



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

RESOLUTION

Action: Site Plan, Conservation Easement and Amended Clearing and Grading Limit Line Approvals
Application Name: 49 Sarles Street [2022-038]
Applicant/Owner: Craig & Shira Rosenman
Designation: 94.03-1-7
Zone: R-2A
Acreage: 6.49 acres
Location: 49 Sarles Street
Date of Approval: September 29, 2022
Expiration Date: September 29, 2023 (1 Year)

WHEREAS, the Applicant is seeking approval to amend the previously approved Clearing and Grading Limit Line (C&GLL) depicted on the Hammond Ridge subdivision plat to construct a new in-ground pool and appurtenances; and

WHEREAS, the Applicant is also seeking permission to legalize a retaining wall and fence within an existing conservation easement; and

WHEREAS, the Hammond Ridge subdivision plat contains a note stating that “The location of all residences and driveways and the extent of wetland or wetland buffer encroachment for each lot shall substantially conform to that shown on the subdivision plat and any related drawings. Any substantial modification, as determined by the Town Engineer, not consistent with such drawings shall require wetland permit or site plan approval, as appropriate, from the Planning Board;” and

WHEREAS, based upon the Town Engineer’s review, the Applicant is required to seek amended approval from the Planning Board; and

WHEREAS, the Conservation Easement (Control Number 442240660) states the following:

No building or other structure shall be erected or maintained within any Open Space parcel or in any Conservation Easement Area, nor shall there be any other disturbance of the natural conditions thereof except as permitted by the North Castle Planning Board or as otherwise set forth below, or in a certain Pedestrian Trail Easement, dated and recorded of even date herewith, granted to the Towns of New Castle and North Castle with respect to the Open Space parcel, or as may, in the future, be approved for conservation purposes by the Planning Board of the Town of North Castle. Further, no tree clearing shall be permitted (other than the removal of dangerous or diseased trees) except as permitted in the Pedestrian

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Trail Easement, or otherwise approved by the Planning Board of the Town of North Castle. Prohibited disturbance shall include, but shall not be limited to, alteration of contours, excavation of topsoil or underlying soils, filling or dumping, any action which will contribute to the erosion of the land, or cutting, removing, or damaging plants or vegetation in any way.

WHEREAS, the Applicant is seeking approval to amend the previously approved Clearing and Grading Limit Line depicted on the Hammond Ridge subdivision plat to construct a new in-ground pool and appurtenances; and

WHEREAS, therefore, the Applicant is required to seek amended approval from the Planning Board; and

WHEREAS, the Applicant is seeking approval to place a retaining wall and fence within the existing Conservation Easement; and

WHEREAS, the Planning Board is required to seek permission from the Planning Board to place the wall and fence within the Conservation Easement; and

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

- Plan labeled “S-101,” entitled “Site Improvements | Pool Plans,” dated August 18, 2021, last revised September 13, 2022, prepared by Resreal Designs Architecture & Engineering Services for Homes.
- Plan labeled “S-102,” entitled “Site Improvements | Details Sheet 2,” dated August 18, 2021, last revised September 13, 2022, prepared by Resreal Designs Architecture & Engineering Services for Homes.
- Plan labeled “S-103,” entitled “Site Improvements | Details Sheet 3,” dated August 18, 2021, last revised September 13, 2022, prepared by Resreal Designs Architecture & Engineering Services for Homes.
- Plan labeled “S-104,” entitled “Site Improvements | Details Sheet 4,” dated August 18, 2021, last revised September 13, 2022, prepared by Resreal Designs Architecture & Engineering Services for Homes.
- Plan labeled “S-105,” entitled “Site Improvements | Details Sheet 5,” dated August 18, 2021, last revised September 13, 2022, prepared by Resreal Designs Architecture & Engineering Services for Homes.
- Plan labeled “S-106,” entitled “Site Improvements | Details Sheet 6,” dated August 18, 2021, last revised September 13, 2022, prepared by Resreal Designs Architecture & Engineering Services for Homes.
- Plan labeled “GLC-101,” entitled “Gross Land Coverage,” dated August 18, 2021, last revised September 13, 2022, prepared by Resreal Designs Architecture & Engineering Services for Homes.

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WHEREAS, the submitted site plan depicts grading and disturbance that is different than what was contemplated during the subdivision process; and

WHEREAS, the Applicant is requesting revisions to the previously established Clearing and Grading Limit Line (C&GLL) depicted on the Leisure Farm subdivision plat map at the rear portion of the developed portion of the lot; and

WHEREAS, the site plan does not depict the removal of Town-regulated trees; and

WHEREAS, the Planning Board determined that the replanting of disturbed area within the Conservation Easement is required; and

WHEREAS, the Planning Board, pursuant to §355-44 of the North Castle Code, conducted a duly noticed public hearing on September 29, 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 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 applications for site plan approval and amended conservation easement and clearing and grading limit line, as described herein, are hereby conditionally approved, subject to the following conditions and modifications; 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 proposed C&GLL shall be revised to be co-terminus with the existing Conservation Easement to the satisfaction of the Planning Department.

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- _____2. The plan shall be revised to depict a native planting plan that includes a plant schedule (plant name, size and quantity) for the area within the Conservation Easement that has been previously disturbed to the satisfaction of the Planning Department. It is noted that the proposed Buttonbush, Sweet pepperbush, Red twig dogwood, Blueflag irs, Blazing star, and Sensitive fern are all acceptable native plants.
- _____3. The plan shall be revised to eliminate proposed grading and drainage within the Conservation Easement to the satisfaction of the Town Engineer.
- _____4. The Applicant shall submit a gross land coverage calculations worksheet and backup exhibit to the satisfaction of the Planning Department.
- _____5. The plans shall include a note indicating the source of the survey and the source of the topographic data to the satisfaction of the Town Engineer.
- _____6. The existing fence is partially located on lands of the neighboring property owner. The fence shall be located on the applicant's property, or written permission obtained from the neighboring property owner to the satisfaction of the Town Engineer.
- _____7. Existing driveway runoff appears to be directed directly at the proposed pool patio. Please address the driveway drainage to the satisfaction of the Town Engineer.
- _____8. The applicant shall submit final construction plans and construction details for site improvements, to the Town Engineer for his approval of retaining walls, storm drainage system, landscaping, erosion and sediment controls and any other information requested by the Town Engineer, to the satisfaction of the Town Engineer.
- _____9. Payment of all applicable fees, including any outstanding consulting fees, pursuant to the master fee schedule.
- _____10. 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.

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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 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 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.

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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.
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.

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

Date

Craig & Shira Rosenman

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