

WHIPPOORWILL HILLS HOMEOWNERS ASSOCIATION
c/o Hudson North Management LLC
1053 Saw Mill River Road, Suite 202
Ardsley, New York 10502
Tel.: (914) 674-2100; Fax: (914) 674-5925

March 30, 2021

Adam R. Kaufman, AICP
Director of Planning, Planning Department
Town of North Castle, Westchester County
17 Bedford Road
Armonk, New York 10504-1898

Re: Application of Whippoorwill Hills Homeowners Association
To Replant Nine New Trees In Its Landscape Buffer Zone

Dear Mr. Kaufman:

This letter is written on behalf of the Whippoorwill Hills Homeowners Association (the "HOA") in support of its Site Development Plan Application to replant nine (9) new deciduous trees in its landscape buffer zone, located between Log Cabin Way and the HOA's neighboring community, Cider Mill.

This Application, which is attached, is necessitated as a result of the unlawful actions by Cider Mill resident, Christopher Arcamone, in January 2020. At that time, Mr. Arcamone, whose property abuts the HOA's landscape buffer zone, trespassed upon the HOA's property and, without its knowledge, authorization, consent or approval, cut down nine (9) mature, healthy, fully developed deciduous trees in the HOA's landscape buffer zone. As a result of Mr. Arcamone's actions, that portion of the HOA's landscape buffer zone, which separated the HOA from Mr. Arcamone's house and property at 16 Cider Mill Circle and provided natural screening, became open and exposed.

The nine trees that Mr. Arcamone unlawfully cut down consisted of the following:

- One 24" maple;
- One 11" black birch;
- One 14" black birch
- One 17" black birch
- One 8" black birch
- One 24" black birch;
- One 10" black birch;
- One 11" hickory; and
- One 8" hickory.

On February 14, 2020, Robert Melillo conducted an inspection of the subject property and documented that inspection with ten (10) photographs. (Copies of Mr. Melillo's photographs and cover email, together with several additional photos taken by others of the subject site, are attached to our Application.) On February 26, 2020, at the Town's direction, the HOA's landscape contractor, at the HOA's expense, then stabilized the subject area to avoid a condition that fostered soil erosion and mud slides.

In December 2020, the HOA received a Notice of Violation/Order To Remedy dated June 10, 2020, signed by Mr. Melillo, with a directive to cure (the "Notice of Violation"). In the Notice of Violation, Mr. Melillo determined that Mr. Arcamone had "cut down between 8-12 regulated trees on the (HOA's) property without filing for the required permits" and had violated four Town Ordinance Codes.

Although it was Mr. Arcamone who unlawfully cut down our trees, because the HOA owns the subject property, it now falls upon us to comply with the Notice of Violation by filing Tree Removal and Site Development Plan Applications and paying the requisite fees and by replanting trees, all at significant expense to the HOA.

In order to satisfy the Town's requirements, the HOA proposes to plant nine (9) new deciduous trees to replace the nine (9) trees that were cut down. Most of the trees cut down (black birch and hickory) are no longer available. The signed and stamped plans by Rosedale Nurseries, Inc., the licensed New York State professional landscaping company we have engaged to perform the work, have thus provided for the planting of the following deciduous trees:

- Three October Glory Red Maples (2.0" caliper);
- Three Green Mountain Sugar Maples (2.5" caliper);
- Three Pin Oaks (2.5" caliper);

Although the planting of trees this size will not completely restore our property or provide the same natural screen, it is our hope that Rosedale's plans are approved so that: (i) the portion of the HOA's landscaped buffer zone where Mr. Arcamone cut down our trees is no longer so open and bare; and (ii) the back of the Arcamones' home is no longer so exposed for all to see as they travel along Log Cabin Way.

Thank you for your time and consideration.

Sincerely,



Elisa Brickell, President
For The Whippoorwill Hills HOA Board of Directors



TOWN OF NORTH CASTLE
WESTCHESTER COUNTY
17 Bedford Road
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PLANNING DEPARTMENT
Adam R. Kaufman, AICP
Director of Planning

Telephone: (914) 273-3542
Fax: (914) 273-3554
www.northcastleny.com

Application for Site Development Plan Approval

Application Name

*Tree Replacement By Whipoorwill Hills HOA
In Landscaped Buffer Zone*

I. IDENTIFICATION OF PROPERTY OWNER, APPLICANT AND PROFESSIONAL REPRESENTATIVES

Name of Property Owner: <u>Whipponwill Hills Homeowners Association</u> Mailing Address: <u>c/o Hudson North Management LLC</u> <u>1053 Saw Mill River Road, Suite 202, Ardsley, NY 10502</u> Telephone: <u>(914) 674-2100</u> Fax: <u>(914) 263-8697</u> e-mail: <u>Kmaiorano@hudsonnorth.com</u>
Name of Applicant (if different): _____ Address of Applicant: _____ Telephone: _____ Fax: _____ e-mail _____ Interest of Applicant, if other than Property Owner: _____
Is the Applicant (if different from the property owner) a Contract Vendee? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, please submit affidavit stating such. If no, application cannot be reviewed by Planning Board
Name of Professional Preparing Site Plan: <u>John C. Sullivan, Rosedale Nurseries, Inc.</u> Address: <u>51 Saw Mill River Road, Hawthorne, NY 10532</u> Telephone: <u>(914) 769-1300</u> Fax: <u>(914) 769-8770</u> e-mail: <u>john@rosedalenurseries.com</u>
Name of Other Professional: <u>Thomas Longo, The Irrigation Company, Inc.</u> Address: <u>20 Rock Ridge Circle, New Rochelle, NY 10804</u> Telephone: <u>(914) 813-3064</u> Fax: <u>N/A</u> e-mail: <u>theirrigationcompany@gmail.com</u>
Name of Attorney (if any): <u>Norman Himmelfarb, Himmelfarb & Sher</u> Address: <u>One North Broadway, Suite 800, White Plains, NY 10601</u> Telephone: <u>(914) 682-0040</u> Fax: <u>(914) 682-0387</u> e-mail: <u>ndh@himmelfarb-sher.com</u>

Applicant Acknowledgement

By making this application, the undersigned Applicant agrees to permit Town officials and their designated representatives to conduct on-site inspections in connection with the review of this application.

The Applicant also agrees to pay all expenses for the cost of professional review services required for this application.

It is further acknowledged by the Applicant that all bills for the professional review services shall be mailed to the Applicant, unless the Town is notified in writing by the Applicant at the time of initial submission of the application that such mailings should be sent to a designated representative instead.

Signature of Applicant: Elisa Brickell Date: 3/30/21

Signature of Property Owner: Elisa Brickell Date: 3/30/21
For Whippoorwill Hills HOA

MUST HAVE BOTH SIGNATURES

II. IDENTIFICATION OF SUBJECT PROPERTY

Street Address: 345 Main Street, Armonk, NY 10504

Location (in relation to nearest intersecting street): Log Cabin Way intersecting with
_____ feet (north, south, east or west) of Old Route 22 (adjacent to Cider Mill)

Abutting Street(s): _____

Tax Map Designation (NEW): Section 107 Block 16 Lot 1-7

Tax Map Designation (OLD): Section 107 Block 16 Lot 1-7

Zoning District: RMF Total Land Area 2500-3000 sq. ft.

Land Area in North Castle Only (if different) _____

Fire District(s) #2 School District(s) 553801/023 (BH CSD)

Is any portion of subject property abutting or located within five hundred (500) feet of the following:

The boundary of any city, town or village?
No Yes (adjacent) _____ Yes (within 500 feet) _____
If yes, please identify name(s): _____

The boundary of any existing or proposed County or State park or any other recreation area?
No Yes (adjacent) _____ Yes (within 500 feet) _____

The right-of-way of any existing or proposed County or State parkway, thruway, expressway, road or highway?
No Yes (adjacent) _____ Yes (within 500 feet) _____

The existing or proposed right-of-way of any stream or drainage channel owned by the County or for which the County has established channel lines?
No Yes (adjacent) _____ Yes (within 500 feet) _____

The existing or proposed boundary of any county or State owned land on which a public building or institution is situated?
No Yes (adjacent) _____ Yes (within 500 feet) _____

The boundary of a farm operation located in an agricultural district?
No Yes (adjacent) _____ Yes (within 500 feet) _____

Does the Property Owner or Applicant have an interest in any abutting property?
No Yes _____

If yes, please identify the tax map designation of that property:

III. DESCRIPTION OF PROPOSED DEVELOPMENT

Proposed Use: Tree Replacement In Landscaped Buffer Zone

Gross Floor Area: Existing N/A S.F. Proposed N/A S.F.

Proposed Floor Area Breakdown: N/A

Retail _____ S.F.; Office _____ S.F.;
Industrial _____ S.F.; Institutional _____ S.F.;
Other Nonresidential _____ S.F.; Residential _____ S.F.;
Number of Dwelling Units: _____

Number of Parking Spaces: Existing N/A Required N/A Proposed N/A

Number of Loading Spaces: Existing N/A Required N/A Proposed N/A

Earthwork Balance: Cut N/A C.Y. Fill N/A C.Y.

Will Development on the subject property involve any of the following:

Areas of special flood hazard? No Yes _____
(If yes, application for a Development Permit pursuant to Chapter 177 of the North Castle Town Code may also be required)

Trees with a diameter at breast height (DBH) of 8" or greater?
No Yes _____
(If yes, application for a Tree Removal Permit pursuant to Chapter 308 of the North Castle Town Code may also be required.)

Town-regulated wetlands? No Yes _____
(If yes, application for a Town Wetlands Permit pursuant to Chapter 340 of the North Castle Town Code may also be required.)

State-regulated wetlands? No Yes _____
(If yes, application for a State Wetlands Permit may also be required.)

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Name of Action or Project: <i>Tree Replacement by Whipponwill Hills HOA In Landscaped Buffer Zone</i>			
Project Location (describe, and attach a location map): <i>Landscaped buffer zone owned by Whipponwill Hills HOA, between Log Cabin Way and Cider Mill, behind property line of 16 Cider Mill Circle.</i>			
Brief Description of Proposed Action: <i>Planting of 9 new deciduous trees to replace the 9 mature, healthy fully developed trees that were illegally cut down by Cider Mill resident Christopher Arcamone in January 2020. All trees cut down were located behind the Arcamones' property line and in the landscaped buffer zone between Log Cabin Way and Cider Mill, which property is owned by the Whipponwill Hills HOA.</i>			
Name of Applicant or Sponsor: <i>Whipponwill Hills Homeowners Association c/o Hudson North Management LLC</i>		Telephone: <i>(914) 674-2100</i>	
Address: <i>1053 Saw Mill River Road, Suite 202</i>		E-Mail: <i>kmaiorano@hudsonnorth.com</i>	
City/PO: <i>Ardsley</i>		State: <i>New York</i>	Zip Code: <i>10502</i>
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/> YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/> YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		<i>2500-3000 sq. ft. acres</i>	
b. Total acreage to be physically disturbed?		<i>N/A</i> acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<i>2500-3000 sq. ft. acres</i>	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland			

<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p>		
<p>Applicant/sponsor name: <u>Whippoorwill Hills HOA</u></p> <p>Signature: <u>Elisa Brickell, President</u></p>		<p>Date: <u>3/30/21</u></p>



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PLANNING BOARD SCHEDULE OF ESCROW ACCOUNT DEPOSITS

<u>Type of Application Deposit*</u>	<u>Amount of Initial Escrow Account</u>
Concept Study	\$500.00
Site Plan Waiver for Change of Use	\$500.00
Site Development Plan for:	
Multifamily Developments	\$3,000.00 plus \$100.00 per proposed dwelling unit
Commercial Developments	\$3,000.00 plus \$50.00 for each required parking space
1 or 2 Family Projects	\$2,000.00
Special Use Permit	\$2,000.00 plus \$50.00 for each required parking space
Subdivision:	
Lot Line Change resulting in no new lots	\$1,500.00
All Others	\$3,000.00 plus \$200.00 per proposed new lot in excess of two (2)
Preparation or Review of Environmental Impact Statement	\$15,000.00

* If a proposed action involves multiple approvals, a single escrow account will be established. The total amount of the initial deposit shall be the sum of the individual amounts indicated. When the balance in such escrow account is reduced to one-third (1/3) of its initial amount, the applicant shall deposit additional funds into such account to restore its balance to the amount of the initial deposit.

Whipoorwill Hills HOA
By: Elisa Brickell, President 3/30/21
Applicant Signature Date:

WHIPPOORWILL HILLS HOA

CHECK NO. 16355

INV. DATE	BUILDING ADDRESS	DESCRIPTION	INVOICE	VENDOR-BLD	G/L ACCT	AMOUNT
032421	WHIPPOORWILL HILLS	SITE DEV PL APP FE	16CIDER	TNOR-024	6094	200.00
TO: TOWN OF NORTH CASTLE			DATE: 3/24/21			200.00

WHIPPOORWILL HILLS HOA

HUDSON NORTH MANAGEMENT LLC 1053 SAW MILL RIVER ROAD ARDSLEY NY 10502

CHECK NO. 16355

NATIONAL COOPERATIVE BANK
139 SOUTH HIGH STREET
HILLSBORO OH 45133

SITE DEV PL APP FEE

56-7222/2422

DATE: 03/24/2021

*TWO HUNDRED ***** Dollars 0/00 CTS

\$*****200.00

PAY TO THE ORDER OF:

TOWN OF NORTH CASTLE
17 BEDFORD ROAD
ARMONK, NY 10504

Judith A. ...
Andalaseella



TWO SIGNATURES REQUIRED

⑈016355⑈ ⑆242272227⑆ 830435542⑈

From: Robert Melillo <rmelillo@northcastleny.com>
Subject: 345 Main Strteet
Date: January 6, 2021 at 2:19:04 PM EST
To: "jegertz@optonline.net" <jegertz@optonline.net>, Elisa Brickell
<elisabrickell@gmail.com>
Cc: Keith Maiorano <KMaiorano@hudsonnorth.com>

Hi,
Here is the link to the pictures.

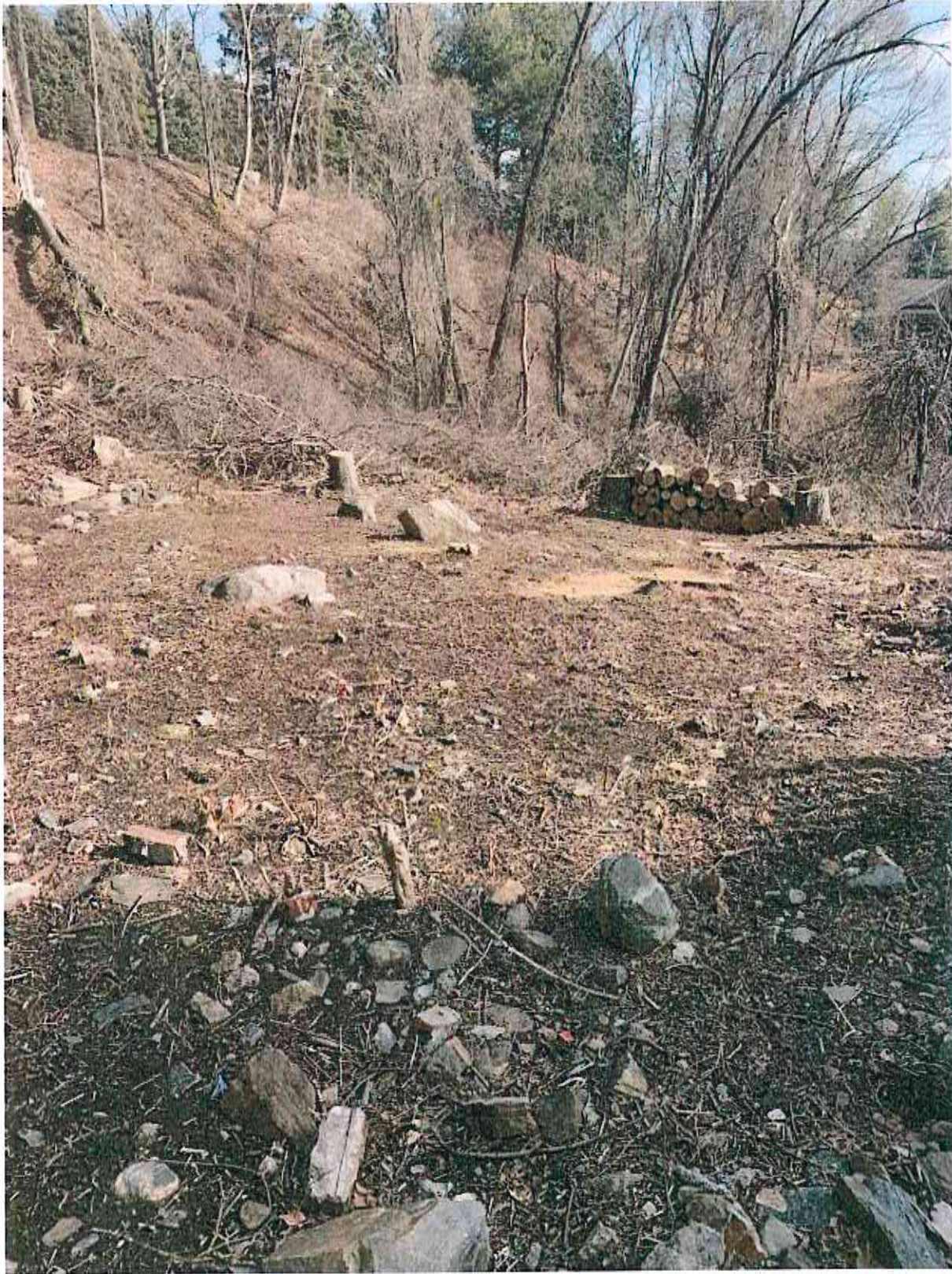
<https://municipymedia.com/NorthCastleTownNY/Complaint/36851/396CA931-69AB-4C4F-B31C-9620B2F78989.jpeg>
<https://municipymedia.com/NorthCastleTownNY/Complaint/36851/4260B8F9-C3FC-4A0C-9122-B8B74F92472F.jpeg>
<https://municipymedia.com/NorthCastleTownNY/Complaint/36851/470BC4CC-07AC-4964-9D78-8F1B909B5BCD.jpeg>
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<https://municipymedia.com/NorthCastleTownNY/Complaint/36851/BA50413F-E216-4E1A-BFF8-1247F39A33CD.jpeg>
<https://municipymedia.com/NorthCastleTownNY/Complaint/36851/CD6A7B0A-2754-4C00-8A0B-5DF302590C5F.jpeg>
<https://municipymedia.com/NorthCastleTownNY/Complaint/36851/CF223116-98A8-41EF-B604-02B201D1AEAF.jpeg>
<https://municipymedia.com/NorthCastleTownNY/Complaint/36851/D95ABAED-D6DB-43DE-89B0-B073E453C4FE.jpeg>

If you have any questions or concerns, feel free to contact me
anytime.

Regards,
Rob Melillo
Building/ Fire Inspector

Town of North Castle
914-273-3000 ext. 44

Photographs 1 through 10
Taken by Robert Melillo on 2/14/21





















Photos 11-14 Taken By John Moran
3/23/21









