



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

RESOLUTION

Action:	Site Plan Approval
Application Name:	105 Washington Avenue [2021-020]
Applicant/Owner:	Christopher Suriano
Designation:	122.12-1-13
Zone:	R-2F
Acreage:	0.37 acres
Location:	105 Washington Avenue
Date of Approval:	June 14, 2021
Original Expiration Date:	June 14, 2022 (1 Year)

WHEREAS, the Applicant has submitted a site plan application for the construction of a new retaining wall on the developed lot; and

WHEREAS, the subject property is 0.37 acres and located in the R-2F Zoning District; and

WHEREAS, the existing retaining wall has collapsed, making the rear yard unstable; and

WHEREAS, the proposal is to construct the new wall beyond the limits of the existing wall; and

WHEREAS, the Applicant is seeking approval from the Planning Board to construct a retaining wall over six (6) feet in height pursuant to Section 355-15.G(1) of the Town Code; and

WHEREAS, the proposed wall will be 9.5' at the tallest point; and

WHEREAS, the Applicant is also proposing to install a six (6) foot privacy fence along the southern property line; and

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

- Plan labeled "SP.1," entitled "Retaining Wall Site Plan," dated April 20, 2021, last revised June 1, 2021, prepared by Hildenbrand Engineering.
- Plan labeled "SY-1," entitled "Site Plan," dated March 8, 2021, prepared by GMCE PC.
- Plan labeled "S-1," entitled "Retaining Wall Plan, Details and Notes," dated March 10, 2021, prepared by GMCE PC.

WHEREAS, the site plan does not depict the removal of Town-regulated trees; and

WHEREAS, the site plan does not depict disturbance to Town-regulated steep slopes; and

WHEREAS, the site plan does not depict disturbance to Town-regulated wetlands or wetland buffers; and

WHEREAS, the site plan application was referred to the Westchester County Planning Board pursuant to § 239-m of New York State General Municipal Law (GML) since the site is within 500 feet of the Bronx River Parkway; and

WHEREAS, the Planning Board, pursuant to §355-44 of the North Castle Code, conducted a duly noticed public meeting on June 14, 2021 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 application for site plan approval, 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 site plan shall be revised to depict the distance the existing shed is from the northern property line to the satisfaction of the Planning Department. In the R-2F Zoning District, the shed should be located a minimum of 3 feet from the side property line (half the distance required for a principal structure).

Site Plan Approval for

105 Washington Avenue [2021-020]

June 14, 2021

Page 3 of 6

- _____ 2. The retaining wall design plan shall be revised to the satisfaction of the Town Engineer, to include a note clearly stating that the construction of the retaining wall shall be certified by the Design Professional prior to the issuance of a Certificate of Occupancy. The plan shall also be coordinated to match the layout illustrated on the Site Plan.
- _____ 3. The proposed site plan illustrates a portion of the proposed retaining wall immediately adjacent to the northern property line. The applicant shall verify that the construction of the retaining wall, as proposed, will not require encroachment onto the neighboring property to the satisfaction of the Town Engineer. The Site Plan and structural details shall be revised accordingly
- _____ 4. The structural design drawings illustrate a proposed guide rail designed by others. The foundation details of the proposed split rail fence along the top of the retaining wall shall be incorporated into the structural details, 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 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.
- _____ 7. The Applicant shall submit final construction plans for site improvements, excepting improvements relating to the house construction, to the Town Engineer for his approval of driveways, parking areas, storm drainage system, water and sewer connections, sidewalks, erosion and sediment controls and any other information requested by the Town Engineer to the satisfaction of the Town Engineer.

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.

Site Plan Approval for

105 Washington Avenue [2021-020]

June 14, 2021

Page 4 of 6

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.
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.

Site Plan Approval for

105 Washington Avenue [2021-020]

June 14, 2021

Page 5 of 6

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.

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

Date

Christopher Suriano, Applicant/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