



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 Development Plan, Steep Slopes Permit and Tree Removal Permit Approvals
Application Name: 1 Guion Lane [2021-035]
Applicant/Owner: Amalgamated Construction Ltd.
Designation: 95.01-2-10.3
Zone: R-2A
Acreage: 2.88 acres
Location: 1 Guion Lane
Date of Approval: January 24, 2022
Expiration Date: January 24, 2023 (1 Year)

WHEREAS, the Applicant is proposing a new 5,968 square foot home on an existing vacant lot; and

WHEREAS, the subject parcel is lot Lot 4-3 of the Kalmancy Subdivision; and

WHEREAS, Note 4 on the subdivision plat map requires that this lot receive Planning Board site plan approval prior to the construction of a residence on the lot; and

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

- Plan labeled "EX-1," entitled "Existing Conditions Removals," dated December 10, 2021, prepared by Gabriel E. Senior, P.C.
- Plan labeled "SW-1," entitled "Existing Conditions Tree/Tree Removal Locator Map," dated August 10, 2021, last revised December 10, 2021, prepared by Gabriel E. Senior, P.C.
- Plan labeled "SW-2," entitled "Stormwater & Erosion Control System Design Stormwater Details," dated August 12, 2021, last revised December 10, 2021, prepared by Gabriel E. Senior, P.C.
- Plan labeled "SS-1," entitled "Steep Slope Analysis," dated December 10, 2021, prepared by Gabriel E. Senior, P.C.
- Plan labeled "Sheet 1 of 2," entitled "Planting Plan," dated November 17, 2021, prepared by Walter G. Nestler, P.C.
- Plan labeled "Sheet 2 of 2," entitled "Planting Plan," dated November 17, 2021, prepared by Walter G. Nestler, P.C.
- Plan labeled "SW-2," entitled "Site Plan Sight Distance Plan," dated August 10, 2021, prepared by Gabriel E. Senior, P.C.

Site Plan, Steep Slope Permit and Tree Removal Permit Approvals for

1 Guion Ln [2021-035]

January 24, 2022

Page 2 of 9

- Plan labeled “SW-3,” entitled “Site Plan Enlarged,” dated August 12, 2021, prepared by Gabriel E. Senor, P.C.
- Plan labeled “SW-4,” entitled “Stormwater Details,” dated August 12, 2021, prepared by Gabriel E. Senor, P.C.
- Plan labeled “2 of 3,” entitled “Front Elevation Left Side Elevation,” dated November 11, 2021, prepared by Hernane De Almeida.
- Plan labeled “3 of 3,” entitled “Rear Elevation Right Side Elevation,” dated November 11, 2021, prepared by Hernane De Almeida.
- Plan labeled “1 of 3,” entitled “Foundation Plan,” dated November 11, 2021, prepared by Hernane De Almeida.
- Plan labeled “1,” entitled “Custom” dated November 12, 2021, preparer unknown.
- Plan labeled “2,” entitled “Custom” dated November 12, 2021, preparer unknown.
- Plan labeled “3,” entitled “Custom” dated November 12, 2021, preparer unknown.

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 Town of Bedford; and

WHEREAS, the neighbor notification notice was sent to the Town of Bedford Town Clerk pursuant to § 239-nn of New York State General Municipal Law (GML) since the subject site is located within 500 feet of the Town of Bedford; and

WHEREAS, the site plan depicts 660 square feet of Town-regulated steep slope disturbance; and

WHEREAS, the site plan depicts the removal of 59 Town-regulated trees; and

WHEREAS, the Applicant has performed deep tests around the property and did not encounter any rock; and

WHEREAS, it is not anticipated that rock will need to be removed in order to develop the site; and

WHEREAS, the Planning Board, pursuant to §355-44 of the North Castle Code, conducted a duly noticed public meeting on January 24, 2022 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 Applicant received approval from the Architectural Review Board on December 1, 2021; 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

Site Plan, Steep Slope Permit and Tree Removal Permit Approvals for

1 Guion Ln [2021-035]

January 24, 2022

Page 3 of 9

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, steep slope permit and tree removal permit approvals, as described herein, are hereby conditionally approved, subject to the following conditions and modifications; and

BE IT FURTHER RESOLVED that, this site plan, steep slopes permit and tree removal permit 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 submitted landscaping plan shall be revised to provide a post and rail fence along the common driveway over 5 Guion Lane to the satisfaction of the Planning Department.
- _____ 2. The Applicant shall submit proposed floor plans and elevations to the satisfaction of the Planning Department.
- _____ 3. The site plan (SW-2) shall be revised to include a note that the septic expansion area will not be cleared and graded at this time to the satisfaction of the Planning Department.
- _____ 4. The site plan (SW-2) should be revised to depict the proposed pool and patio meeting the rear yard setback to the satisfaction of the Planning Department.
- _____ 5. The site plan (SW-2) shall be revised to depict the proposed location of any mechanical equipment for the house and pool to the satisfaction of the Planning Department.
- _____ 6. The site plan (SW-2) shall be revised to depict a pool enclosure fence to the satisfaction of the Planning Department.

Site Plan, Steep Slope Permit and Tree Removal Permit Approvals for

1 Guion Ln [2021-035]

January 24, 2022

Page 4 of 9

- _____ 7. The proposed driveway is located within a 25 -foot wide driveway easement across Lots 4-5. An easement also exists across Lot 4-4, however, the driveway is proposed outside of the driveway easement. The applicant shall provide an executed amended easement for the new driveway location and abandonment of the original easement to the satisfaction of the Town Attorney.
- _____ 8. The applicant anticipates land disturbance to be 0.9 acres for the project. It appears unlikely that the project can be constructed without disturbance exceeding one (1) acre. The applicant shall prepare a Stormwater Pollution Prevention Plan and file a Notice of Intent (NOI) with the New York State Department of Environmental Conservation (NYSDEC) to the satisfaction of the Town Engineer.
- _____ 9. A driveway profile is provided on Sheet SW-1. The profile should include the existing grade of the driveway center line. The profile should also provide vertical curve lengths with elevations, so that the finished driveway grades can be computed when constructing the driveway. Vertical curve at Station 4 + 70 ± appears to provide limited sight line over the crest. It is also difficult from the plans to determine the ability to keep grading for the driveway within the easement. Please provide cross-sections through the driveway along its entire route of easements. Also, it is extremely difficult to see where the easement boundary is located on the plan, please clarify.
- _____ 10. The applicant is proposing a circular turnaround at the home's front entrance. The elevation of the turnaround is the same elevation as the dwelling's first floor. Provide additional detail regarding grading within the area between the turnaround and front door to the satisfaction of the Town Engineer.
- _____ 11. There is no proposed drainage within the driveway. Clarify how runoff from the driveway will be collected and transported to the stormwater treatment system to the satisfaction of the Town Engineer. Provide pipe sizing calculations.
- _____ 12. Clarify how the pool deck runoff will be collected and discharged to the stormwater treatment system to the satisfaction of the Town Engineer. A proposed curtain drain surrounds the pool and a Slot Drain Detail is provided on the detail sheet, however, there are no slot drains shown on the Site Plan.
- _____ 13. The Applicant shall schedule testing of soils within the stormwater treatment area with the Town Engineer.
- _____ 14. Confirm the proposed stormwater treatment system provides adequate setbacks to off-site septic and wells to the satisfaction of the Town Engineer.

Site Plan, Steep Slope Permit and Tree Removal Permit Approvals for

1 Guion Ln [2021-035]

January 24, 2022

Page 5 of 9

- _____ 15. The proposed stormwater treatment system is proposed within an area where a ± 7 foot difference in elevation occurs from one end of the system to the other end. The proposed infiltration system will need to be located three (3) feet above bedrock or mottled soils and cannot be set more than 25% of its depth infill. It is extremely difficult to understand how the proposed system will comply with the NYSDEC Stormwater Management Design Manual. Provide details and cross sections through the proposed system, delineating existing grades, proposed grades and boundary of bedrock and/or mottling to the satisfaction of the Town Engineer.
- _____ 16. It is extremely important that overflow discharge from the proposed infiltration system will not impact adjacent neighboring properties. Detail the discharge, energy dissipators, flow spreaders, etc., required to mitigate the discharge to the satisfaction of the Town Engineer.
- _____ 17. The applicant is proposing a single water quality unit for the project that does not comply with the NYSDEC Stormwater Management Design Manual as it relates to water quality and pre-treatment of runoff. Provide the necessary water quality volume and pre-treatment to the satisfaction of the Town Engineer. Provide the calculations prepared to determine water quality volume required to each structure, as well as the corresponding water quality volume provided at each structure.
- _____ 18. The applicant shall revise the plan so that grading outside of the driveway easement is eliminated to the satisfaction of the Town Engineer.
- _____ 19. A detailed erosion and sediment control plan shall be prepared to the satisfaction of the Town Engineer. Project disturbance will drain directly towards neighboring properties. The applicant should provide a temporary sediment basin within the side and rear yards to intercept runoff during rainfall events. Outflows should be filtered prior to discharge.
- _____ 20. Please provide driveway turnaround dimensions and radii.
- _____ 21. The Applicant shall submit gross floor area calculations worksheets to the satisfaction of the Planning Department. In addition, a backup floor area exhibit shall also be submitted to the satisfaction of the Planning Department.
- _____ 22. The Applicant shall identify building height (average grade to roof midpoint) and maximum exterior wall height (lowest grade to roof midpoint) to the satisfaction of the Planning Department.

Site Plan, Steep Slope Permit and Tree Removal Permit Approvals for

1 Guion Ln [2021-035]

January 24, 2022

Page 6 of 9

- _____ 23. The Applicant shall provide copies of the septic system approved by the Westchester County Department of Health for the current proposed site layout to the satisfaction of the Town Engineer.
- _____ 24. Payment of all applicable fees, including any outstanding consulting fees, pursuant to the master fee schedule.
- _____ 25. The Applicant shall submit to the Planning Board Secretary a single PDF file 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 Applicant shall obtain Health Department approval for the proposed septic system and well to the satisfaction of the Town Engineer.
- _____ 2. The approved site plan shall be signed by both the Planning Board Chair and Town Engineer.
- _____ 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 and associated restoration.

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. The submission to the Town Building Inspector of a Completed Works Certificate for the septic system and well to the satisfaction of the Town Engineer.
- _____ 2. Provide proof of closure of the Town Highway Department Curb Cut 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 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.

Site Plan, Steep Slope Permit and Tree Removal Permit Approvals for

1 Guion Ln [2021-035]

January 24, 2022

Page 7 of 9

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

Site Plan, Steep Slope Permit and Tree Removal Permit Approvals for

1 Guion Ln [2021-035]

January 24, 2022

Page 8 of 9

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.
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.

Site Plan, Steep Slope Permit and Tree Removal Permit Approvals for

1 Guion Ln [2021-035]

January 24, 2022

Page 9 of 9

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

Date

Amalgamated Construction Ltd., Leslie Cohen

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