



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

RESOLUTION

Action: Site Plan, Steep Slope, Wetlands Permit and Tree Removal Permit Approvals
Application Name: 47 Windmill Road [#2022-011]
Applicant/Owner: Paul & Rebecca Eisenberg
Designation: 102.03-1-1
Zone: R-1.5A
Acreage: 1.9 acres
Location: 47 Windmill Road
Date of Approval: April 10, 2023
Expiration Date: April 10, 2024 (1 Year)

WHEREAS, the Applicant is seeking approval for the construction of a house addition with retaining walls in excess of 6 feet in height, portions of which are located in a Town-regulated wetland buffer; and

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

- Plan labeled "Sheet 1 of 6," entitled "Site Plan," dated March 12, 2022, last revised June 27, 2022, prepared by Site Design Consultants.
- Plan labeled "Sheet 2 of 6," entitled "Existing Conditions," dated March 12, 2022, last revised June 27, 2022, prepared by Site Design Consultants.
- Plan labeled "Sheet 3 of 6," entitled "Erosion & Sediment Control Plan," dated March 12, 2022, last revised June 27, 2022, prepared by Site Design Consultants.
- Plan labeled "Sheet 4 of 6," entitled "E&S Notes and Details," dated March 12, 2022, last revised June 27, 2022, prepared by Site Design Consultants.
- Plan labeled "Sheet 5 of 6," entitled "Site Details," dated March 12, 2022, last revised June 27, 2022, prepared by Site Design Consultants.
- Plan labeled "Sheet 6 of 6," entitled "Stormwater Details," dated March 12, 2022, last revised June 27, 2022, prepared by Site Design Consultants.
- Plan labeled "Sheet 1 of 8," entitled "Title Sheet," dated October 29, 2020, last revised January 26, 2022, prepared by Simone Design Group.
- Plan labeled "Sheet 2 of 8," entitled "Proposed Front and Rear Elevations," dated October 29, 2020, last revised June 23, 2022, prepared by Simone Design Group.
- Plan labeled "Sheet 3 of 8," entitled "Proposed Right and Left Side Elevations," dated October 29, 2020, last revised June 23, 2022, prepared by Simone Design Group.
- Plan labeled "Sheet 4 of 8," entitled "Sections," dated October 29, 2020, last revised January 26, 2022, prepared by Simone Design Group.

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- Plan labeled “Sheet 5 of 8,” entitled “Existing First Floor Plan,” dated October 29, 2020, last revised June 23, 2022, prepared by Simone Design Group.
- Plan labeled “Sheet 6 of 8,” entitled “Existing Second Floor Plan,” dated October 29, 2020, last revised June 23, 2022, prepared by Simone Design Group.
- Plan labeled “Sheet 7 of 8,” entitled “Proposed First Floor Plan,” dated October 29, 2020, last revised June 23, 2022, prepared by Simone Design Group.
- Plan labeled “Sheet 8 of 8,” entitled “Proposed Second Floor Plan,” dated October 29, 2020, last revised June 23, 2022, prepared by Simone Design Group.
- Plan labeled “L-101,” entitled “Mitigation Planting Plan,” dated September 12, 2022, last revised November 22, 2022, prepared by ALP Engineering & Landscape Architecture, PLLC.

WHEREAS, the site plan depicts the construction of retaining walls in excess of 6 feet in height; and

WHEREAS, all walls in excess of 6 feet in height require approval of the Planning Board; and

WHEREAS, the proposed walls meet the requirements enumerated in Section 355-15.G of the Town Code; and

WHEREAS, the site plan depicts 4,356 square feet of Town-regulated steep slope disturbance; and

WHEREAS, the Planning Board has determined that the proposed amount of Town-regulated steep slope disturbance is acceptable; and

WHEREAS, the site plan depicts the removal of 20 Town-regulated trees; and

WHEREAS, the mitigation plan depicts the planting of 17 new deciduous and evergreen trees; and

WHEREAS, the Planning Board, pursuant to §355-44 of the North Castle Code, conducted a duly noticed public meeting on April 10, 2023 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 obtained Architectural Review Board approval on January 18, 2023; and

WHEREAS, the plans depict 1,969 square feet of Town-regulated wetland buffer disturbance associated with the proposed development; and

WHEREAS, the Applicant has prepared a 4,356 square foot mitigation plan that is more than twice the area of proposed disturbance; and

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WHEREAS, the Conservation Board in a January 26, 2023 memo recommended the approval of the requested wetlands permit; 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, steep slope, 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, steep slope, 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 Applicant should submit Gross Land Coverage and Gross Floor Area backup data exhibits for review to the satisfaction of the Planning Department.
- _____ 2. The Applicant shall submit updated elevations and shall depict Building Height (average grade to weighted roof midpoint) and Maximum Exterior Wall Height (lowest grade to weighted roof midpoint) to the satisfaction of the Planning Department.
- _____ 3. The applicant shall accurately locate and survey the existing sewage disposal system septic tank and leaching fields. The septic system components shall be confirmed that they meet the Westchester County Department of Health (WCHD) Regulations with regard to the building addition setbacks, retaining wall setbacks, new concrete patio, new stone patio, from the excavation required to construct the retaining wall and the proposed fill. The plan shall also designate the sewage disposal expansion area and confirm it also has adequate setbacks in conformance

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with WCHD Regulations. Upon completion of a final plan acceptable to the Town Engineer, the applicant shall obtain the WCHD review and approval of the proposed site improvements and the proposed modifications to the interior of the residence.

- _____4. The applicant provides a comparison of existing and proposed disturbances within the wetland buffer. The analysis shall be expanded to include the total land disturbance required to construct the proposed project to the satisfaction of the Town Engineer. This evaluation should include disturbances required to access the work area.
- _____5. The applicant is proposing a two (2) tiered boulder retaining wall within the rear yard. The walls extend to a height of approximately 14 feet. The applicant shall provide an engineered design wall which documents that the design was examined for overturning and sliding to the satisfaction of the Town Engineer. The Design Engineer shall inspect the wall during construction and certify to its conformance with the design. Note such requirements on the Site Plan.
- _____6. It is extremely important to protect Long Pond from sediment runoff from the work area and steep slopes below. The applicant shall provide additional controls which would provide greater protection than a single silt fence to the satisfaction of the Town Engineer.
- _____7. The applicant shall update the Stormwater Management Plan for the project which proposes Cultec infiltrators for storage of runoff. The applicant shall provide details of the proposed outlet controls to the satisfaction of the Town Engineer. Schedule on-site testing and provide stormwater design calculations sizing the treatment practice.
- _____8. A driveway profile has been provided for the proposed driveway. The 4% vehicle platform area by the roadway should be extended, per the Town Code, for a distance of 10 feet past the property line or 35 feet from the roadway center line, whichever is greater to the satisfaction of the Town Engineer. Specify the location of the centerline of roadway, edge of pavement and property line.
- _____9. The slope on the Typical Driveway Detail shall be revised to the satisfaction of the Town Engineer.
- _____10. The site plan shall be revised to depict more realistic grading of the shoulder along the driveway to the satisfaction of the Town Engineer.
- _____11. The plan includes a note stating “All existing features within the limit of disturbance to be removed unless otherwise noted.” The note shall be revised, to

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the satisfaction of the Town Engineer, to be more specific regarding removals within the disturbance limits.

- _____12. Correct the elevations on the Stormtech SC-160 Cross Section Detail to the satisfaction of the Town Engineer.
- _____13. Show the relationship between the stormwater treatment practice, stormwater system rims and inverts, system inlets, system outlets and impervious soil layers to the satisfaction of the Town Engineer.
- _____14. A note shall be included on the plans, to the satisfaction of the Town Engineer, outlining the construction compliance inspections which will be required of the Design Engineer for the proposed retaining walls.
- _____15. 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.
- _____16. 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.
- _____17. Payment of all applicable fees, including any outstanding consulting fees, pursuant to the master fee schedule.
- _____18. 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 property is located in a floodplain. A floodplain development permit will be required from the Building Department.
- _____2. Provide confirmation that the Wetland Mitigation Bond has been posted, to the satisfaction of the Town Engineer.
- _____3. The approved site plan shall be signed by both the Planning Board Chair and Town Engineer.

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_____4. 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. 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.

_____2. Payment of all outstanding fees, including professional review fees.

_____3. 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.

_____4. 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.

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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 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

Paul & Rebecca Eisenberg

NORTH CASTLE PLANNING OFFICE,
as to approval by the North Castle Planning Board

Date

Joseline Huerta
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