



TOWN OF NORTH CASTLE
WESTCHESTER COUNTY
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PLANNING BOARD
Christopher Carthy, Chair

R E S O L U T I O N

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| Action: | Site Plan and Tree Removal Permit Approvals |
| Application Name: | Kesten |
| Applicant/Owner: | Marshall and Raffelina Kesten [19-034] |
| Designation: | 101.03-2-7.1 |
| Zone: | R-1A |
| Acreage: | 2.131 acres |
| Location: | 1 Shoemaker Lane |
| Date of Original Approval: | February 10, 2020 |
| Date of Re-approval: | November 22, 2021 |
| Expiration Date: | November 22, 2021 (1 Year) |

WHEREAS, the Applicant has submitted a site plan application for a proposed new 8,604 square foot single-family home on a 2-acre parcel; and

WHEREAS, the project also includes the construction of a driveway, new in-ground pool and the construction of associated drainage improvements; and

WHEREAS, the Applicant agreed to obtain site plan approval from the Planning Board as a result of several instances of the Applicant not complying with approved plans; and

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

- Plan entitled "Site Plan," dated September 20, 2019, last revised November 23, 2020, prepared by Alfonzetti Engineering, P.C.
- Plan entitled "Site Details," dated September 20, 2019, last revised November 23, 2020, prepared by Alfonzetti Engineering, P.C.
- Plan entitled "Utility & Erosion Control Plan," dated September 20, 2019, last revised November 23, 2020, prepared by Alfonzetti Engineering, P.C.
- Plan entitled "Landscape Plan," dated October 16, 2020, prepared by Frank Giuliani, Landscape Architects.
- Plan labeled "1 of 9," entitled "Front Elevation," dated October 7, 2020, prepared by DeMasi Architects, P.C.
- Plan labeled "2 of 9," entitled "Foundation Plan," dated October 7, 2020, prepared by DeMasi Architects, P.C.
- Plan labeled "3 of 9," entitled "First Floor Plan," dated October 7, 2020, prepared by DeMasi Architects, P.C.
- Plan labeled "4 of 9," entitled "Second Floor Plan," dated October 7, 2020, prepared by DeMasi Architects, P.C.

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- Plan labeled “5 of 9,” entitled “Roof Framing Plan,” dated October 7, 2020, prepared by DeMasi Architects, P.C.
- Plan labeled “6 of 9,” entitled “Right Side Elevation,” dated October 7, 2020, prepared by DeMasi Architects, P.C.
- Plan labeled “7 of 9,” entitled “Left Side Elevation,” dated October 7, 2020, prepared by DeMasi Architects, P.C.
- Plan labeled “8 of 9,” entitled “Rear Elevation,” dated October 7, 2020, prepared by DeMasi Architects, P.C.
- Plan labeled “9 of 9,” dated October 7, 2020, prepared by DeMasi Architects, P.C.

WHEREAS, the submitted site plan depicts grading and disturbance that is substantially different than what was contemplated during the subdivision process; and

WHEREAS, the Planning Board directed the Applicant to revise the proposed plan to limit the amount of cut and fill on the property; and

WHEREAS, after a site investigation, the Planning Board and the Applicant agreed to place the proposed house first floor elevation at approximately at 483; and

WHEREAS, the submitted site plan depicts the removal of 13 additional Town-regulated trees and a proposed implementation of a landscaping plan; and

WHEREAS, the Planning Board, pursuant to §355-44 of the North Castle Code, conducted a duly noticed public meeting which was opened December 9, 2019 and closed on November 22, 2021 with respect to the site plan, at which time all those wishing to be heard with respect to the site plan were given an opportunity to be heard; and

WHEREAS, the Applicant received approval from the Architectural Review Board on January 15, 2020; and

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

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

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

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

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

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

Prior to the Signing of the Site Plan:

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

- _____ 1. Payment of all applicable fees, including any outstanding consulting fees, pursuant to the master fee schedule.
- _____ 2. The Erosion Control Plan shall identify the size and species of all existing trees, to the satisfaction of the Town Engineer
- _____ 3. The Applicant shall submit to the Planning Board Secretary one PDF set of plans (with required signature block) incorporating all required amendments to the plans as identified in this resolution of approval to the satisfaction of the Town Planner, Town Engineer and Town Attorney.

Prior to the Issuance of a Building Permit:

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

- _____ 1. The applicant shall provide proof of coverage under the NYSDEC General Permit, GP-0-15-002, for Stormwater Discharge from Construction Activity, to the satisfaction of the Town Engineer
- _____ 2. The approved site plan shall be signed by both the Planning Board Chair and Town Engineer.
- _____ 3. The Applicant shall obtain a curbcut permit from the Highway Department to the satisfaction of the Town Engineer. The Highway Department shall require a work plan for all work in the ROW that takes into consideration existing roadway conditions and associated restoration.

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Prior to the Issuance of a Certificate of Occupancy/Compliance:

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

- _____ 1. Provide proof of closure of the NYSDEC General Permit, GP-0-15-002, for Stormwater Discharge from Construction Activity, to the satisfaction of the Town Engineer
- _____ 2. Provide proof of closure of the Town Highway Department Curb Cut Permit.
- _____ 3. Payment of all outstanding fees, including professional review fees.
- _____ 4. 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.
- _____ 5. The submission to the Town Building Inspector of an "As Built" site plan.

Other Conditions:

1. All initial pool fillings (after construction or repair) and all subsequent pre-season yearly pool fillings (not including water loss during the season) shall be completed using off-site trucked in water. In no circumstance shall the public water supply or a private well be used for initial pool fillings and/or pre-season yearly pool fillings.
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.

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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.

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

Date

Marshall and Raffelina Kesten

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

Date

Valerie B. Desimone, Planning Board Secretary

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, Chairman