



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

RESOLUTION

Action: Site Plan, Wetlands Permit and Tree Removal Permit Approvals
Application Name: Byram Ridge Road [#2022-004]
Applicant: Yosef Melamed
Owner: Daniel Simchi
Designation: 101.01-2-65
Zone: R-1A
Acreage: 1.003 acres
Location: Byram Ridge Road
Date of Approval: August 1, 2022
Expiration Date: August 1, 2023 (1 Year)

WHEREAS, the Applicant is seeking site plan approval of a new 4 bedroom single family on a vacant 1.003 acre lot; and

WHEREAS, a Town-regulated wetland is located at the rear of the property & a NYSDEC Wetland (lake) is also located at the rear of the property; and

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

- Plan labeled "A-000.00," entitled "Cover Sheet," (undated) prepared by Yossi Melamed, PA, AIA.
- Plan labeled "A-001," entitled "Building Information & Zoning Analysis," dated January 18, 2022, last revised May 9, 2022, prepared by Yossi Melamed, PA, AIA.
- Plan labeled "A-002," entitled "Architectural Site Plan," dated January 18, 2022, last revised May 9, 2022, prepared by Yossi Melamed, PA, AIA.
- Plan labeled "A-003," entitled "Wetland Disturbance & Mitigation Diagrams," dated January 18, 2022, last revised May 9, 2022, prepared by Yossi Melamed, PA, AIA.
- Plan labeled "A-004," entitled "Land Coverage & Floor Area Calculation Worksheets," dated January 18, 2022, last revised May 9, 2022, prepared by Yossi Melamed, PA, AIA.
- Plan labeled "A-005," entitled "Existing Condition & Proposed Mitigation Plan," dated January 18, 2022, last revised May 9, 2022, prepared by Yossi Melamed, PA, AIA.
- Plan labeled "L-100," entitled "Proposed Planting Plan," dated January 18, 2022, last revised May 9, 2022, prepared by Yossi Melamed, PA, AIA.
- Plan labeled "A-100," entitled "Proposed Basement Plan," dated January 18, 2022, last revised May 9, 2022, prepared by Yossi Melamed, PA, AIA.
- Plan labeled "A-101," entitled "Proposed First Floor Plan," dated January 18, 2022, last revised May 9, 2022, prepared by Yossi Melamed, PA, AIA.

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- Plan labeled “A-102,” entitled “Proposed Second Floor Plan,” dated January 18, 2022, last revised May 9, 2022, prepared by Yossi Melamed, PA, AIA.
- Plan labeled “A-103,” entitled “Proposed Roof Plan,” dated January 18, 2022, last revised May 9, 2022, prepared by Yossi Melamed, PA, AIA.
- Plan labeled “A-200,” entitled “Proposed Front & Rear Elevations,” dated January 18, 2022, last revised May 9, 2022, prepared by Yossi Melamed, PA, AIA.
- Plan labeled “A-201,” entitled “Proposed Side Elevations,” dated January 18, 2022, last revised May 9, 2022, prepared by Yossi Melamed, PA, AIA.
- Plan labeled “Sheet 1 of 2,” entitled “Site Plan,” dated February 7, 2022, last revised May 3, 2022, prepared by Alfonzetti Engineering, P.C.
- Plan labeled “Sheet 2 of 2,” entitled “Sight Distance Plan,” dated February 7, 2022, last revised May 3, 2022, prepared by Alfonzetti Engineering, P.C.
- Plan entitled “Topographic Survey of Property,” dated June 23, 2021, last revised January 26, 2022, prepared by TC Merritts Land Surveyors.
- Plan entitled “Wetland Map,” dated February 7, 2022, prepared by TC Merritts Land Surveyors.

WHEREAS, the original submission contained a pool located in the Town-regulated wetland buffer and other site elements that the Planning Board wished addressed by the Applicant; and

WHEREAS, the Applicant refined the original plan to shift the driveway away from the property line to reduce tree removals and to allow for additional planting buffer area; move the house further away from the wetland; reduce the size of the house by 300 s.f.; eliminate the proposed pool to reduce wetland buffer disturbance; revise the septic and grading design; update the wetland mitigation plan and provide an enhanced landscape plan; and

WHEREAS, the site plan depicts the removal of 2 Town-regulated trees; and

WHEREAS, the Planning Board, pursuant to §355-44 of the North Castle Code, conducted a duly noticed public meeting on August 1, 2022 with respect to the site plan and wetlands 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 on March 16, 2022; and

WHEREAS, the plans depict 4,872 square feet of Town-regulated wetland buffer disturbance associated with the proposed development; and

WHEREAS, the Applicant has prepared a 10,292 square foot mitigation plan that is more than twice the area of proposed disturbance; and

WHEREAS, the Conservation Board in a July 19, 2022 memo recommended the approval of the requested wetlands permit; and

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WHEREAS, the property includes a portion of a New York State Department of Environmental Conservation (NYSDEC) wetland; and

WHEREAS, a Freshwater Wetland Permit will be required to be issued by the NYSDECC; 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, wetlands 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, wetlands 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 site plan shall be revised to demonstrate how the NYSDEC and Town-regulated wetland would be protected. It is recommended that a physical demarcation of the maintained lawn area/activity area and the protected wetland and wetland buffer be proposed to the satisfaction of the Planning Department.

- _____ 2. The proposed landscaping plan depicts trees and shrubs along the front property line. The site plan shall be revised, to the satisfaction of the Planning Department, to eliminate the landscaping in that location so that the frontage remains grass.

- _____ 3. The submitted house elevations shall be revised to depict Building Height (average grade to roof midpoint) as well as Maximum Exterior Wall Height (lowest elevation to roof midpoint) to the satisfaction of the Planning Department.

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- _____ 4. The Applicant shall provide copies of the septic system and well approved by the Westchester County Department of Health for the current proposed site layout to the satisfaction of the Town Engineer.
- _____ 5. The applicant is proposing a pervious driveway. The applicant shall perform soil testing to be witnessed by the Town Engineer. Test locations and results shall be shown on the plan. Please contact the Town Engineer to schedule the testing. The porous asphalt detail shall be modified after soil tests are performed to specify exact dimensions for gravel layers. Provide calculations to the satisfaction of the Town Engineer.
- _____ 6. The applicant shall perform soil testing to be witnessed by the Town Engineer for the proposed Cultec infiltrators to the satisfaction of the Town Engineer. The applicant shall address water quality mitigation and pre-treatment. Since the infiltration system will have discharge, the emergency overflow discharge shall disperse the flow across the downgradient wetlands.
- _____ 7. The plan shall illustrate the proposed location of footing drain discharge, and clarify if the discharge will be pumped and mitigation of discharge to the satisfaction of the Town Engineer.
- _____ 8. Provide dimensions at the driveway platform area at the garage to the satisfaction of the Town Engineer.
- _____ 9. The scales on both planting plans shall be re-examined and corrected, if necessary to the satisfaction of the Town Engineer. The sheet showing the mitigation plan in the wetland area is off by about 10 percent from the scale shown on the plan. The sheet showing the landscaping designed by the Architect is not prepared with an Engineer's scale and shall be shown at 1-inch equals 20 feet.
- _____ 10. The front lower bed of the home is surrounded by the hardscape and disconnected from the rest of the property's flora. This area shall be included in the disturbance area, not as potential mitigation to the satisfaction of the Town Engineer. Therefore, the use of the hornbeam (non-native plant) would be acceptable. The applicant indicated that they did not need this area to meet the mitigation requirement.
- _____ 11. As required by Town Code, the applicant shall provide a long-term monitoring and maintenance plan for the proposed wetland mitigation for a period of at least five (5) years to the satisfaction of the Town Engineer. The Town Engineer will provide standard conditions for the long-term monitoring and maintenance plan to be included on the Site Landscaping and Wetland Mitigation Plan.

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- _____ 12. The applicant shall submit a detailed quantity cost estimate for all improvements proposed for the wetland mitigation with the quantities certified by the applicant's engineer to the satisfaction of the Town Engineer.
- _____ 13. Payment of all applicable fees, including any outstanding consulting fees, pursuant to the master fee schedule.
- _____ 14. The Applicant shall submit to the Planning Board Secretary one PDF set 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 Applicant shall submit documentation that NYSDEC has issued the required Freshwater Wetlands Permit to the satisfaction of the Building Department.
- _____ 3. The Applicant shall obtain the required floodplain development permit from the Building Department.
- _____ 4. Provide confirmation that the Wetland Mitigation Bond has been posted, to the satisfaction of the Town Engineer.
- _____ 5. 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.
- _____ 6. The approved site plan shall be signed by both the Planning Board Chair and Town Engineer.
- _____ 7. Payment of all outstanding fees, including professional review fees.

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.

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- _____ 2. The applicant shall submit documentation demonstrating that Notice of Termination (NOT) filing for the NYSDEC General Permit has been completed to the satisfaction of the Town Engineer.
- _____ 3. The applicant shall submit documentation demonstrating that all conditions of the Floodplain Development Permit have been satisfied to the satisfaction of the Town Engineer.
- _____ 4. Prior to the issuance of a certificate of occupancy/compliance, the actual construction, installation and implementation of all wetland mitigation to the satisfaction of the Town Engineer.
- _____ 5. Payment of all outstanding fees, including professional review fees.
- _____ 6. 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.
- _____ 7. 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

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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 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

Yosef Melamed, Applicant

Date

Daniel Simchi, 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