



**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, Amended Clearing and Grading Limit Line and Tree Removal Permit Approvals  
**Application Name:** 16 Quaker Meeting House Road [2021-010]  
**Applicant/Owner:** Amanda and Eric Birenberg  
**Designation:** 101.03-4-44  
**Zone:** R-1A  
**Acreage:** 1.67 acres  
**Location:** 16 Quaker Meeting House Road  
**Date of Approval:** April 26, 2021  
**Expiration Date:** April 26, 2022 (1 Year)

WHEREAS, the Applicant is seeking approval to amend the previously approved Clearing and Grading Limit Line depicted on the Leisure Farm subdivision plat to construct a new in-ground pool and appurtenances; and

WHEREAS, the plat contains a note stating that “All of the clearing and grading lines as shown on this plat shall not be altered without Planning Board Approval;” and

WHEREAS, therefore, the Applicant is required to seek amended approval from the Planning Board; and

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

- Plan labeled “SP-1,” entitled “Proposed Pool Plan,” dated December 9, 2020, last revised April 14, 2021, prepared by Ahneman Kirby Engineers, Surveyors, Planners.
- Plan labeled “SP-2,” entitled “Proposed Site Details,” dated March 22, 2021, prepared by Ahneman Kirby Engineers, Surveyors, Planners.

WHEREAS, the submitted site plan depicts grading and disturbance that is different than what was contemplated during the subdivision process; and

WHEREAS, the Applicant is requesting revisions to the previously established Clearing and Grading Limit Line (C&GLL) depicted on the Leisure Farm subdivision plat map in the north western portion of the lot; and

WHEREAS, a note on the subdivision plat map states that “All of the clearing and grading lines as shown on this plat shall not be altered without Planning Board Approval;” and

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WHEREAS, in addition, the plat contains a note that states, “Grading and Clearing Limits lines define an area beyond which no clearing of trees, grading or other alternations of contours or soil, filing or dumping or construction is permitted without Planning Board approval. This shall not include normal property maintenance and/or removal of trees for protection of persons or property;” and

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

WHEREAS, the Planning Board, pursuant to §355-44 of the North Castle Code, conducted a duly noticed public hearing on April 12, 2021 and April 26, 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 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 applications for site plan approval, amended clearing and grading limit line and tree removal permit, as described herein, are hereby conditionally approved, subject to the following conditions and modifications; and

BE IT FURTHER RESOLVED that, this site plan approval 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 gross land coverage backup information to the satisfaction of the Planning Department.

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- \_\_\_\_\_2. The applicant shall submit final construction plans and construction details for site improvements, to the Town Engineer for his approval of retaining walls, storm drainage system, landscaping, erosion and sediment controls and any other information requested by the Town Engineer, to the satisfaction of the Town Engineer.
- \_\_\_\_\_3. The plan shall note that the pool fence and gate shall comply with all applicable NYS Building Code requirements, to the satisfaction of the Town Engineer.
- \_\_\_\_\_4. The site plan shall include a note indicating the method by which drawdown the proposed pool will be drawn down for winterization and that the drawdown volume shall discharge to the drawdown mitigation practice, to the satisfaction of the Town Engineer.
- \_\_\_\_\_5. Payment of all applicable fees, including any outstanding consulting fees, pursuant to the master fee schedule.
- \_\_\_\_\_6. 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 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.

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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.
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

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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

\_\_\_\_\_  
Amanda and Eric Birenberg

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