



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, Special Use Permit and Tree Removal Permit Approvals
Application Name: Lot 1 of 50 E. Middle Patent Road Subdivision – 50 E. Middle Patent Road Site Plan [2021-031]
Applicant/Owner: Robert & Stacy Morse
Designation: 103.01-1-18.1
Zone: R-4A
Acreage: 20.49 (net) acres
Location: 50 E. Middle Patent Rd.
Date of Approval: November 8, 2021
Expiration Date: November 8, 2022 (1 Year)

WHEREAS, the Applicant has submitted a site plan application for the construction of an addition to the existing house, new detached garage, pool and pool house on Lot 1 of the 50 E. Middle Patent Road Subdivision [2021-028]; 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 “SP-1,” entitled “Site Plan Lot 1,” dated September 13, 2021, last revised October 25, 2021, prepared by Bibbo Associates, LLP.
- Plan labeled “EC-1,” entitled “Erosion Control Plan - Lot 1,” dated September 13, 2021, last revised October 25, 2021, prepared by Bibbo Associates, LLP.
- Plan labeled “D-1,” entitled “Details - Lot 1,” dated September 13, 2021, last revised October 25, 2021, prepared by Bibbo Associates, LLP.
- Plan labeled “D-2,” entitled “Details - Lot 1,” dated September 13, 2021, last revised October 25, 2021, prepared by Bibbo Associates, LLP.
- Plan labeled “TR-1,” entitled “Lot 1 – Tree Removal Plan,” dated October 11, 2021, last revised October 20, 2021, prepared by Benedek & Tichhurst Landscape Architects & Site Planners, P.C.
- Plan labeled “TR-1,” entitled “Lot 1 – Tree Removal Plan,” dated October 11, 2021, last revised October 20, 2021, prepared by Benedek & Tichhurst Landscape Architects & Site Planners, P.C.
- Plan labeled “L-1,” entitled “Lot 1 Landscape Plan,” dated October 11, 2021, last revised October 20, 2021, prepared by Benedek & Tichhurst Landscape Architects & Site Planners, P.C.

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- Plan labeled “FA-1.0,” entitled “Lot 1 – First Floor & Garage FAR,” dated October 22, 2021, prepared by Kroeger Intinarelli Architects.
- Plan labeled “FA-1.1,” entitled “Lot 1 – Second Floor FAR,” dated October 22, 2021, prepared by Kroeger Intinarelli Architects.
- Plan labeled “FA-1.2,” entitled “Lot 1 – Garage FAR,” dated October 22, 2021, prepared by Kroeger Intinarelli Architects.
- Plan labeled “FA-1.3,” entitled “Lot 1 – Pool House & Shed FAR,” dated October 22, 2021, prepared by Kroeger Intinarelli Architects.
- Plan labeled “A-1.0,” entitled “Lot 1 – Proposed Principal Residence First Floor Plan,” dated October 22, 2021, prepared by Kroeger Intinarelli Architects.
- Plan labeled “A-1.1,” entitled “Lot 1 – Proposed Principal Residence Second Floor Plan,” dated October 22, 2021, prepared by Kroeger Intinarelli Architects.
- Plan labeled “A-1.2,” entitled “Lot 1 – Proposed Principal Residence Exterior Elevations 1,” dated October 22, 2021, prepared by Kroeger Intinarelli Architects.
- Plan labeled “A-1.3,” entitled “Lot 1 – Proposed Principal Residence Exterior Elevations 2,” dated October 22, 2021, prepared by Kroeger Intinarelli Architects.
- Plan labeled “A-1.4,” entitled “Lot 1 – Proposed Principal Residence Exterior Elevations 3,” dated October 22, 2021, prepared by Kroeger Intinarelli Architects.
- Plan labeled “A-1.5,” entitled “Lot 1 – Proposed Garage & Gym Floor Plans,” dated October 22, 2021, prepared by Kroeger Intinarelli Architects.
- Plan labeled “A-1.6,” entitled “Lot 1 – Proposed Garage Elevations,” dated October 22, 2021, prepared by Kroeger Intinarelli Architects.
- Plan labeled “A-1.7,” entitled “Lot 1 – Proposed Pool house Floor Plan,” dated October 22, 2021, prepared by Kroeger Intinarelli Architects.
- Plan labeled “A-1.8,” entitled “Lot 1 – Proposed Pool House Elevations,” dated October 22, 2021, prepared by Kroeger Intinarelli Architects.
- Plan labeled “A-1.9,” entitled “Lot 2 – Relocated Shed Elevations,” dated October 12, 2021, prepared by Kroeger Intinarelli Architects.

WHEREAS, the site contains locally regulated freshwater wetlands; and

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

WHEREAS, the site plan depicts the removal of 14 Town-regulated trees, 5 of which are Town-regulated Significant Trees; and

WHEREAS, the Planning Board conducted a duly noticed public hearing on November 8, 2021 with respect to the site plan, special permit and tree removal permit 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 for the proposed structures on November 3, 2021; and

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WHEREAS, the proposed detached garage exceeds 800 SF in size and requires a Special Use Permit (Zoning Ordinance, Section 355-21, Attachment 1, Col. 3, Item 5); and

WHEREAS, the proposed detached pool house exceeds 800 SF in size and requires a Special Use Permit (Zoning Ordinance, Section 355-21, Attachment 1, Col. 3, Item 5); and

WHEREAS, pursuant to Section 355-21 of the Town Code, accessory structures are limited to 1 story, 15 feet in height and 800 square feet in area; however, the Planning Board may, by special permit, authorize taller and larger structures; 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 proposed house additions does not meet the minimum required 75 foot front yard setback as only 50.1 feet is proposed from the front property line; and

WHEREAS, the Applicant received the required front yard variance from the Zoning Board of Appeals on October 7, 2021; 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

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

BE IT FURTHER RESOLVED, pursuant to Section 355-21 of the Town Code, the Planning Board authorizes the detached garage to reach an accessory building height of 21 feet; and

BE IT FURTHER RESOLVED, that the Planning Board finds that the location and size of the use, the nature and intensity of the operations involved in it or conducted in connection with it, the size of the site in relation to it and the location of the site with respect to streets giving access

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to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located; and

BE IT FURTHER RESOLVED, that the Planning Board finds that the location, nature and height of buildings, walls, fences and the nature and extent of existing or proposed plantings on the site are such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings.

BE IT FURTHER RESOLVED, that the Planning Board finds that operations in connection with the special use will not be more objectionable to nearby properties by reason of noise, fumes, vibration or other characteristics than would be the operations of any permitted uses not requiring a special permit.

BE IT FURTHER RESOLVED, that the Planning Board finds that parking areas will be of adequate size for the particular use, properly located and suitably screened from adjoining residential uses, and the entrance and exit drives shall be laid out so as to achieve maximum convenience and safety; and

BE IT FURTHER RESOLVED, that the Planning Board finds that the proposed special permit use will not have a significant adverse effect on the environment; 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 an exhibit demonstrating that each accessory building does not exceed 25% of the floor area of the main building to the satisfaction of the Planning Department.
- _____ 2. The site plan shall be revised to depict a pool enclosure fence and detail to the satisfaction of the Planning Department.
- _____ 3. Lines 3-9 on the gross floor area worksheet don't add up to the depicted total of 12,452.8 square feet (they total 11,323 square feet. The worksheet should be revised. The worksheet and backup data shall agree to the satisfaction of the Planning Department.
- _____ 4. The plan shall include preliminary proposed grading and illustrate and quantify the limits of disturbance to the satisfaction of the Town Engineer.

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- _____5. The site plan shall be revised to label the existing topographic contours to the satisfaction of the Town Engineer.
- _____6. The site plan shall be revised to depict the location of the pool equipment pad to the satisfaction of the Town Engineer.
- _____7. The site plan shall depict the discharge of the pool drawdown release to the proposed stormwater mitigation system to the satisfaction of the Town Engineer.
- _____8. The site plan shall be revised to depict elevations along the driveway to clarify the locations of the proposed catch basins to the satisfaction of the Town Engineer.
- _____9. The applicant shall provide a detail of the pool deck drainage collection system to the satisfaction of the Town Engineer.
- _____10. The drainage schedule includes drainage manholes and catch basins. Provide details of the structures to the satisfaction of the Town Engineer.
- _____11. The applicant is proposing 2' x 2' drain inlets, 2' x 2' yard drains and 12" x 12" yard drains. It is difficult to fully understand the locations where each type of structure is proposed, clarify. While the small drainage inlets may be appropriate for each localized drainage area, the smaller structures may present maintenance issues when installed at greater depths, due to their limited size. There appears to be certain deep structures which should be increased in size to accommodate maintenance access. Address to the satisfaction of the Town Engineer.
- _____12. The Building Inspector shall determine whether the patio at the rear of the pool requires a side yard or rear yard setback (it appears that a side yard setback would be required). However, if a rear yard setback is required, the Applicant shall revise to the site plan to meet the rear yard setback or the Applicant will need to obtain a rear yard variance from the Zoning Board of Appeals.
- _____13. Provide details of the proposed retaining wall at the pool to the satisfaction of the Town Engineer.
- _____14. Payment of all applicable fees, including any outstanding consulting fees, pursuant to the master fee schedule.
- _____15. 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. The project site is partially located within the boundaries of a FEMA 100-year Floodplain, Zone A. The plans shall clearly illustrate the boundaries of the floodplain and include references to the effective FEMA FIRM Maps. There are no improvements proposed within the floodplain. As such, floodplain mitigation would not be required. However, regardless of whether or not development in the floodplain is proposed, the applicant will be required to obtain a Floodplain Development Permit prior to development of the effected lots in accordance with Chapter 177, Flood Damage Prevention of the Town Code.

- _____ 2. The site plan depicts the relocation of a shed on the property. The Applicant shall demonstrate that the shed has a valid CO from the Building Department. If not, the Applicant shall legalize the shed at this time.

- _____ 3. 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.

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

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- 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 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.

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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

Robert & Stacy Morse

Date

Bedford EMP Ownership, LLC

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