



PLANNING BOARD
John P. Delano, Chair

TOWN OF NORTH CASTLE
WESTCHESTER COUNTY
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RESOLUTION

Action: Site Plan, Retaining Wall, Second Curb Cut and Tree Removal Permit Approvals
Application Name: Patti Second Curb Cut [13-072]
Owner/Applicant: Anthony and Kristine Patti
Designation: 122.16-4-59 (Section 7, Block 06, Lot 7)
Zone: R-5 Zoning District
Location: 30 Palmer Avenue
Date of Approval: October 24, 2022
Expiration Date: October 24, 2023 (1 year)

WHEREAS, the Applicant, in 2013, submitted a site plan application to construct three off-street parking spaces, a retaining wall as well as a second curbcut on the existing 7,765 square foot lot within the R-5 Zoning District; and

WHEREAS, the Applicant amended the project to reduce the size of the off-street parking area to provide a single parallel parking space off of Grove Road; and

WHEREAS, the existing curbcut is utilized to provide access to a garage located adjacent to Palmer Ave; and

WHEREAS, since the garage is located on the property line, there is no opportunity to park vehicles outside of the garage; and

WHEREAS, in an effort to provide additional off-street parking opportunities on this oversized lot, the Applicant is seeking permission to construct an off-street parking area on Grove Road; and

WHEREAS, pursuant to Section 355-59.F of the Town Code, no more than one curb cut providing driveway access to a lot containing a one-family dwelling shall be permitted unless the Planning Board determines that more than one curb cut is appropriate; and

WHEREAS, it is noted that the existing lot is oversized for the R-5 Zone and that off-street parking is limited on this property due to the location of the existing garage; and

WHEREAS, in addition, on-street parking, in general, is extremely limited given the substandard width of roads in North White Plains; and

WHEREAS, pursuant to Section 355-59.D of the Town Code, clear visibility is required to be provided in both directions at all exit points so that the driver of an automobile stopped on the platform area of any new driveway will have an unobstructed view of the highway for at least 200 feet in either direction, and so that the driver of an automobile traveling on the highway shall have a similar view of the automobile in the driveway; and

WHEREAS, based upon the submitted sight distance, the proposed sight distance looking right is deficient by 42.66 feet [corrected per 11/5/18 Planning Board minutes]; and

WHEREAS, the Applicant has submitted an analysis of the proposed conditions by a traffic engineer which indicated that given traffic speed the proposed sight distance is acceptable; and

WHEREAS, the report has been referred to the Town's Traffic Consultant for review; and

WHEREAS, the Applicant obtained the required variance from the Zoning Board of Appeals on June 2, 2022; and

WHEREAS, the site contains 3,468 square feet of gross land coverage; and

WHEREAS, the submitted gross land coverage exceeds the maximum amount permitted by 138.2 square feet; and

WHEREAS, the Applicant obtained the required variance from the Zoning Board of Appeals on June 2, 2022; and

WHEREAS, the site plan depicts the removal of three trees within the Grove Road right-of-way; and

WHEREAS, the plans depict an 18 foot wide curbcut as required by the Highway Department; and

WHEREAS, the site plan does not depict disturbance to Town-regulated steep slopes since steep slope disturbance does not meet the minimum threshold of steep slope disturbance as defined in Section § 355-4 STEEP SLOPE of the Town Code; and

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

WHEREAS, on October 24, 2022, the Planning Board held a public meeting regarding the proposed site plan; and

WHEREAS, the application was referred to the Westchester County Planning Board since the site is within 500 feet of NYS Route 22; and

WHEREAS, the Westchester County referral was a “Notification Only” and, therefore, a response from Westchester County was not provided; and

WHEREAS, the site plan was forwarded to the Chief of Police, Fire Inspector and the North White Plains 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 on January 14, 2014; and

WHEREAS, The Fire Department questioned whether the parking area will be able to support fire apparatus and requested that on-street parking be restricted parking at the intersection of Rock Ledge and Grove Rd.; and

WHEREAS, the parking restrictions recommended by the Fire Department have been implemented by the Town Board; and

WHEREAS, the application consists of the following drawings:

- Plan labeled “1 of 3,” entitled “Site Plan and Land Coverage,” dated January 19, 2022, last revised October 7, 2022, prepared by ARQ Architecture P.C.
- Plan labeled “2 of 3,” entitled “Sight Distance and Retaining Wall,” dated January 19, 2022, last revised October 7, 2022, prepared by ARQ Architecture P.C.
- Plan labeled “3 of 3,” entitled “Details and Profile,” dated January 19, 2022, last revised October 7, 2022, prepared by ARQ Architecture P.C.
- Plan labeled “L-100,” entitled “Landscaping Plan,” dated August 1, 2022, last revised October 7, 2022, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Section 355-59.F of the Town Code, the Planning Board determines that more than one curb cut is appropriate; and

BE IT FURTHER RESOLVED, that the project shown on the above referenced plans, as described herein, is conditionally approved, subject to compliance with the following conditions and modifications; and

BE IT FURTHER RESOLVED, that this approval shall expire one year from the date of this resolution; and

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

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. Payment of all applicable fees, including any outstanding consulting fees.
- _____ 2. The Applicant shall submit to the Planning Board Secretary a single PDF file 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.
- _____ 3. The Applicant shall submit final construction plans for site improvements to the Town Engineer for his approval of driveways, parking areas, storm drainage system, water and sewer connections, sidewalks, erosion and sediment controls and any other information requested by the Town Engineer to the satisfaction of the Town Engineer.

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 permission from the North Castle Highway Department for the removal of the trees located within the right-of-way.
- _____ 2. Documentation demonstrating that a curb cut permit has been issued by the North Castle Highway Department.
- _____ 3. The submission of a complete set of building plans for review and approval by the Town Building Inspector prior to the issuance of a building permit.
- _____ 4. Payment of all outstanding fees, including professional review fees.

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. Provide proof of closure of the Town Highway Department Curb Cut Permit.
- _____ 2. Prior to the issuance of a certificate of occupancy/compliance, the actual construction, installation and implementation of all landscaping/mitigation shall be certified by a licensed landscape architect as being in compliance

with the approved plans and conditions, at the sole cost and expense of the Applicant.

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

_____4. Payment of all outstanding fees, including professional review fees.

Other Conditions:

1. Prior to the start of construction, the approved site plan shall be signed by both the Planning Board Chair and Town Engineer.
2. Prior to the start of construction and throughout the construction period, area of disturbance lines shall be clearly delineated in the field with snow fence or another demarcation acceptable to the Building Department and Town Engineer, which shall be placed around the entire proposed construction area. Except as necessary to provide mitigation plantings, no encroachment beyond these limits by workers or machinery shall be permitted.
3. 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.
4. Prior to the commencement of any site work, the Applicant shall stake the location of the proposed construction for inspection and approval by the Building Department and Town Engineer.
5. All soil erosion and sedimentation control measures shown on this plan shall be in place prior to the start of any site work. The Building Department and Town Engineer shall have inspected the installation of all required soil erosion and sedimentation control measures prior to the authorization to proceed with any phase of the site work.
6. Throughout the construction period, a qualified professional retained by the Applicant shall, on at least a weekly basis, prior to any predicted rain event and after any runoff-producing rain event, inspect the soil erosion and sedimentation control measures to ensure their proper functioning. Soil shall be removed from the silt fence when bulges develop in the fence in accordance with Westchester County recommendations. Records shall be kept onsite and made available for review by Town personnel. Inspections shall be in accordance with the NYSDEC Phase II regulations.

7. If the Applicant, during the course of construction, encounters such conditions as flood areas, underground water, soft or silty areas, improper drainage, or any other unusual circumstances or conditions that were not foreseen in the original planning, he shall report such conditions immediately to the Building Department and Town Engineer. The Applicant may submit, if he so desires, his recommendations as to the special treatment to be given such areas to secure adequate, permanent and satisfactory construction. The Building Department, without unnecessary delay, shall investigate the condition or conditions, and shall either approve the Applicant's recommendations to correct the conditions, order a modification thereof, or issue his own specifications for the correction of the conditions. In the event of the Applicant's disagreement with the decision of the Building Department, or in the event of a significant change resulting to the site plan or any change that involves the wetlands regulated areas, the matter shall be decided by the Planning Board. Any such conditions observed by the Planning Board or its agents shall be similarly treated.
8. Compliance with all applicable local laws and ordinances of the Town of North Castle and any conditions attached to permits issued thereunder.
9. 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.
10. All landscaping shown on this plan shall be maintained in a vigorous growing condition throughout the duration of the use. All plants not so maintained shall be replaced with new plants of comparable size and quality at the beginning of the next immediately following growing season.

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

Date Anthony and Kristine Patti

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

Date Valerie Desimone, Planning Board Secretary
Certified as Approved by the North Castle Planning Board

KELLARD SESSIONS CONSULTING
As to Drainage and Engineering Matters

Date Joseph M. Cermele, P.E.
Consulting Town Engineer

STEPHENS BARONI REILLY & LEWIS LLP
As to Form and Sufficiency

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

NORTH CASTLE PLANNING BOARD

Date Christopher Carthy, Chair