



**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](http://www.northcastleny.com)

**PLANNING BOARD**  
Christopher Carthy, Chair

## **RESOLUTION**

<b>Action:</b>	Site Plan and Tree Removal Permit Approvals [19-039]
<b>Application Name:</b>	Odoardi
<b>Applicant:</b>	Joe Delaurentis
<b>Owner:</b>	Odoardi Bruno
<b>Designation:</b>	122.16-4-7
<b>Zone:</b>	R-5
<b>Acreage:</b>	6,948 square feet
<b>Location:</b>	22 Nethermont Ave
<b>Date of Approval:</b>	March 22, 2021
<b>Original Expiration Date:</b>	March 22, 2022 (1 Year)

WHEREAS, the Applicant has submitted a site plan application for the construction of a proposed new four bedroom 2,134 square foot home, driveway and yard areas on vacant lot; and

WHEREAS, the RPRC determined that given the environmental constraints of the property and the amount of proposed disturbance, a detailed review by the Planning Board Architectural Review Board is warranted; and

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

- Plan labeled "TS-1," entitled "Existing Conditions," dated January 11, 2020, prepared by Gabriel E. Senor, P.C.
- Plan labeled "0" entitled "Cover Sheet," dated February 5, 2019, last revised June 25, 2019, prepared by Anthony S. Pisarri, P.E.
- Plan labeled "3A" entitled "First Floor Plan," dated February 5, 2019, last revised June 25, 2019, prepared by Anthony S. Pisarri, P.E.
- Plan labeled "3B" entitled "Second Floor Plan," dated February 5, 2019, last revised June 25, 2019, prepared by Anthony S. Pisarri, P.E.
- Plan labeled "4" entitled "Cross Section," dated February 5, 2019, last revised June 25, 2019, prepared by Anthony S. Pisarri, P.E.
- Plan labeled "8" entitled "Standard Notes, Schedules and Details," dated February 5, 2019, last revised June 25, 2019, prepared by Anthony S. Pisarri, P.E.
- Plan labeled "A-001," entitled "Elevations," dated January 1, 2020, last revised February 20, 2021, prepared by Gabriel E. Senor, P.C.
- Plan labeled "ARCH," entitled "Foundation Plan," dated January 1, 2021, last revised February 20, 2021, prepared by Gabriel E. Senor, P.C.

*Site Plan and Tree Removal Permit Approvals for*

Odoardi [19-039]

March 22, 2021

Page 2 of 9

- Plan labeled “SS-1,” entitled “Streetscape Photos,” dated January 1, 2020, prepared by Gabriel E. Senor, P.C.
- Plan labeled “LS-1,” entitled “Landscape Plan,” dated January 10, 2020, last revised February 17, 2021, prepared by Gabriel E. Senor, P.C.
- Plan labeled “SW-1,” entitled “Stormwater Pollution Prevention Plan,” dated January 10, 2020, last revised February 13, 2021, prepared by Gabriel E. Senor, P.C.
- Plan labeled “SW-2,” entitled “Stormwater Pollution Prevention Plan,” dated January 10, 2020, last revised March 10, 2020, prepared by Gabriel E. Senor, P.C.

WHEREAS, the site plan depicts the removal of 12 Town-regulated trees; and

WHEREAS, the site plan does not depict disturbance to Town-regulated steep slopes; and

WHEREAS, the site plan does not depict disturbance to Town-regulated wetlands or wetland buffers; 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; and

WHEREAS, the site plan was 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 ability to provide water and sewer capacity for the proposed house; and

WHEREAS, the site plan application was referred to the Westchester County Planning Board pursuant to § 239-m of New York State General Municipal Law (GML) since the site is within 500 feet of the City of White Plains; and

WHEREAS, the proposed house design received approval from the ARB on March 3, 2021; and

WHEREAS, the Planning Board, pursuant to §355-44 of the North Castle Code, conducted a duly noticed public meeting on March 22, 2021 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 neighbor notification notice was sent to the City of White Plains City Clerk pursuant to § 239-nn of New York State General Municipal Law (GML) since the subject site is located within 500 feet of the City of White Plains.

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

**Site Plan and Tree Removal Permit Approvals for**

Odoardi [19-039]

March 22, 2021

Page 3 of 9

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

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

NOW THEREFORE BE IT RESOLVED, that the application for site plan 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. The applicant shall provide a sight distance exhibit demonstrating 200' of sight distance available to the left and right of the driveway to the satisfaction of the Town Engineer. The plan and profiles shall establish the driver's eye set 3.5 feet above grade, 14 feet back from the edge of the road with a line of sight to an object in the road 2 feet above grade. The applicant shall utilize GIS topography and planimetric data, imported into the drawing, to generate the plan and profile as opposed to working from an image. The elevations shall use the same datum as the submitted plans and correspond to the grades on the profiles.
- \_\_\_\_\_ 2. The Applicant shall demonstrate how average grade was calculated to the satisfaction of the Planning Department. The Town Code requires where the finished ground level slopes away from the exterior walls, the average grade shall be the lowest point within six feet of the perimeter of the building.
- \_\_\_\_\_ 3. The driveway profile shall be revised to include vertical curve data, of length vertical curve, and existing and proposed station elevations, to demonstrate compliance with Section 355-59 B (1) and (3) of the Town Code to the satisfaction of the Town Engineer. The platform at the garage is proposed at 6% grade for 10 feet, then increases to a slope of 14%, the maximum permitted by Code. The driveway platform by the garage shall be lengthened to at least 20 feet to avoid parking vehicles at 14% grade.

**Site Plan and Tree Removal Permit Approvals for**

Odoardi [19-039]

March 22, 2021

Page 4 of 9

- \_\_\_\_\_4. The grading plan shall be revised to adjust for the removal of all previously proposed retaining walls to the satisfaction of the Town Engineer. Proposed spot grades at the garage shall be verified.
- \_\_\_\_\_5. The applicant has provided stormwater mitigation design calculations proposed to mitigate the net increase in runoff generated for the 100-year, 24-hour design storm event. There are inconsistencies between the land cover areas used for the curve number calculations, specifically related to the amount of ledge and vegetated areas under pre- and post-developed conditions that shall be corrected. The curve number for ledge (pre-developed) shall be revised to a CN of 98. The land areas used in the model shall be revised, as necessary to the satisfaction of the Town Engineer. All invert elevations for the components of the stormwater detention system and outlet structures shall be coordinated between the plan, details and the calculations to the satisfaction of the Town Engineer.
- \_\_\_\_\_6. The Trench Restoration Detail shall be revised to comply with North Castle Highway Department Standards to the satisfaction of the Town Engineer. The detail shall indicate k-crete backfill for the full depth of the trench. All saw cut lines shall be tack coated and all joints crack seal. The water service curb stop shall be located on the plan.
- \_\_\_\_\_7. The driveway detail shall be revised to illustrate an 18 foot maximum curb cut width to the satisfaction of the Town Engineer.
- \_\_\_\_\_8. The stormwater calculations shall be removed from Drawing SW-2 to the satisfaction of the Town Engineer.
- \_\_\_\_\_9. The proposed slot drain (trench drain) detail does not appear to be adequate for vehicle loading and shall be replaced with a drain suitable for H-20 vehicle loading to the satisfaction of the Town Engineer.
- \_\_\_\_\_10. Erosion control measures shall be illustrated on the plan, including, but not limited to, inlet protection, and tree protection to the satisfaction of the Town Engineer. The limit of disturbance shall be revised to illustrate and quantify all areas of disturbance on and off site.
- \_\_\_\_\_11. The Applicant shall provide a maximum exterior wall height analysis to the satisfaction of the Planning Department (34' max).
- \_\_\_\_\_12. The architectural cross section of the house indicates internal stairs to a basement level and first and second floors. However, the floor plan illustrates a garage with an external access to the first floor entrance. This shall be clarified and coordinated on the plans, to the satisfaction of the Town Engineer and Town Planner. Any required mechanical space shall be illustrated as well.

*Site Plan and Tree Removal Permit Approvals for*

Odoardi [19-039]

March 22, 2021

Page 5 of 9

- \_\_\_\_\_ 13. The applicant shall provide a separate Site Plan and Grading and Utility Plan to the Existing Conditions Plan for clarity of ease and review, to the satisfaction of the Town Engineer. The applicant shall prepare a Site Plan that includes all proposed improvements, including, but not limited to, proposed residence, walkways, patios, driveway including dimensions, a zoning compliance table, the minimum building envelope illustrating building setbacks and dimensions, retaining walls and existing neighboring buildings and driveways. Existing and proposed grading, utilities, erosion controls, etc., should be illustrated on separate plan sheets.
- \_\_\_\_\_ 14. The plan proposes a retaining wall to be constructed immediately adjacent to the southern property line. The plan shall clarify, to the satisfaction of the Town Engineer, how the wall will be constructed per design detail without impacting the adjacent property. The wall location/design shall be revised as needed.
- \_\_\_\_\_ 15. The plans include a fence detail. The plan shall clarify the location and height of the fence, to the satisfaction of the Town Engineer.
- \_\_\_\_\_ 16. The plans shall include a cut and fill calculation to provide an estimate of the rock removal required and an anticipated duration, to the satisfaction of the Town Engineer.
- \_\_\_\_\_ 17. The Rock Removal Plan shall be revised to include a discussion regarding warning levels to be monitored before maximum thresholds are experienced, provisions and protocol for immediate shut-down should the maximum allowable vibration be detected, reporting requirements, and methods of notification to the Town, owner, contractor, design professional and adjacent property owners in the event the threshold is met, to the satisfaction of the Town Planner and Town Engineer.
- \_\_\_\_\_ 18. All plans shall be signed and sealed by the design professional.
- \_\_\_\_\_ 19. Payment of all applicable fees, including any outstanding consulting fees, pursuant to the master fee schedule.
- \_\_\_\_\_ 20. The Applicant shall submit to the Planning Board Secretary two sets of plans (with required signature block) incorporating all required amendments to the plans as identified in this resolution of approval to the satisfaction of the Town Planner, Town Engineer and Town Attorney.

**Site Plan and Tree Removal Permit Approvals for**

Odoardi [19-039]

March 22, 2021

Page 6 of 9

- \_\_\_\_\_ 21. The Applicant shall submit final construction plans for site improvements, excepting improvements relating to the house construction, 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 a Chipping Permit from the Building Department pursuant to Section 122-18 of the Town Code.
- \_\_\_\_\_ 2. The approved site plan shall be signed by both the Planning Board Chair and Town Engineer.
- \_\_\_\_\_ 3. The Applicant shall obtain Sewer and Water Department approval for the proposed sewer connection to the satisfaction of the Town Engineer.
- \_\_\_\_\_ 4. 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.

**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 Town Highway Department Curb Cut Permit.
- \_\_\_\_\_ 2. Provide proof of closure of the Town Sewer and Water Department 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.

***Site Plan and Tree Removal Permit Approvals for***

Odoardi [19-039]

March 22, 2021

Page 7 of 9

**Other Conditions:**

1. Prior to the start of construction and throughout the construction period, area of disturbance lines shall be clearly delineated in the field with snow fence or another demarcation acceptable to the Building Department and Town Engineer, which shall be placed around the entire proposed construction area. Except as necessary to provide mitigation plantings, no encroachment beyond these limits by workers or machinery shall be permitted.
2. Grading and clearing and other construction-related activities shall take place only within the delineated area of disturbance lines. These area of disturbance lines represent the maximum limits of construction activities. Every attempt shall be made to further reduce grading and clearing activities within the area of disturbance lines by maintaining natural vegetation and topography wherever practicable.
3. Prior to the commencement of any site work, the Applicant shall stake the location of the proposed construction for inspection and approval by the Building Department and Town Engineer.
4. All soil erosion and sedimentation control measures shown on this plan shall be in place prior to the start of any site work. The Building Department and Town Engineer shall have inspected the installation of all required soil erosion and sedimentation control measures prior to the authorization to proceed with any phase of the site work.
5. Throughout the construction period, a qualified professional retained by the Applicant shall, on at least a weekly basis, prior to any predicted rain event and after any runoff-producing rain event, inspect the soil erosion and sedimentation control measures to ensure their proper functioning. Soil shall be removed from the silt fence when bulges develop in the fence in accordance with Westchester County recommendations. Records shall be kept onsite and made available for review by Town personnel. Inspections shall be in accordance with the NYSDEC Phase II regulations.
6. If the Applicant, during the course of construction, encounters such conditions as flood areas, underground water, soft or silty areas, improper drainage, or any other unusual circumstances or conditions that were not foreseen in the original planning, he shall report such conditions immediately to the Building Department and Town Engineer. The Applicant may submit, if he so desires, his recommendations as to the special treatment to be given such areas to secure adequate, permanent and satisfactory construction. The Building Department, without unnecessary delay, shall investigate the condition or conditions, and shall either approve the Applicant's recommendations to correct the conditions, order a modification thereof, or issue his own specifications for the correction of the conditions. In the event of the Applicant's disagreement with the decision of the Building Department, or in the event of a significant change resulting to the site plan or any change that involves the wetlands regulated areas, the matter shall be decided by the

*Site Plan and Tree Removal Permit Approvals for*

Odoardi [19-039]

March 22, 2021

Page 8 of 9

Planning Board. Any such conditions observed by the Planning Board or its agents shall be similarly treated.

7. Compliance with all applicable local laws and ordinances of the Town of North Castle and any conditions attached to permits issued thereunder.
8. The applicant shall provide sedimentation and erosion control measures to the satisfaction of the Town Engineer and in accordance with the measures set forth in the Westchester County Best Management Practices for Construction and Related Activities.
9. All landscaping shown on this plan shall be maintained in a vigorous growing condition throughout the duration of the use. All plants not so maintained shall be replaced with new plants of comparable size and quality at the beginning of the next immediately following growing season.



**Site Plan and Tree Removal Permit Approvals for**

Odoardi [19-039]

March 22, 2021

Page 9 of 9

\*\*\*\*\*

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Joe Delaurentis, Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Odoardi Bruno, Owner

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