



**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**

**Action:** Site Plan, Steep Slopes, Tree Removal and Wetland Permit Approvals  
**Application Name:** 8 Cole Drive [2020-028]  
**Owner/Applicant:** Nazar Massouh  
**Designation:** 94.02-1-8  
**Zone:** R-2A Zoning District  
**Acreage:** 8.8 acres (after lot line realignment)  
**Location:** 8 Cole Drive  
**Date of Approval:** September 27, 2021  
**Expiration Date:** September 27, 2022 (1 Year)

WHEREAS, the Applicant has submitted a site plan application for the construction of a new 4,510 square foot addition to the existing single family home; and

WHEREAS, this project was referred to the Planning Board by the RPRC; 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 and the Conservation Board was warranted; and

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

- Plan labeled "C-100," entitled "Site Plan," dated March 22, 2021, last revised March 28, 2021, prepared by Provident Design Engineering, PLLC.
- Plan labeled "D-101," entitled "Site Plan," dated March 22, 2021, prepared by Provident Design Engineering, PLLC.
- Plan labeled "1 of 4," dated April 14, 2021, last revised April 30, 2021 prepared by DeMasi Architects P.C.
- Plan labeled "2 of 4," dated April 14, 2021, last revised April 30, 2021 prepared by DeMasi Architects P.C.
- Plan labeled "3 of 4," dated April 14, 2021, last revised April 30, 2021 prepared by DeMasi Architects P.C.
- Plan labeled "4 of 4," dated April 14, 2021, last revised April 30, 2021 prepared by DeMasi Architects P.C.
- Plan labeled "L-1," entitled "Mitigation Planting Plan," dated April 19, 2021, last revised April 21, 2021, prepared by IQ Imbiano Quigley Landscape Architects.

***Site Plan, Steep Slope, Tree and Wetlands Permit Approvals for***

8 Cole Drive [2020-028]

September 27, 2021

Page 2 of 8

- Plan labeled “L-1,” entitled “Mitigation Planting Plan,” dated July 10, 2020, last revised March 22, 2021, prepared by IQ Imbiano Quigley Landscape Architects.
- Plan labeled “L-2,” entitled “Details,” dated July 10, 2020, last revised March 22, 2021, prepared by IQ Imbiano Quigley Landscape Architects.
- Plan labeled “L-3,” entitled “Tree Removal Plan,” dated April 28, 2021, last revised April 28, 2021, prepared by IQ Imbiano Quigley Landscape Architects.

WHEREAS, the Applicant received approval from the Architectural Review Board on May 19, 2021 for the proposed house addition; and

WHEREAS, the site plan depicts the removal of 67 Town-regulated trees; and

WHEREAS, the site plan depicts Town-regulated steep slope disturbance; and

WHEREAS, the project will result 24,900 sq. ft. of disturbance within the wetland buffer; and

WHEREAS, in accordance with Chapter 340 of the Town Code, the Applicant is required to provide 2:1 mitigation for unavoidable disturbance to wetland/wetland buffer, or at least 49,800 square feet of mitigation; and

WHEREAS, a wetland buffer mitigation plan is proposed which meets the code requirements; and

WHEREAS, pursuant to Section 340-5.B of the Town Code, the Conservation Board is required to review the proposed wetland application and, within 45 days of receipt thereof, file a written report and its recommendation concerning the application with the Planning Board. Such report is required to evaluate the proposed regulated activity in terms of the findings, intent and standards of Chapter 340; and

WHEREAS, the Conservation Board recommended approval of the requested wetlands permit in a May 26, 2021 memo to the Planning Board; and

WHEREAS, a duly advertised public hearing was opened on August 9, 2021 and closed on September 13, 2021 at which time all those wishing to be heard were given the opportunity to be heard; and

WHEREAS, the Proposed Action would be classified as an Unlisted 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

**Site Plan, Steep Slope, Tree and Wetlands Permit Approvals for**

8 Cole Drive [2020-028]

September 27, 2021

Page 3 of 8

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 Planning Board based upon its review of the full environmental record finds that the proposed action will not result in any significant adverse environmental impacts and hereby reconfirms the Negative Declaration adopted on September 27, 2021; and

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

**Prior to the Signing of the Site Plan:**

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

- \_\_\_\_\_1. The Applicant shall submit the gross floor area calculations worksheet and backup data for proposed reconfigured Lot 8 to the satisfaction of the Planning Department.
- \_\_\_\_\_2. The Applicant shall submit the gross land coverage calculations worksheet and backup data for proposed reconfigured Lot 8 to the satisfaction of the Planning Department.
- \_\_\_\_\_3. The site plan shall be revised to depict and quantify Town-regulated steep slope disturbance (in square feet) to the satisfaction of the Planning Department.
- \_\_\_\_\_4. The site plan for the proposed house addition on proposed reconfigured Lot 8 shall be revised to depict the distance from the addition to the front property line. If necessary, the addition location shall be revised to meet the minimum required front yard setback to the satisfaction of the Planning Department.
- \_\_\_\_\_5. The submitted elevations shall be revised to depict a building height exhibit and a maximum exterior wall height exhibit to the satisfaction of the Planning Department.

***Site Plan, Steep Slope, Tree and Wetlands Permit Approvals for***

8 Cole Drive [2020-028]

September 27, 2021

Page 4 of 8

- \_\_\_\_\_6. The disturbance chart included should be updated to illustrate and quantify areas of Town-regulated steep slope disturbance required for the construction of the playroom, pool and cabana to the satisfaction of the Town Engineer. The plan shall account for associated improvements, such as stormwater mitigation areas that are currently not shown on the plan, as well as potential modifications to the existing septic system that may be required for the playroom [yet to be determined by the Westchester County Department of Health (WCHD)] to the satisfaction of the Town Engineer.
- \_\_\_\_\_7. A sequence of construction should be made part of the Stormwater Pollution Prevention Plan (SWPPP) and included on the Erosion Control Plan to clearly identify the scope of the project, the timing of the construction of the driveway improvements and playroom addition and the use of fill generated by the playroom addition to the satisfaction of the Town Engineer.
- \_\_\_\_\_8. The applicant shall provide a 5-year Wetland Mitigation Maintenance and Monitoring Plan, as required by as required by Section 340-12 of the Town Code to the satisfaction of the Town Engineer. In addition, the wetland mitigation plan shall be revised to include the requirements of the maintenance and monitoring to the satisfaction of the Town Engineer.
- \_\_\_\_\_9. The site plans for the playroom addition on 8 Cole Drive shall be revised to illustrate all Town regulated trees to be removed and protected within the disturbance limits. It appears that at least five (5) trees, three (3) of which are significant (including a 42 inch Oak) will require removal.
- \_\_\_\_\_10. The Mitigation Planting Plan shall differentiate between the existing and proposed deciduous tree planting to the satisfaction of the Town Engineer. As shown, similar symbols appear to be used for both.
- \_\_\_\_\_11. The footprint of the playroom addition shown on the engineering plans shall be coordinated with the architectural drawings to the satisfaction of the Town Engineer. As shown on the Site Plan, it appears that the addition is located partially within the required yard setback, necessitating an area variance. The playroom location should be adjusted to eliminate this.
- \_\_\_\_\_12. The plans for 8 Cole Drive shall include provisions for stormwater mitigation associated with the playroom addition to the satisfaction of the Town Engineer.
- \_\_\_\_\_13. The Applicant shall provide copies of the septic system approved (or modified) by the Westchester County Department of Health relating to the expansion of the house that is over 1,000 sq. ft. to the satisfaction of the Town Engineer.

**Site Plan, Steep Slope, Tree and Wetlands Permit Approvals for**

8 Cole Drive [2020-028]

September 27, 2021

Page 5 of 8

- \_\_\_\_\_ 14. The applicant shall submit a detailed quantity cost estimate for all improvements proposed for the wetland mitigation/restoration plan with the quantities certified by the applicant's Landscape Architect to the satisfaction of the Town Engineer.
- \_\_\_\_\_ 15. Submission to the Planning Board of a suitable legal agreement, in the form satisfactory to the Town Attorney, assuring the Town that the applicant will deposit cash or file a surety bond or other security acceptable to the Town Board (such as a Letter of Credit) for the construction of the wetland mitigation plantings, maintenance and monitoring program, the amount of said bond or other surety to be determined by the Town Board. Such bond shall be released after the completion of the wetland mitigation and monitoring to the satisfaction of the Town Engineer.
- \_\_\_\_\_ 16. 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.
- \_\_\_\_\_ 17. Payment of all applicable fees, including any outstanding consulting fees, pursuant to the master fee schedule.
- \_\_\_\_\_ 18. The plans shall not be signed until the 8 Cole/24 Davis Drive Subdivision plat map has been recorded in the office of the County Clerk.
- \_\_\_\_\_ 19. The Applicant shall submit to the Planning Board Secretary a single 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 approved site plan shall be signed by both the Planning Board Chair and Town Engineer.
- \_\_\_\_\_ 2. The Building Department shall confirm the establishment of the Wetland Mitigation Bond.
- \_\_\_\_\_ 3. The submission to the Town Building Inspector of a Completed Works Certificate for the septic system to the satisfaction of the Town Engineer.

**Site Plan, Steep Slope, Tree and Wetlands Permit Approvals for**

8 Cole Drive [2020-028]

September 27, 2021

Page 6 of 8

- \_\_\_\_\_ 4. If Chipping is determined to be necessary in the future, the Applicant will need to secure a chipping permit pursuant to Article II of Chapter 122 of the Town Code from the Building Department.

**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. Payment of all outstanding fees, including professional review fees.
- \_\_\_\_\_ 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 and the initial wetland maintenance and monitoring report shall be submitted to the Town Engineer, at the sole cost and expense of the applicant.
- \_\_\_\_\_ 3. The submission to the Town Building Inspector of an "As Built" site plan.

**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.

***Site Plan, Steep Slope, Tree and Wetlands Permit Approvals for***

8 Cole Drive [2020-028]

September 27, 2021

Page 7 of 8

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 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, Steep Slope, Tree and Wetlands Permit Approvals for*

8 Cole Drive [2020-028]

September 27, 2021

Page 8 of 8

\*\*\*\*\*

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Nazar Massouh

\*\*\*\*\*

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, Chairman