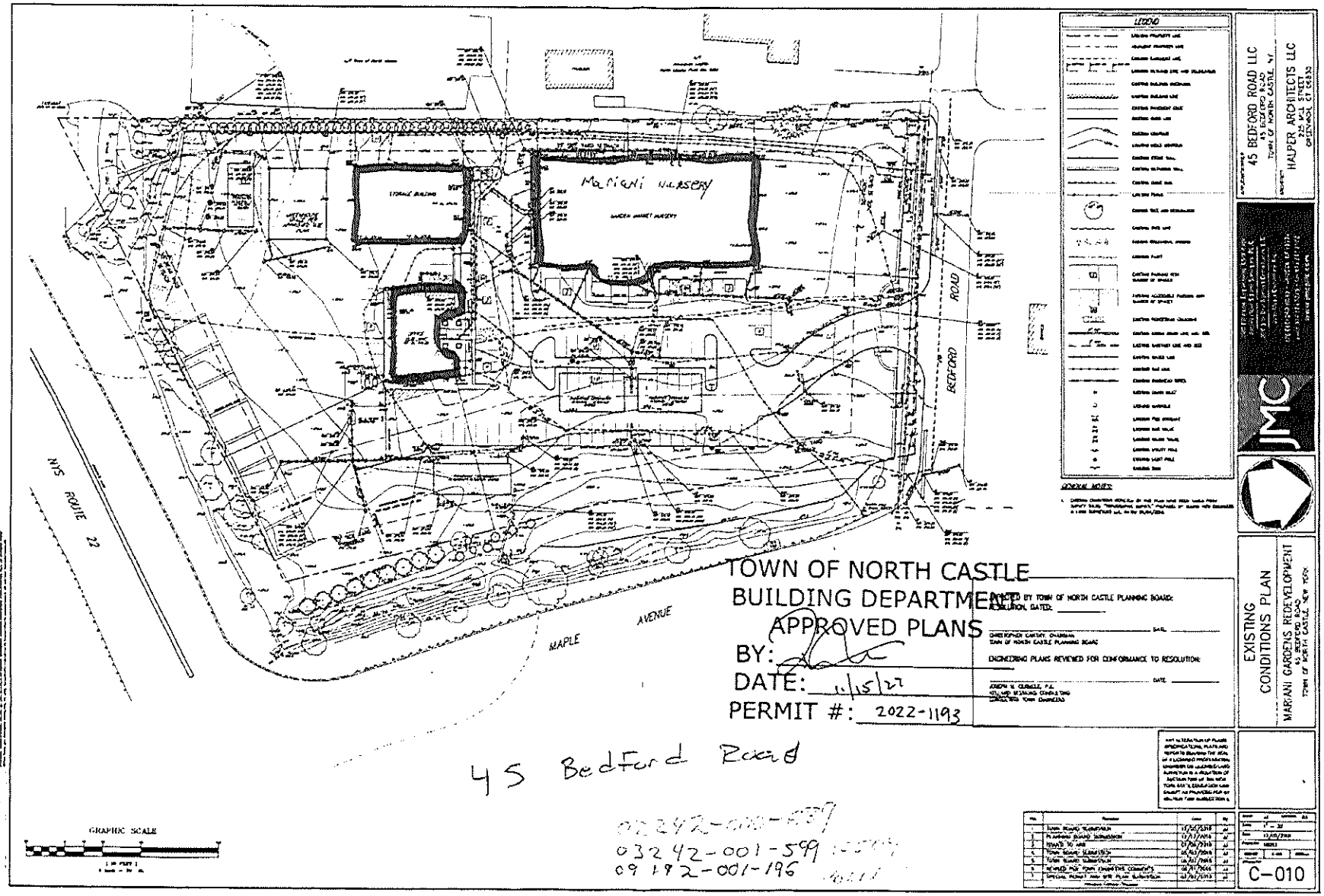
- ☐ Footings
- ☐ Foundation
- ☐ Concrete Forms
- ☐ Footing Drains & Water Proofing
- ☐ Framing
- ☐ Rough Plumbing
- ☐ Gas Test
- ☐ HVAC Rough
- ☐ Insulation/ Air Leakage/ Fenestration
- ☐ Concrete Slab
- ■ Final
- ☐ Fire Alarm
- ☐ Sprinkler- Rough/ Hydro/ Final/ Flow Test
- ☐ Special Inspections
- ☐ Ansel Test
- ☐ Hood Test
- ☐ Other/ Fire Resistant Penetrations/ Construction
- ☐ Above Ceiling

Office Record Keeping Tasks

- ☐ Electrical Certificate
- ■ Final Cost Affidavit
- ☐ Professional Certification
- ☐ As Built Survey
- ☐ Foundation Survey
- ☐ Town Engineer Inspection
- ☐ Septic Certification
- ☐ Blower Door Test
- ☐ HVAC Testing and Balancing Report
- ☐ Special Inspections Sign Off
- ☐ As Built Drawings
- ☐ Fire Alarm Test report NFPA 72
- ☐ Fire Pump Test Report NFPA 20
- ☐ Sprinkler Test Report NFPA 13 or 13D
- ☐ Final Survey
- ☐ Well Certification

CO Types

- ☐ New Residential
- ☐ New Multiple Dwelling
- ☐ New Commercial
- ■ Certificate of Compliance
- ☐ Residential Additions, Alterations
- ☐ Multiple Dwelling Additions, Alterations
- ☐ Commercial Additions, Alterations



TOWN OF NORTH CASTLE
BUILDING DEPARTMENT
APPROVED PLANS
BY:
DATE: 11/15/22
PERMIT #: 2022-1193

45 Bedford Road

03242-003-037
03242-001-599
09192-001-196

EXHIBIT E

TOWN OF NORTH CASTLE
17 Bedford Road
Armonk, N.Y. 10504
914-273-3000 ext. 44 Fax 914-273-3554
Building@northcastleny.com

FLOOD DEVELOPMENT PERMIT

Permit No.: 2022-1192
SBL: 108.03-1-65
Zoned: NB
Location: 45 BEDFORD RD

Date: 11/10/2022
Expiration Date: 11/09/2024
Cost of Construction: $
Total Fees: $250.00

Owner:
BEDFORD ROAD LLC 45
399 KNOLLWOOD RD STE 318
WHITE PLAINS, NY 10603

A permit is hereby given by the Building Department, TOWN OF NORTH CASTLE, COUNTY OF WESTCHESTER, for the structure or work described herein.

Project Description:

Demo of three buildings on property

Required Inspections:

Conditions:

1. The Building permit shall be visibly displayed at the work site and shall remain visible until the authorized work has been inspected.
2. All work shall be performed in accordance with the Town of North Castle code, the NYS Uniform code and the construction documents which have been submitted with and accepted as part of the application for the building permit.
3. The permit holder shall immediately notify the Building Inspector of any change occurring during the course of the work. If the Building Inspector determines that such change warrants a new or amended building permit, such change shall not be made until and unless a new or amended building permit reflecting such change is issued.
3. Building permits shall become invalid unless the authorized work is commenced within 12 months following the date of issuance. Building permits shall expire 24 months after the date of issuance.
4. It is the responsibility of the owner or agent to call for all of the required inspections listed on this permit at least one day in advance.
5. Occupancy of these premises is prohibited until after a final inspection has been conducted, all fees have been paid and a Certificate of Occupancy or Compliance has been issued.

Rob Melillo
Building/ Fire Inspector

EXHIBIT F

TOWN OF NORTH CASTLE
17 Bedford Road
Armonk, N.Y. 10504
914-273-3000 ext. 44 Fax 914-273-3554
Building@northcastleny.com

BUILDING PERMIT

Permit No.: 2023-0749
SBL: 108.03-1-65
Zoned: NB
Location: 45 BEDFORD RD

Date: 10/02/2023
Expiration Date: 10/01/2025
Cost of Construction: $
Total Fees: $450.00

Owner:
BEDFORD ROAD LLC 45
399 KNOLLWOOD RD STE 318
WHITE PLAINS, NY 10603

Contractor:

Kings Capital Construction
660 White Plains Rd, Suite 560
TarrytownNY 10591

A permit is hereby given by the Building Department, TOWN OF NORTH CASTLE, COUNTY OF WESTCHESTER, for the structure or work described herein.

Project Description:

Rock crushing/processing of concrete material obtained as the result of the building demolitions on site

Required Inspections:

FINAL

Conditions:

1. The Building permit shall be visibly displayed at the work site and shall remain visible until the authorized work has been inspected and plans must be on site at all times for inspections.
2. All work shall be performed in accordance with the Town of North Castle code, the NYS Uniform code and the construction documents which have been submitted with and accepted as part of the application for the building permit.
3. The permit holder shall immediately notify the Building Inspector of any change occurring during the course of the work. If the Building Inspector determines that such change warrants a new or amended building permit, such change shall not be made until and unless a new or amended building permit reflecting such change is issued.
3. Building permits shall become invalid unless the authorized work is commenced within 12 months following the date of issuance. Building permits shall expire 24 months after the date of issuance and the Town approved plans must be on site at all times.
4. It is the responsibility of the owner or agent to call for all of the required inspections listed on this permit at least one day in advance.
5. Occupancy of these premises is prohibited until after a final inspection has been conducted, all fees have been paid and a Certificate of Occupancy or Compliance has been issued.

Rob Melillo
Building/ Fire Inspector

TOWN OF NORTH CASTLE

BUILDING PERMIT

Permit No: 2023-0749

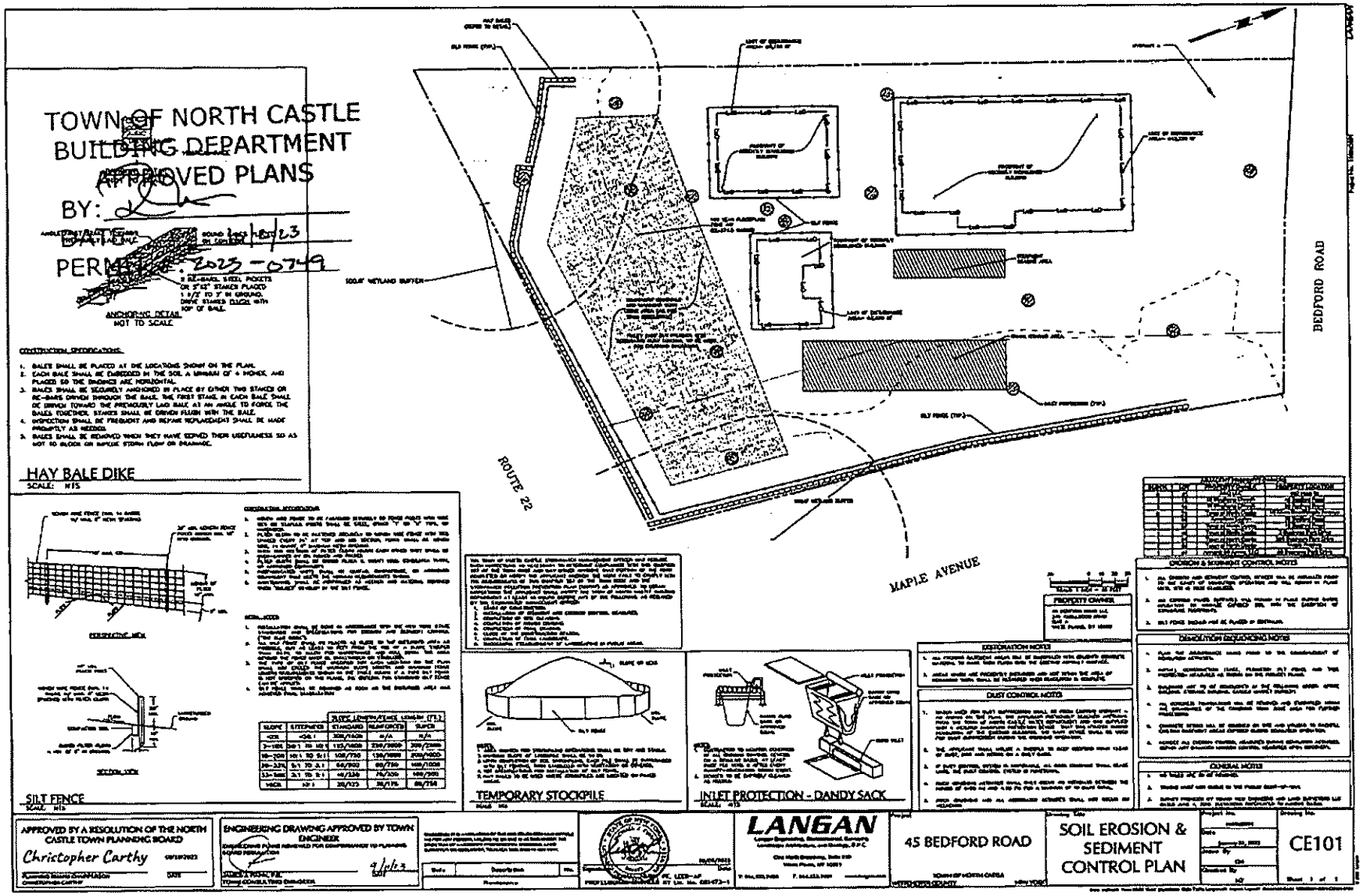
Issue Date: 10/02/2023 **Expiration Date: 10/01/2025**

Description of Work:

Rock crushing/processing of concrete material obtained as the result of the building demolitions on site

THIS PERMIT MUST BE PROMINENTLY DISPLAYED ON THE BUILDING OR SITE DURING CONSTRUCTION AND PLANS MUST BE ON SITE AT ALL TIMES FOR INSPECTIONS

IT IS REQUIRED THAT UPON COMPLETION OF WORK THAT A FINAL INSPECTION BE MADE WITH THE BUILDING DEPARTMENT IN ORDER FOR A FINAL CERTIFICATE TO BE ISSUED!


TOWN OF NORTH CASTLE
BUILDING DEPARTMENT
APPROVED PLANS
BY:
DATE: 10/23
PERMIT # 2023-0749
ANCHORING DETAIL
NOT TO SCALE
CONSTRUCTION SPECIFICATIONS
1. BALES SHALL BE PLACED AT THE LOCATIONS SHOWN ON THE PLAN.
2. EACH BALE SHALL BE EMBEDDED IN THE SOIL A MINIMUM OF 4 INCHES, AND PLACED SO THE BINDINGS ARE HORIZONTAL.
3. BALES SHALL BE SECURELY ANCHORED IN PLACE BY EITHER TWO STAKES OR RE-BARS DRIVEN THROUGH THE BALE. THE FIRST STAKE IN EACH BALE SHALL BE DRIVEN TOWARD THE PREVIOUSLY LAID BALE AT AN ANGLE TO FORCE THE BALES TOGETHER. STAKES SHALL BE DRIVEN FLUSH WITH THE BALE.
4. INSPECTION SHALL BE FREQUENT AND REPAIR REPLACEMENT SHALL BE MADE PROMPTLY AS NEEDED.
5. BALES SHALL BE REMOVED WHEN THEY HAVE SERVED THEIR USEFULNESS SO AS NOT TO BLOCK OR IMPEDE STORM FLOW OR DRAINAGE.
HAY BALE DIKE
SCALE: NTS
SOUTH WETLAND BUFFER
ROUTE 22
MAPLE AVENUE
BEDFORD ROAD
SILT FENCE
SCALE: NTS
TEMPORARY STOCKPILE
INLET PROTECTION - DANDY SACK
PROPERTY OWNER
EROSION & SEDIMENT CONTROL NOTES
DEMOLITION SEQUENCING NOTES
DESTORATION NOTES
DUST CONTROL NOTES
GENERAL NOTES
APPROVED BY A RESOLUTION OF THE NORTH CASTLE TOWN PLANNING BOARD
Christopher Carthy
ENGINEERING DRAWING APPROVED BY TOWN ENGINEER
LANGAN
45 BEDFORD ROAD
SOIL EROSION & SEDIMENT CONTROL PLAN
CE101