



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

RESOLUTION

Action:	Tree Removal Permit Approval
Application Name:	Whippoorwill Ridge Tree Removal [2022-026]
Applicant/Owner:	Whippoorwill Ridge Homeowners Association
Designation:	107.16-3-62
Zone:	R-MF
Acreage:	22.5 acres
Location:	2 Birdsall Farm Dr
Date of Approval:	July 11, 2022
Expiration Date:	July 11, 2023 (1 Year)

WHEREAS, the Applicant has submitted an application to remove 126 trees that were originally planted for screening and ornamental purposes as part of the Whippoorwill Ridge multi-family development; and

WHEREAS, as mitigation, the Applicant is proposing to plant shrubs, including forsythia, rhododendrons, viburnum and euonymus; and

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

- Submission to the Planning Board dated March 15, 2022 from Westchester Tree Line, Inc. that includes cover letter, application form, tree inventory and tree map.

WHEREAS, the Planning Board, pursuant to §355-44 of the North Castle Code, conducted a duly noticed public meeting, which was conducted on July 22, 2022 with respect to the tree removal permit application, at which time all those wishing to be heard with respect to the 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

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

BE IT FURTHER RESOLVED that, this tree removal permit 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 prepare a landscape mitigation plan that includes shrubs, including forsythia, rhododendrons, viburnum and euonymus to the satisfaction of the Planning Department. The Applicant shall provide additional details with respect to the proposed mitigation/planting plan. Specifically, a plan depicting the proposed plantings along with a planting schedule that indicates species name, quantify and size of proposed plants. The proposed mitigation planting plan should only utilize native plants. For example, Forsythia viridissima, should be replaced with a native plant. The Applicant shall confirm using a native rhododendron, viburnum (no burning bush) and euonymus. Native plants shall be selected from the New York Flora Atlas
- _____ 2. Payment of all applicable fees, including any outstanding consulting fees, pursuant to the master fee schedule.
- _____ 3. The Applicant shall submit to the Planning Board Secretary a single electronic PDF file (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 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.)

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- _____ 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 and shall be submitted to the Town Engineer, at the sole cost and expense of the applicant.

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. 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.
5. 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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6. 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

Whippoorwill Ridge Homeowners Association

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