



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 and Tree Removal Permit Approvals
Application Name: 257 East Middle Patent Road [2021-021]
Applicant/Owner: Allan S. Gordon
Designation: 88.04-1-13
Zone: R-4A
Acreage: 115 acres
Location: 257 East Middle Patent Road
Date of Approval: July 12, 2021
Expiration Date: July 12, 2022 (1 Year)

WHEREAS, the Applicant has submitted a site plan application to improve an existing driveway entrance at 235 E. Middle Patent Road and relocate a driveway entrance at 257 E. Middle Patent Road in an effort to improve access and sight distance; and

WHEREAS, the project is located on E. Middle Patent Road, which is a designated Scenic Roadway; as such, Planning Board site plan approval is required for this project; and

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

- Plan labeled "Tree Removal Plan – Subject Area 1 – South Entry (undated)(preparer unknown) received for the May 24, 2021 Planning Board meeting.
- Plan labeled "Tree Removal Plan – Subject Area 2 – South Entry (undated)(preparer unknown) received for the May 24, 2021 Planning Board meeting.
- Plan labeled "1 of 6," entitled "Site Information Plan," dated May 7, 2021, last revised June 28, 2021, prepared by JD Barrett & Associates, LLC.
- Plan labeled "2 of 6," entitled "Subject Area 1 – South Entry," dated May 7, 2021, last revised June 28, 2021, prepared by JD Barrett & Associates, LLC.
- Plan labeled "3 of 6," entitled "Subject Area 2 – North Entry," dated May 7, 2021, last revised June 28, 2021, prepared by JD Barrett & Associates, LLC.
- Plan labeled "4 of 6," entitled "Detailed Site Plan," dated June 28, 2021, prepared by JD Barrett & Associates, LLC.
- Plan labeled "5 of 6," entitled "Erosion Control Plan," dated May 7, 2021, last revised June 28, 2021, prepared by JD Barrett & Associates, LLC.
- Plan labeled "6 of 6," entitled "Planting Plan," dated June 28, 2021, prepared by JD Barrett & Associates, LLC.
- Document entitled "Stormwater Pollution Prevention Plan," dated June 25, 2021, prepared by Bibbo Associates, LLP.

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- Plan entitled “Topographic Map,” dated January 4, 2021, prepared by H. Stanley Johnson and Company Land Surveyors, P.C.
- Plan entitled “Topographic Survey,” dated January 5, 2021, prepared by H. Stanley Johnson and Company Land Surveyors, P.C.

WHEREAS, the site contains locally regulated wetlands; and

WHEREAS, no disturbance to the regulated wetlands or buffers is proposed; and

WHEREAS, the site plan depicts the removal of 62 Town-regulated trees; and

WHEREAS, as mitigation, the Applicant has prepared a planting plan that depicts the planting of 44 trees, 143 shrubs, 100 perennials and new groundcover; and

WHEREAS, the existing 115 acre lot contains two curbcuts. One existing curbcut is proposed to be reconfigured and the other existing curbcut is proposed to be abandoned and reconstructed in a location that provides better sight lines; and

WHEREAS, section 355-59.F of the Town Code limits properties to a single curbcut unless the Planning Board determines that more than one curb cut is appropriate; and

WHEREAS, given the size and configuration of the existing lot, the Planning Board has determined that a second curbcut for this property is appropriate; and

WHEREAS, the Planning Board conducted a duly noticed public hearing on July 12, 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

WHEREAS, the Planning Board finds that any necessary intrusions within the scenic roadscape area have been reduced to the maximum extent practicable by such measures as common driveways, shared utility services or other such techniques and that the construction is compatible with the legislative intent of Town Code; and

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NOW THEREFORE BE IT RESOLVED, that the application for site plan and tree removal permit approvals, as described herein, is hereby conditionally approved, subject to the following conditions and modifications; and

BE IT FURTHER RESOLVED that a second curbcut for the property is approved pursuant to section 355-59.F of the Town Code given the size and configuration of the existing lot; and

BE IT FURTHER RESOLVED that, this site plan and tree removal 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 plans shall be revised to include a detail for the proposed stone wall adjacent to the front property line to the satisfaction of the Town Planner. The wall shall not exceed a total height of 6 feet.
- _____ 2. The Applicant should submit the Gross Land Coverage Calculations Worksheet and backup information to the satisfaction of the Town Planner.
- _____ 3. The plan shall be approved by the Bedford-Banksville Fire Department for emergency access. The Fire Department should confirm that the specifications used are sufficient for the Bedford-Banksville Fire Department.
- _____ 4. The plan proposes a four (4) foot high stone retaining wall along the west side of the northern drive. The plans shall clearly note, to the satisfaction of the Town Engineer, that any walls over four (4) feet in height require design by a NYS Licensed Professional Engineer prior to the issuance of a Building Permit and that the construction of walls over four (4) feet in height will require certification by the Design Professional prior to the issuance of a Certificate of Occupancy.
- _____ 5. The plans shall include details for all site improvements, including, but not limited to, pavement, stone walls, roadway restoration details for the existing driveway removals and stormwater management components, to the satisfaction of the Town Engineer.
- _____ 6. Payment of all applicable fees, including any outstanding consulting fees, pursuant to the master fee schedule.

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- _____ 7. 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 construction of the northern drive will require limited rock removal. The applicant shall demonstrate compliance with Chapter 122, Blasting, Explosives and Chipping. The construction of both driveways will require a net of approximately 868 cubic yards of fill. The plan shall illustrate that adequate material staging and stockpile areas are available to ensure that vehicle queuing in East Middle Patent Road will not be required. The Applicant shall obtain a Chipping Permit from the Building Department pursuant to Section 122-18 of the Town Code.
- _____ 2. The property is located partially within a FEMA Floodplain. While there is no development proposed within the floodplain area and floodplain mitigation will not be necessary, the applicant shall submit documentation, to the satisfaction of the Town Engineer, that a Floodplain Development Permit from the Town of North Castle has been issued.
- _____ 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.
- _____ 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. Provide proof of closure of the Town Highway Department Curb Cut Permit.
- _____ 2. Provide proof of closure of the Town Floodplain Development Permit
- _____ 3. Payment of all outstanding fees, including professional review fees.
- _____ 4. Prior to the issuance of a certificate of occupancy/compliance, the actual construction, installation and implementation of all landscaping/mitigation shall

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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.

_____5. 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.
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

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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.

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.

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

Date

Allan S. Gordon

Date

Leslie S Needham R/T

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