



TOWN OF NORTH CASTLE
WESTCHESTER COUNTY
17 Bedford Road
Armonk, New York 10504-1898

Telephone: (914) 273-3542

Fax: (914) 273-3554

www.northcastleny.com

PLANNING BOARD
Christopher Carthy, Chair

R E S O L U T I O N

Action: Site Plan and Tree Removal Permit Approvals
Application Name: 33 Bayberry Road [#2023-015]
Applicant/Owner: Bayberry Armonk, LLC
Designation: 100.03-1-6
Zone: R-2A
Acreage: 13.59 acres
Location: 33 Bayberry Road
Date of Approval: June 12, 2023
Expiration Date: June 12, 2024 (1 Year)

WHEREAS, the Applicant is proposing to construct a new pool, spa, pergola, children's play area, new landscaping and gardens; and

WHEREAS, the project was referred from the RPRC to the Planning Board given the potential environmental impacts associated with the project; and

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

- Plan entitled "Proposed Site Plan – Overall," prepared by Miranda Brooks Landscape Design (undated).
- Plan entitled "Proposed Site Plan – Enlargement," prepared by Miranda Brooks Landscape Design (undated).
- Plan entitled "Birds Eye View – Pool Area," prepared by Miranda Brooks Landscape Design (undated).
- Plan entitled "Perspective Views – Pool Area," prepared by Miranda Brooks Landscape Design (undated).
- Plan entitled "Pool Area Fence," prepared by Miranda Brooks Landscape Design (undated).
- Plan entitled "Pool Section A," prepared by Miranda Brooks Landscape Design (undated).
- Plan entitled "Pool Section B," prepared by Miranda Brooks Landscape Design (undated).
- Plan entitled "Water Garden Section A," prepared by Miranda Brooks Landscape Design (undated).
- Plan entitled "Water Garden Section B," prepared by Miranda Brooks Landscape Design (undated).
- Plan entitled "Water Garden Section C," prepared by Miranda Brooks Landscape Design (undated).

Site Plan and Tree Removal Permit Approvals for

33 Bayberry Rd [#2023-015]

June 12, 2023

Page 2 of 6

- Plan entitled “Proposed Site Plan – Enlargement (w/ Detailed Grading & Tree Removals),” prepared by Miranda Brooks Landscape Design (undated).
- Plan entitled “Proposed Alternative A – Tiered Walls (w/ Detailed Grading & Tree Removals),” prepared by Miranda Brooks Landscape Design (undated).
- Plan entitled “Proposed Alternative B – Rotated Pool Orientation (w/ Detailed Grading & Tree Removals),” prepared by Miranda Brooks Landscape Design (undated).
- Plan labeled “Sheet 1 of 4,” entitled “Site Plan,” dated March 31, 2023, prepared by Ralph G. Mastromonaco, P.E., P.C.
- Plan labeled “Sheet 2 of 4,” entitled “Profile/Details/Notes,” dated February 7, 2023, 2023, prepared by Ralph G. Mastromonaco, P.E., P.C.
- Plan labeled “L-100,” entitled “Proposed Landscape Plan,” dated April 22, 2023, prepared by Miranda Brooks Landscape Design.
- Plan labeled “L-101,” entitled “Proposed Landscape Plan,” dated April 22, 2023, prepared by Miranda Brooks Landscape Design.

WHEREAS, the site plan depicts the removal of 12 Town-regulated trees; and

WHEREAS, the Planning Board, pursuant to §355-44 of the North Castle Code, conducted a duly noticed public meeting on June 12, 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 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 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 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.

Site Plan and Tree Removal Permit Approvals for

33 Bayberry Rd [#2023-015]

June 12, 2023

Page 3 of 6

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.)

The applicant should submit the construction details for the walls prior to Site Plan Approval. The plan/details shall note that the Design Professional for the walls shall certify their construction is in compliance with the approved plans prior to Certificate of Occupancy/Completion.

- _____ 1. All submitted plans shall contain the name, address, signature and seal of the professional preparing the plan to the satisfaction of the Planning Department.
- _____ 2. The Applicant shall submit a gross land coverage calculations backup exhibit to the satisfaction of the Planning Department.
- _____ 3. Payment of all applicable fees, including any outstanding consulting fees, pursuant to the master fee schedule.
- _____ 4. 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.
- _____ 5. The site plan shall be revised to depict a 20 foot minimum dimension between the gate and edge of pavement to the satisfaction of the Town Engineer.

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 project is located in the Kensico Drainage Basin. Disturbance of over 5,000 s.f. will require conformance with NYSDEC General Permit GP-0-20-001 and filing of a Notice of Intent (NOI) and MS4 Acceptance Form with the NYSDEC.
- _____ 2. The applicant will need to obtain a Curb Cut Permit from the Town Highway Department prior to obtaining a Building Permit.
- _____ 3. The applicant shall confirm conformance with NYS Building Code requirements for the pool protective fencing and barrier to the satisfaction of the Building Department.
- _____ 4. Provide confirmation that the Wetland Mitigation Bond has been posted, to the satisfaction of the Town Engineer.

Site Plan and Tree Removal Permit Approvals for

33 Bayberry Rd [#2023-015]

June 12, 2023

Page 4 of 6

- _____5. The approved site plan shall be signed by both the Planning Board Chair and Town Engineer.
- _____6. 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. The Applicant shall submit documentation that Curb Cut Permit has been closed by the Town Highway Department.
- _____2. 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.
- _____3. Payment of all outstanding fees, including professional review fees.
- _____4. 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.
- _____5. 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.

Site Plan and Tree Removal Permit Approvals for

33 Bayberry Rd [#2023-015]

June 12, 2023

Page 5 of 6

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.

Site Plan and Tree Removal Permit Approvals for

33 Bayberry Rd [#2023-015]

June 12, 2023

Page 6 of 6

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

Date

Bayberry Armonk, LLC

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