



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

RESOLUTION

Action: Site Development Plan and Tree Removal Permit Approvals
Application Name: 99 Byram Ridge Road [2021-003]
Applicant: Christopher Kalian
Owner: Byram, LLC
Designation: 101.01-1-13
Zone: R-1A
Acreage: 1.34 acres
Location: 99 Byram Ridge Road
Date of Approval: October 25, 2021
Expiration Date: October 25, 2022 (1 Year)

WHEREAS, the Applicant has submitted a site plan application for a new two-story, single family dwelling with private well and on-site wastewater treatment system; and

WHEREAS, this project was referred to the Planning Board by the Residential Project Review Committee; and

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

- Plan labeled "1 of 2," entitled "Site Drainage Plan," dated March 1, 2021, last revised October 10, 2021, prepared by ARQ Architecture, P.C.
- Plan labeled "2 of 2," entitled "Site Details," dated March 1, 2021, last revised October 10, 2021, prepared by ARQ Architecture, P.C.
- Plan labeled "1 of 2," entitled "OWTS Site Plan," dated March 1, 2021, last revised September 10, 2021, prepared by ARQ Architecture, P.C.
- Plan labeled "2 of 2," entitled "Details," dated March 1, 2021, prepared by ARQ Architecture, P.C.
- Plan entitled "Tree Inventory & Removal Plan," dated July 5, 2021, prepared by AZ Associates LTD.
- Plan labeled "SP.5," entitled "Site Landscape," dated October 15, 2020, last revised June 17, 2021, prepared by AZ Associates LTD.
- Plan labeled "T.1," entitled "Title Sheet," dated October 15, 2020, last revised September 10, 2021, prepared by Tom Abillama Architects.
- Plan labeled "C.01," entitled "Cover Sheet/Map/Notes," dated October 15, 2020, last revised September 10, 2021, prepared by Tom Abillama Architects.
- Plan labeled "C.02," entitled "BD Renderings," dated October 15, 2020, last revised September 10, 2021, prepared by Tom Abillama Architects.

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- Plan labeled “C.03,” entitled “Aerial View & Streetscape,” dated October 15, 2020, last revised September 10, 2021, prepared by Tom Abillama Architects.
- Plan labeled “SP.1,” entitled “Site Plan,” dated October 15, 2020, last revised September 10, 2021, prepared by Tom Abillama Architects.
- Plan labeled “SP.2,” entitled “Site Diagrams & Zoning,” dated October 15, 2020, last revised September 10, 2021, prepared by Tom Abillama Architects.
- Plan labeled “SP.3,” entitled “Stormwater Calculations and Design,” dated October 15, 2020, last revised September 10, 2021, prepared by Tom Abillama Architects.
- Plan labeled “SP.4,” entitled “Site Grading,” dated October 15, 2020, last revised September 10, 2021, prepared by Tom Abillama Architects.
- Plan labeled “SP.5,” entitled “Site/Retaining Wall Details,” dated July 19, 2021, last revised September 10, 2021, prepared by Tom Abillama Architects.
- Plan labeled “A.1,” entitled “Basement Floor Plan,” dated October 15, 2020, last revised September 10, 2021, prepared by Tom Abillama Architects.
- Plan labeled “A.2,” entitled “1st Floor Plan,” dated October 15, 2020, last revised September 10, 2021, prepared by Tom Abillama Architects.
- Plan labeled “A.3,” entitled “2nd Floor Plan,” dated October 15, 2020, last revised September 10, 2021, prepared by Tom Abillama Architects.
- Plan labeled “A.4,” entitled “Roof Plan,” dated October 15, 2020, last revised September 10, 2021, prepared by Tom Abillama Architects.
- Plan labeled “A.5,” entitled “Rear/Front Elevation,” dated October 15, 2020, last revised September 10, 2021, prepared by Tom Abillama Architects.
- Plan labeled “A.6,” entitled “Right Side Elevation,” dated October 15, 2020, last revised September 10, 2021, prepared by Tom Abillama Architects.
- Plan labeled “A.7,” entitled “Left Side Elevation,” dated October 15, 2020, last revised September 10, 2021, prepared by Tom Abillama Architects.
- Plan labeled “A.8,” entitled “Cross Section,” dated October 15, 2020, last revised September 10, 2021, prepared by Tom Abillama Architects.
- Plan labeled “A.9,” entitled “Exterior Wall Details,” dated October 15, 2020, last revised September 10, 2021, prepared by Tom Abillama Architects.

WHEREAS, the site plan depicts the removal of 37 Town-regulated trees; and

WHEREAS, the Planning Board, pursuant to §355-44 of the North Castle Code, conducted a duly noticed public meeting which was opened on August 9, 2021 and closed on September 27, 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 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 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 site plan shall be revised, to the satisfaction of the Planning Department, to dimension the proposed pool patio to the side lot line. No portion of the pool or patio can be closer than 25 feet to the side lot line.
- _____ 2. The site plan should be revised to depict the proposed limit of disturbance and clearly indicate maintained lawn area vs. naturalized wooded areas to the satisfaction of the Planning Department.
- _____ 3. The site plan shall be revised to depict a pool fence detail to the satisfaction of the Planning Department.
- _____ 4. The site plan shall be revised to note that the septic expansion area shall not be cleared and graded at this time to the satisfaction of the Planning Department.
- _____ 5. The Applicant shall submit a gross land coverage calculations worksheet and backup data to the satisfaction of the Planning Department.
- _____ 6. The Applicant shall submit a gross floor area calculations worksheet and backup data to the satisfaction of the Planning Department.

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- _____7. The Applicant shall provide copies of the septic system and well approved by the Westchester County Department of Health for the current proposed site layout to the satisfaction of the Town Engineer.
- _____8. The plan shall include a note, to the satisfaction of the Town Engineer, clearly stating that “Prior to Issuance of a Building Permit, all walls, equal to or greater than four (4) feet in height, shall be designed by a NYS Licensed Professional Engineer.” Provide construction details and specifications on the plan.
- _____9. The plan shall include a note, to the satisfaction of the Town Engineer, clearly stating that “Prior to the issuance of a Certificate of Occupancy, the construction of all walls, equal to or greater than four (4) feet in height, shall be certified by the Design Professional.”
- _____10. The plan shall include a driveway profile demonstrating compliance with Section 355-59, Driveways of the Town Code to the satisfaction of the Town Engineer. The profile shall include dimensions, grades and vertical curve data as needed to demonstrate compliance with specific provisions related to maximum allowable grades for the platform area and drive. The profile shall illustrate the location of the edge of existing roadway, property line and termination at the garage. A centerline alignment shall also be provided corresponding to the profile. The “average grade” noted on Sheet SP.4 does not satisfy this requirement.
- _____11. The plan shall indicate a maximum curb cut width of 18 feet, as required by the Town Highway Department. Any required restoration within the Town right of way shall be illustrated and detailed on the plan. In addition, the plan proposes to regrade/reconstruct the existing driveway. The plan shall dimension the driveway width and platform area at the garage and indicate whether the drive will be curbed. Provide details.
- _____12. The location, size and type of infiltration system differs from that shown on the Architect’s site plan and must be coordinated with the engineering plans. Further, the plan proposes to locate the infiltration system topographically upgradient of the septic field which is not permitted by the WCHD. The plan shall be revised accordingly and confirmation from the WCHD provided to verify compliance with their regulations to the satisfaction of the Town Engineer.
- _____13. The Stormwater Calculation and Design, Sheet SP.3, appears to propose the infiltration system to be installed entirely within fill and on slopes with a grade steeper than 15%. The NYS Stormwater Management Design Manual limits fill for infiltration systems to no more than the top quarter of the system and in areas of lesser natural slope. The plan shall be revised accordingly to comply with regulations to the satisfaction of the Town Engineer. In addition, it appears that

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the sizing and curve number calculations were performed for a 25-year storm event. The calculations shall be updated to mitigate through the 100-year storm event using Extreme Precipitation Rainfall Data from the National Resource Climate Center (NRCC) isohyetal maps to the satisfaction of the Town Engineer.

- _____14. The plans shall illustrate the area of the proposed stormwater mitigation system and primary and expansion septic areas to be cordoned off during construction to the satisfaction of the Town Engineer.
- _____15. The plan shall clearly illustrate and quantify the proposed limits of disturbance of the overall project, inclusive of the home construction, driveway reconstruction, septic field and any associated site improvement areas. The plan shall note that disturbance limits shall be staked in the field prior to construction. The applicant shall prepare a Stormwater Pollution Prevention Plan (SWPPP) in accordance with Chapter 173 - Stormwater Management of the Town Code for disturbances over 5,000 s.f. to the satisfaction of the Town Engineer.
- _____16. The applicant shall perform deep and percolation soil testing in the vicinity of the proposed mitigation system to be witnessed by the Town Engineer. The test locations and results shall be shown on the plan.
- _____17. The applicant shall prepare an Erosion and Sediment Control Plan to illustrate the location of all required temporary erosion control measures, including, but not limited to, temporary construction access, silt fence, inlet protection, tree protection, erosion control blankets, construction sequence, etc. to the satisfaction of the Town Engineer. Provide details.
- _____18. All plans shall be signed and sealed by the Design Professional to the satisfaction of the Planning Department.
- _____19. The plans shall include a note indicating the source of the survey and topographic data, including the referenced datum, utilized for the development of the plan to the satisfaction of the Town Engineer.
- _____20. Payment of all applicable fees, including any outstanding consulting fees, pursuant to the master fee schedule.
- _____21. 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. All walls, equal to or greater than four (4) feet in height, shall be designed by a NYS Licensed Professional Engineer to the satisfaction of the Town Engineer.
- _____ 2. The Applicant shall obtain Health Department approval for the proposed septic system and well to the satisfaction of the Town Engineer.
- _____ 3. 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 and associated restoration.
- _____ 4. 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. The construction of all walls, equal to or greater than four (4) feet in height, shall be certified by the Design Professional to the satisfaction of the Town Engineer.
- _____ 2. The submission to the Town Building Inspector of a Completed Works Certificate for the septic system and well to the satisfaction of the Town Engineer.
- _____ 3. Provide proof of closure of the Town Highway Department Curb Cut Permit.
- _____ 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.

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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.
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.

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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

Christopher Kalian, Applicant

Date

Byram, LLC, 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