



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

RESOLUTION

Action: Site Plan, Wetlands Permit and Tree Removal Permit Approvals
Application Name: 164 E. Middle Patent Road [2020-045]
Applicant/Owner: Steven J. Velardo
Designation: 95.02-2-22
Zone: R-4A
Acreage: 2 acres
Location: 164 E. Middle Patent Road
Date of Approval: March 8, 2021
Expiration Date: March 8, 2022 (1 Year)

WHEREAS, the Applicant has submitted a site plan application for the alteration to the existing single family dwelling that includes a new second story addition, new walkway, tree removal, patio restoration and new shed; and

WHEREAS, the project is located on E. Middle Patent Road, which is a designated Scenic Roadway; as such, Planning Board site plan approval is required for this project; and

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

- Plan labeled "1 of 4," dated September 28, 2020, prepared by DeMasi Architects, P.C.
- Plan labeled "2 of 4," dated September 28, 2020, prepared by DeMasi Architects, P.C.
- Plan labeled "3 of 4," dated September 28, 2020, prepared by DeMasi Architects, P.C.
- Plan labeled "4 of 4," dated September 28, 2020, prepared by DeMasi Architects, P.C.
- Plan labeled "FAR Drawing 1 of 2," dated October 15, 2020, prepared by DeMasi Architects, P.C.
- Plan labeled "FAR Drawing 2 of 2," dated October 15, 2020, prepared by DeMasi Architects, P.C.
- Plan labeled "LS-1," entitled "Site Plan," dated January 25, 2021, prepared by DeMasi Architects, P.C.
- Plan labeled "LS-2," entitled "Site Plan Overlay and Wetland Buffer Area Disturbance," dated January 25, 2021, prepared by DeMasi Architects, P.C.
- Plan labeled "LW-1," entitled "Wetland Mitigation Plan," dated February 22, 2021, prepared by DeMasi Architects, P.C.

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

WHEREAS, the site contains locally regulated freshwater wetlands; and

WHEREAS, the proposed construction requires the issuance of a wetlands permit; and

WHEREAS, the site plan depicts 9,055 square feet of Town-regulated wetland buffer disturbance and 18,500 square feet of mitigation; and

WHEREAS, in a February 25, 2021 letter to the Planning Board, the Conservation Board recommended approval of the requested wetlands permit; and

WHEREAS, the existing house does not meet the minimum required front yard and rear yard setbacks; and

WHEREAS, the existing house received a variance on November 5, 1959; and

WHEREAS, the proposed alterations received a variance from the Zoning Board of Appeals on October 1, 2020; and

WHEREAS, the existing pool is proposed to be restored; and

WHEREAS, the original pool was granted a variance from the Zoning Board of Appeals in May of 1969; and

WHEREAS, the Planning Board conducted a duly noticed public hearing in March 8, 2021 with respect to the site plan and wetlands permit, 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 October 21, 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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WHEREAS, the Planning Board finds that any necessary intrusions within the scenic roadscape area have been reduced to the maximum extent practicable by such measures as common driveways, shared utility services or other such techniques and that the construction is compatible with the legislative intent of Town Code; and

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

BE IT FURTHER RESOLVED that, this site plan, wetlands permit 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 submit floor plans and elevations of the proposed shed to the satisfaction of the Planning Department. In addition, plans should demonstrate the size of the shed, that the shed is less than 25% of the floor area of the main house and that the height of the shed does not exceed 15 feet in height.
- _____2. The plan shall illustrate the intended scope of work for the existing pool to the satisfaction of the Town Engineer. The plan shall include details of the proposed improvements, i.e. patio, fence, pool equipment, etc. Stormwater mitigation may be necessary, as determined by the Town Engineer. The Building Inspector will need to determine whether the restored pool would require an area variance since the pool is located within front yard setback of the property.
- _____3. The plans shall include details for all proposed improvements, including but not limited to, gravel driveway, stormwater mitigation, terrace, walkways, asphalt apron, drainage trench, utility trench, retaining wall, and tree and shrub planting to the satisfaction of the Town Engineer.
- _____4. Payment of all applicable fees, including any outstanding consulting fees, pursuant to the master fee schedule.
- _____5. The Applicant shall submit to the Planning Board Secretary two (2) 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.

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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.

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, 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.

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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.

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

Date

Steven J. Velardo

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