



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 Plan, Steep Slope, Wetlands Permit and Tree Removal Permit Approvals
Application Name: 3 Maple Way [#2022-044]
Applicant/Owner: Gregory & Elissa Weinhoff
Designation: 101.04-2-74
Zone: R-2A
Acreage: 2 acres
Location: 3 Maple Way
Date of Approval: May 22, 2023
Expiration Date: May 22, 2024 (1 Year)

WHEREAS, the Applicant is seeking approval for the teardown of existing house and construction of a new 9,516 square foot home with garage, new inground pool, pool house, pool deck, new asphalt driveway with turnaround and a new septic system.; and

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

- Plan labeled “1,” entitled “First Floor,” dated December 16, 2022, prepared by Wallace J. Toscano, AIA Architect.
- Plan labeled “5,” entitled “Front View Rear Side,” dated December 16, 2022, prepared by Wallace J. Toscano, AIA Architect.
- Plan labeled “24,” entitled “Pool House,” dated December 16, 2022, prepared by Wallace J. Toscano, AIA Architect.
- Plan labeled “25,” entitled “Site Location Layout,” dated October 9, 2022, last revised March 7, 2023, prepared by Wallace J. Toscano, AIA Architect.
- Plan labeled “26,” entitled “Site Planting Plan,” dated November 8, 2022, last revised April 10, 2023, prepared by Daniel Sherman Landscape Architect.
- Plan labeled “S-1,” entitled “Proposed Septic Plan,” dated April 12, 2022, last revised May 5, 2023, prepared by Campbell Engineering.
- Plan labeled “S-2,” entitled “Details for Proposed Septic Plan,” dated July 11, 2022, last revised May 5, 2023, prepared by Campbell Engineering.
- Plan labeled “S-3,” entitled “Existing Site Conditions,” dated April 12, 2022, last revised May 5, 2023, prepared by Campbell Engineering.
- Plan labeled “D-1,” entitled “Proposed Drainage Plan,” dated April 12, 2022, last revised October 7, 2022, prepared by Campbell Engineering.
- Plan labeled “D-2,” entitled “Proposed Drainage Plan,” dated April 12, 2022, last revised May 5, 2023, prepared by Campbell Engineering.

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WHEREAS, the site plan depicts the removal of 1 Town-regulated tree; and

WHEREAS, the Planning Board, pursuant to §355-44 of the North Castle Code, conducted a duly noticed public meeting on April 24, 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 March 15, 2023; and

WHEREAS, the project site includes Paxton Upland Soils within the rear yard in the vicinity of the proposed septic system and the balance of the project site includes hydric Ridgeberry and Sun Soils; and

WHEREAS, a stormwater culvert across the front yard appears to have included the piping of a watercourse; and

WHEREAS, On February 22, 2023, the Town's Wetland Consultant reviewed the Wetland Evaluation Report, prepared by Evans Associates, dated December 1, 2022 and a site inspection of the property was conducted on February 22, 2023; and

WHEREAS, in general, the Wetland Evaluation Report is accurate with regard to the existing lawn area not meeting the Town's criteria to be regulated as a wetland as defined in Chapter 340 of the Town Code; and

WHEREAS, however, areas to the north and northwestern extent of the property, as well as the off-site property to the north, contain an intermittent watercourse which flows west to east, beginning in the vicinity of the Route 22 retaining wall; and

WHEREAS, this watercourse ultimately feeds a depressional area dominated by phragmites and underlying hydric soils, which appears to be located immediately off-site to the north (it is difficult to determine in the field the actual location of the northern property line); and

WHEREAS, based on the location of the proposed SSDS expansion area and proposed grading along the northern property line, a wetlands permit is not required; 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

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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 site plan shall be revised to ensure the long-term health of the trees adjacent to the proposed driveway to remain to the satisfaction of the Town Engineer. The most recent driveway realignment appears extremely awkward for a vehicle to enter and exit the driveway. The applicant should provide an improved driveway alignment. The applicant has also provided a driveway profile which is designed with a 0% grade along the full length of the driveway. A flat driveway will result in standing water within the driveway which will provide a potential icing problem during the winter months. A minimum 1.5% slope should be adhered to.
- _____ 2. The house appears to have remained the same size as when submitted to the RPRC; however, the basement size went from 2,570 square feet to 1,716 square feet and the attic went from 624 square feet to 600 square feet. The Applicant should explain why the sizes changed and demonstrate how attic and basement spaces was calculated referencing the definition of gross floor area in the Town Code to the satisfaction of the Planning Department.
- _____ 3. The Applicant should submit side elevations of the proposed house for review to the satisfaction of the Planning Department.
- _____ 4. The submitted elevations (including pool house) shall be revised to depict proposed Building Height and Max. Exterior Wall Height to the satisfaction of the Planning Department.
- _____ 5. A copy of the Westchester County Department of Health (WCHD) Approval for the proposed on-site wastewater treatment system shall be provided, to the satisfaction of the Town Engineer.

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- _____6. Two (2) drainage pipes are located across the front yard, a 12-inch diameter pipe and a 48-inch diameter pipe. The 12-inch diameter pipe appears to be within a 15-foot wide easement, while a proposed 15-foot wide easement is proposed along the alignment of the 48-inch diameter pipe. The applicant should provide the easement documentation for the 12-inch pipe and a new easement agreement for the 48-inch diameter pipe. The easement agreement shall be reviewed by the Town Engineer and the Town Attorney. The applicant shall provide proof that the easement has been filed within the Westchester County Clerk's Office Division of Land Records.
- _____7. The project will disturb one (1) acre which will require a Stormwater Pollution Prevention Plan (SWPPP) which addresses erosion and sediment controls, water quality and water quantity mitigation for all storms through the 100-year storm event to the satisfaction of the Town Engineer. The SWPPP must conform with the New York State Department of Environmental Conservation (NYSDEC) General Permit GP-0-20-001. A Notice of Intent (NOI) and SWPPP MS4 Acceptance Form will need to be filed with the NYSDEC. The SWPPP should be submitted to the Town Engineer for review.
- _____8. The applicant shall verify and include within the drainage plan the pipe sizes, invert elevations and slopes of existing drainage improvements carrying the former watercourse through the project site to the satisfaction of the Town Engineer. An evaluation of the existing culvert condition shall be provided.
- _____9. The applicant shall detail the Belgium block pavement at the driveway entrance to the satisfaction of the Town Engineer. A minimum five (5) foot asphalt apron is required before the start of pavers.
- _____10. Payment of all applicable fees, including any outstanding consulting fees, pursuant to the master fee schedule.
- _____11. 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 a North Caste Highway Curb Cut Permit and/or Road Opening Permit to the satisfaction of the Town Engineer.

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_____2. The approved site plan shall be signed by both the Planning Board Chair and Town Engineer.

_____3. 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 all North Castle Highway permits.

_____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. 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.

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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.

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

Date

Gregory & Elissa Weinhoff

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