



**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**

**Action:** Site Plan, Special Use Permit, Servant's Quarters, Wetlands Permit and Tree Removal Permit Approvals  
**Application Name:** 45 Hurlingham Dr [#2020-046]  
**Applicant/Owner:** 45 Hurlingham, LLC  
**Designation:** 102.04-1-26  
**Zone:** R-2A  
**Acreage:** 10.309 acres  
**Location:** 45 Hurlingham Dr  
**Date of Approval:** August 9, 2021  
**Expiration Date:** August 9, 2022 (1 Year)

WHEREAS, the Applicant has submitted a site plan application for the construction of an 18,760 square foot single-family residence, a caretaker's cottage, a tennis court, patios and a dock; and

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

- Title Sheet dated February 8, 2021, last revised July 6, 2021, prepared by D'Andrea Surveying & Engineering, P.C.
- Plan entitled "Topographic Survey," dated February 8, 2021, last revised June 1, 2021, prepared by D'Andrea Surveying & Engineering, P.C.
- Plan entitled "Zoning Location Survey," dated February 8, 2021, last revised July 6, 2021, prepared by D'Andrea Surveying & Engineering, P.C.
- Plan labeled "1 of 4," entitled "Development Plan," dated February 8, 2021, last revised July 6, 2021, prepared by D'Andrea Surveying & Engineering, P.C.
- Plan labeled "2 of 4," entitled "Sedimentation and Erosion Controls," dated February 8, 2021, last revised July 6, 2021, prepared by D'Andrea Surveying & Engineering, P.C.
- Plan labeled "3 of 4," entitled "Notes & Details," dated February 8, 2021, last revised July 6, 2021, prepared by D'Andrea Surveying & Engineering, P.C.
- Plan labeled "4 of 4," entitled "Septic Design & Details," dated February 8, 2021, last revised July 6, 2021, prepared by D'Andrea Surveying & Engineering, P.C.
- Plan labeled "1 of 1," entitled "Development Plan Showing Possible Subdivision for Caretaker's Quarters," dated February 8, 2021, last revised July 6, 2021, prepared by D'Andrea Surveying & Engineering, P.C.
- Plan labeled "1 of 1," entitled "Average Grade Plan," dated February 8, 2021, last revised July 6, 2021, prepared by D'Andrea Surveying & Engineering, P.C.
- Plan entitled "Net Lot Area," undated prepared by Richard A. Regan, P.E.
- Plan labeled "Exhibit 'A,'" entitled "Proposed Coverage," undated prepared by Richard A. Regan, P.E.

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- Document entitled "Stormwater Pollution Prevention Plan (SWPPP), dated February 8, 2021, last revised July 6, 2021, prepared by D'Andrea Surveying & Engineering, P.C.
- Plan labeled "1 of 1," entitled "Earthwork Calculations," dated July 1, 2021, prepared by D'Andrea Surveying & Engineering, P.C.
- Plan entitled "Preliminary Drawings for Proposed Residence," dated June 1, 2021, prepared by Tasos Kokoris AIA, LEED AP.
- Plan entitled "Basement Floor Plan," dated June 1, 2021, prepared by Tasos Kokoris AIA, LEED AP.
- Plan entitled "Ground Level Floor Plan," dated June 1, 2021, prepared by Tasos Kokoris AIA, LEED AP.
- Plan entitled "Bedroom Level Floor Plan," dated June 1, 2021, prepared by Tasos Kokoris AIA, LEED AP.
- Plan entitled "Cloud Level Floor Plan," dated June 1, 2021, prepared by Tasos Kokoris AIA, LEED AP.
- Plan entitled "Roof Plan," dated June 1, 2021, prepared by Tasos Kokoris AIA, LEED AP.
- Plan entitled "East Elevation," dated June 1, 2021, prepared by Tasos Kokoris AIA, LEED AP.
- Plan entitled "West (Lake) Elevation," dated June 1, 2021, prepared by Tasos Kokoris AIA, LEED AP.
- Plan entitled "Caretaker's Cottage," dated June 1, 2021, prepared by Tasos Kokoris AIA, LEED AP.
- Plan entitled "Building Sections," dated June 1, 2021, prepared by Tasos Kokoris AIA, LEED AP.
- Plan entitled "Average Roof Calculations," dated June 1, 2021, prepared by Tasos Kokoris AIA, LEED AP.
- Plan labeled "L.1," entitled "Site Plan," dated February 8, 2021, last revised June 1, 2021, prepared by Jay Fain & Associates, LLC.
- Plan labeled "L-2," entitled "Site Plan Details," dated February 8, 2021, last revised June 1, 2021, prepared by Jay Fain & Associates, LLC.

WHEREAS, the site plan depicts the removal of 32 Town-regulated trees, 13 of which are Town-regulated Significant Trees; and

WHEREAS, the Planning Board, pursuant to §355-44 of the North Castle Code, conducted a duly noticed public meeting on August 9, 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 July 21, 2021; and

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WHEREAS, the plans depict 388 square feet of Town-regulated wetland buffer disturbance associated with the proposed path leading to Converse Lake; and

WHEREAS, the Applicant has prepared an 800 square feet mitigation plan that is twice the area of proposed disturbance; and

WHEREAS, the Conservation Board in a July 29, 2021 memo recommended the approval of the requested wetlands permit; and

WHEREAS, the property includes a portion of Converse Lake, a New York State Department of Environmental Conservation (NYSDEC), Class AA-S waterbody; and

WHEREAS, the applicant has provided confirmation from the NYSDEC that an Article 15, Protection of Waters Permit will not be required for the proposed dock and/or walking trail; and

WHEREAS, the property is partially located within the NYSDEC Checkzone for Freshwater Wetland K-54; and

WHEREAS, the applicant has provided confirmation from the NYSDEC that a Freshwater Wetland Permit will not be required; 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

NOW THEREFORE BE IT RESOLVED, that the application for site plan, special use permit, servant's quarters, wetlands permit 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, special use permit, servant's quarters, 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.

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**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 has provided documentation demonstrating that the proposed path to the dock can be permitted by the Town. The Town Attorney shall determine whether Town Board approval of the path is required.
- \_\_\_\_\_ 2. The gross floor area calculations worksheet and backup area shall clearly identify all covered patio areas and porches to the satisfaction of the Planning Department. It is not clear whether all proposed area were captured in the gross floor area worksheet and backup.
- \_\_\_\_\_ 3. The Applicant has submitted basement floor plans. However, the Applicant shall prepare an exhibit that demonstrates that the basement level should be excluded from the calculations per the definition of floor area, gross in Section 355-4 of the Town Code to the satisfaction of the Building Department.
- \_\_\_\_\_ 4. The Applicant shall provide an update on any communication from the Banksville Fire Department to the satisfaction of the Town Engineer.
- \_\_\_\_\_ 5. The Applicant shall provide copies of the septic system and well approval by the Westchester County Department of Health for the proposed site layout to the satisfaction of the Town Engineer.
- \_\_\_\_\_ 6. The site plan shall clarify whether any fencing will be proposed at its perimeter. Provide details. The maximum permitted height of fencing is six feet. Any fence proposed to exceed six feet shall require a variance from the Zoning Board of Appeals.
- \_\_\_\_\_ 7. The retaining wall detail shall be revised to specify any drainage materials, wall drains, weep holes, backfill and compaction requirements and illustrate the point of discharge for all drainage to the satisfaction of the Town Engineer. Any protection measures, such as fences, to be installed at the top of any retaining wall shall be illustrated on the plan and included in the details.
- \_\_\_\_\_ 8. The Erosion and Sediment Control Plan shall illustrate that all temporary silt fence is installed downgradient of all disturbed areas and parallel to the contours to the satisfaction of the Town Engineer.

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- \_\_\_\_\_ 9. The applicant shall provided a SWPPP and draft Notice of Intent (NOI), as required by Chapter 267, Stormwater Management of the Town Code and as required to obtain coverage under the NYSDEC General Permit, GP-0-20-001, for Stormwater Discharge from Construction Activity to the satisfaction of the Town Engineer.
- \_\_\_\_\_ 10. As required by Town Code, the applicant shall provide a long-term monitoring and maintenance plan for the proposed wetland mitigation for a period of at least five (5) years to the satisfaction of the Town Engineer. The Town Engineer will provide standard conditions for the long-term monitoring and maintenance plan to be included on the Site Landscaping and Wetland Mitigation Plan.
- \_\_\_\_\_ 11. The applicant shall submit a detailed quantity cost estimate for all improvements proposed for the wetland mitigation with the quantities certified by the applicant's engineer to the satisfaction of the Town Engineer.
- \_\_\_\_\_ 12. Payment of all applicable fees, including any outstanding consulting fees, pursuant to the master fee schedule.
- \_\_\_\_\_ 13. 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.

**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 Health Department approval for the proposed septic system and well to the satisfaction of the Town Engineer.
- \_\_\_\_\_ 2. The Applicant shall obtain a Floodplain Development Permit from the Building Department.
- \_\_\_\_\_ 3. The Applicant shall provide proof of filing of the Notice of Intent and MS4 SWPPP Acceptance Form with the NYSDEC for coverage under SPEDES General Permit, GP-0-20-001, to the satisfaction of the Town Engineer.
- \_\_\_\_\_ 4. Provide confirmation that the Wetland Mitigation Bond has been posted, to the satisfaction of the Town Engineer.
- \_\_\_\_\_ 5. The approved site plan shall be signed by both the Planning Board Chair and Town Engineer.

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\_\_\_\_\_6. Payment of all outstanding fees, including professional review fees.

**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. The applicant shall submit documentation demonstrating that Notice of Termination (NOT) filing for the NYSDEC General Permit has been completed to the satisfaction of the Town Engineer.

\_\_\_\_\_2. The applicant shall submit documentation demonstrating that all conditions of the Floodplain Development Permit have been satisfied to the satisfaction of the Town Engineer.

\_\_\_\_\_3. Prior to the issuance of a certificate of occupancy/compliance, the actual construction, installation and implementation of all wetland mitigation to the satisfaction of the Town Engineer.

\_\_\_\_\_4. Payment of all outstanding fees, including professional review fees.

\_\_\_\_\_5. 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.

\_\_\_\_\_6. 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.

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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.
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.

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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

\_\_\_\_\_  
45 Hurlingham, LLC

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