



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

RESOLUTION

Action: Site Plan, Steep Slopes and Tree Removal Permit Approvals [2020-039]
Application Name: 21 Nethermont Site Plan
Applicant/Owner: Dino DeLaurentis & Michelle DeLaurentis
Designation: 122.16-4-41
Zone: R-5
Acreage: 7,546 square feet
Location: 21 Nethermont Ave
Date of Approval: July 11, 2022
Original Expiration Date: July 11, 2023 (1 Year)

WHEREAS, the Applicant has submitted a site plan application for the construction of a new four bedroom 3,125 square foot home, driveway and yard areas; 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 "SW-1," entitled "Site Plan/Zoning Analysis/Grading," dated October 3, 2021, last revised June 23, 2022, prepared by Gabriel E. Senior, P.C.
- Plan labeled "SD-1," entitled "Sight Distance Analysis," dated October 22, 2021, prepared by Gabriel E. Senior, P.C.
- Plan labeled "SW-2," entitled "Stormwater Pollution Prevention Plan & Erosion Control," dated September 10, 2020, last revised May 5, 2022, prepared by Gabriel E. Senior, P.C.
- Plan labeled "SW-2," entitled "Utility Plan," dated June 23, 2022, prepared by Gabriel E. Senior, P.C.
- Plan labeled "SW-3," entitled "Cross Sections," dated June 23, 2022, prepared by Gabriel E. Senior, P.C.
- Plan labeled "SW-4," entitled "Stormwater Pollution Prevention Plan & Erosion Control," dated September 10, 2020, last revised June 23, 2022, prepared by Gabriel E. Senior, P.C.
- Plan labeled "Sheet 1 of 2," entitled "Existing Tree Location & Removal Plan," dated May 4, 2022, prepared by Walter G. Nestler, P.C.

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- Plan labeled “Sheet 2 of 2,” entitled “Planting Plan,” dated May 4, 2022, prepared by Walter G. Nestler, P.C.
- Plan labeled “A-400.01, entitled “Exterior Elevations,” dated August 2, 2020, last revised December 3, 2021, prepared by Jeffrey Taylor Architect.
- Plan labeled “A-401.01, entitled “Exterior Elevations,” dated August 2, 2020, last revised December 3, 2021, prepared by Jeffrey Taylor Architect.
- Plan entitled “Survey of 21 Nethermont Ave,” dated September 10, 2020, prepared by Gabriel E. Senor, P.C.
- Plan labeled “TR-1,” entitled “Existing Conditions, Topographical Survey, Tree Removals,” dated September 10, 2020, last revised April 11, 2021, prepared by Gabriel E. Senor, P.C.
- Plan labeled “TR-1,” entitled “Existing Conditions, Topographical Survey, Tree Removals,” dated October 3, 2021, last revised June 27, 2022, prepared by Gabriel E. Senor, P.C.
- Plan labeled “TS-1,” entitled “Existing Conditions, Topographical Survey, & Steep Slope Analysis,” dated September 10, 2020, last revised June 15, 2022, prepared by Gabriel E. Senor, P.C.
- Plan labeled “SW-1,” entitled “Stormwater Pollution Prevention Plan & Erosion Control,” dated January 10, 2020, last revised April 11, 2021, prepared by Gabriel E. Senor, P.C.
- Plan labeled “SW-1A,” entitled “Grading Plan and Design Concept for Driveway Option 2,” dated April 11, 2021, prepared by Gabriel E. Senor, P.C.
- Plan labeled “SW-2,” entitled “Stormwater Pollution Prevention Plan & Erosion Control,” dated January 10, 2020, last revised April 11, prepared by Gabriel E. Senor, P.C.
- Plan labeled “SD-1,” entitled “Sight Distance Analysis,” dated December 11, 2020, prepared by Gabriel E. Senor, P.C.
- Plan labeled “FS-1,” entitled “Fill Delivery and Material Staging,” dated December 11, 2020, last revised June 15, 2022, prepared by Gabriel E. Senor, P.C.
- Plan labeled “RW-1.0,” entitled “Title Sheet,” dated November 16, 2020, prepared by Earthretention.com.
- Plan labeled “RW-2.0,” entitled “Construction Notes,” dated November 16, 2020, prepared by Earthretention.com.
- Plan labeled “RW-3.0,” entitled “Wall Plan View,” dated November 16, 2020, prepared by Earthretention.com.
- Plan labeled “RW-4.0,” entitled “Elevation View,” dated November 16, 2020, prepared by Earthretention.com.
- Plan labeled “RW-5.0,” entitled “Cross Section,” dated November 16, 2020, prepared by Earthretention.com.
- Plan labeled “RW-6.0,” entitled “Construction Details,” dated November 16, 2020, prepared by Earthretention.com.
- Plan labeled “RW-6.1,” entitled “Construction Details,” dated November 16, 2020, prepared by Earthretention.com.

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- Document entitled “Design Calculations,” dated November 16, 2020, prepared by Earthretention.com
- Plan labeled “T-100.00,” entitled “Title Sheet/Code Data,” dated August 2, 2020, last revised February 17, 2021, prepared by Jeffrey Taylor Architect.
- Plan labeled “PH-100.00,” entitled “Site Photos,” dated August 2, 2020, last revised February 17, 2021, prepared by Jeffrey Taylor Architect.
- Plan labeled “GN-100.00,” entitled “General Notes,” dated August 2, 2020, last revised February 17, 2021, prepared by Jeffrey Taylor Architect.
- Plan labeled “A-001.00,” entitled “Floor Area Calculations,” dated August 2, 2020, last revised February 17, 2021, prepared by Jeffrey Taylor Architect.
- Plan labeled “A-100.00,” entitled “Basement Level Construction Floor Plan,” dated August 2, 2020, last revised February 17, 2021, prepared by Jeffrey Taylor Architect.
- Plan labeled “A-101.00,” entitled “1st Floor Construction Floor Plan,” dated August 2, 2020, last revised February 17, 2021, prepared by Jeffrey Taylor Architect.
- Plan labeled “A-102.00,” entitled “2nd Floor Construction Floor Plan,” dated August 2, 2020, last revised February 17, 2021, prepared by Jeffrey Taylor Architect.
- Plan labeled “A-200.00,” entitled “Roof Construction Plan,” dated August 2, 2020, last revised February 17, 2021, prepared by Jeffrey Taylor Architect.
- Plan labeled “A-400.00,” entitled “Exterior Elevations,” dated August 2, 2020, last revised February 17, 2021, prepared by Jeffrey Taylor Architect.
- Plan labeled “A-401.00,” entitled “Exterior Elevations,” dated August 2, 2020, last revised February 17, 2021, prepared by Jeffrey Taylor Architect.
- Plan labeled “A-500.00,” entitled “Sections,” dated August 2, 2020, last revised February 17, 2021, prepared by Jeffrey Taylor Architect.
- Plan labeled “A-600.00,” entitled “Door & Window Schedule,” dated August 2, 2020, last revised February 17, 2021, prepared by Jeffrey Taylor Architect.
- Plan labeled “S-100.00,” entitled “Foundation Plan,” dated August 2, 2020, last revised February 17, 2021, prepared by Jeffrey Taylor Architect.

WHEREAS, the proposed driveway location does not provide the minimum required sight distance pursuant to Section 355-59.D of the Town Code; and

WHEREAS, The Applicant obtained a variance to permit 116 feet of sight distance looking north and 114 feet of sight distance looking south at the April 7, 2022 Zoning Board of Appeals Meeting; and

WHEREAS, the site plan depicts the removal of 20 Town-regulated trees; and

WHEREAS, the site plan depicts the disturbance to 3,631 square feet of Town-regulated steep slopes; and

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

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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 Police Department expressed concern with the proposed driveway location and sight distance; 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 Sewer and Water Department did not provide a response to the Planning Board; 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 July 11, 2022 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

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, steep slope and tree removal permit approvals, as described herein, are hereby conditionally approved, subject to the following conditions and modifications; and

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BE IT FURTHER RESOLVED that, this site plan, steep slope 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 site plan shall be revised to dimension the deck to the rear property line. The deck shall not be located closer than 30 feet to the rear lot line to the satisfaction of the Planning Department.
- _____ 2. The applicant shall revise the proposed grade line on the Architect's elevations to comply with the grades used within their calculations to the satisfaction of the Town Engineer.
- _____ 3. Payment of all applicable fees, including any outstanding consulting fees, pursuant to the master fee schedule.
- _____ 4. 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.
- _____ 5. 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 fill permit pursuant to Chapter 161 from the Building Department
- _____ 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.

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- _____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.
- _____5. Provide Engineer's Certification for all retaining walls confirming their construction in compliance with the approved plans to the satisfaction of the Town Engineer.

Other Conditions:

1. Rock crushing shall be prohibited on this site.
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.

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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.

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

Date

Dino DeLaurentis & Michelle DeLaurentis, Applicant

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