



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

## **RESOLUTION**

**Action:** Site Development Plan and Tree Removal Permit Approvals  
**Application Name:** 11 Whippoorwill Lane [2023-023]  
**Applicant/Owner:** MRL 11 Whippoorwill LLC  
**Designation:** 107.04-1-5  
**Zone:** R-2A  
**Acreage:** 1.28 acres  
**Location:** 11 Whippoorwill Lane, Armonk  
**Date of Approval:** April 8, 2024  
**Expiration Date:** April 8, 2025 (1 Year)

WHEREAS, the Applicant has submitted a site plan application for a new 5,800 s.f. single family dwelling with private well and on-site wastewater treatment system; and

WHEREAS, in 2020, the RPRC reviewed a plan for the development of the lot and directed the Applicant to the Building Department; and

WHEREAS, the plan was revised and the house increased in size and the plan was referred to the Planning Board by the Residential Project Review Committee; and

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

- Plan entitled "Whippoorwill Lane Improvement Plan," dated February 20, 2024, prepared by Alfonzetti Engineering, P.C.
- Plan labeled "Sheet 1 of 2," entitled "Site Plan," dated June 12, 2023, last revised March 25, 2024, prepared by Alfonzetti Engineering, P.C.
- Plan labeled "Sheet 2 of 2," entitled "Site Details," dated June 12, 2023, last revised March 25, 2024, prepared by Alfonzetti Engineering, P.C.
- Plan entitled "Stormwater Report," dated June 20, 2023, last revised March 25, 2024, prepared by Alfonzetti Engineering, P.C.
- Plan labeled "L-1," entitled "Planting Plan," dated March 25, 2024, prepared by IQ Landscape Architects.
- Plan labeled "A-001," dated August 12, 2020, last revised January 4, 2024, prepared by RD Studio, Inc.
- Plan labeled "A-002," entitled "Landscape Plan," dated August 12, 2020, last revised January 4, 2024, prepared by RD Studio, Inc.
- Plan labeled "A-101," entitled "Basement Plan," dated August 12, 2020, last revised January 4, 2024, prepared by RD Studio, Inc.

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- Plan labeled “A-102,” entitled “First Floor Plan,” dated August 12, 2020, last revised January 4, 2024, prepared by RD Studio, Inc.
- Plan labeled “A-103,” entitled “Second Floor Plan,” dated August 12, 2020, last revised January 4, 2024, prepared by RD Studio, Inc.
- Plan labeled “A-104,” entitled “Roof Plan,” dated August 12, 2020, last revised January 4, 2024, prepared by RD Studio, Inc.
- Plan labeled “A-105,” entitled “Basement Reflected Ceiling Plan,” dated August 12, 2020, last revised January 4, 2024, prepared by RD Studio, Inc.
- Plan labeled “A-106,” entitled “First Floor Reflected Ceiling Plan,” dated August 12, 2020, last revised January 4, 2024, prepared by RD Studio, Inc.
- Plan labeled “A-107,” entitled “Second Floor Reflected Ceiling Plan,” dated August 12, 2020, last revised January 4, 2024, prepared by RD Studio, Inc.
- Plan labeled “A-201,” entitled “Exterior East Elevation,” dated August 12, 2020, last revised January 4, 2024, prepared by RD Studio, Inc.
- Plan labeled “A-202,” entitled “Exterior South Elevation,” dated August 12, 2020, last revised January 4, 2024, prepared by RD Studio, Inc.
- Plan labeled “A-203,” entitled “Exterior West Elevation,” dated August 12, 2020, last revised January 4, 2024, prepared by RD Studio, Inc.
- Plan labeled “A-204,” entitled “Exterior South Elevation,” dated August 12, 2020, last revised January 4, 2024, prepared by RD Studio, Inc.
- Plan labeled “A-301,” dated August 12, 2020, last revised January 4, 2024, prepared by RD Studio, Inc.
- Plan labeled “A-302,” dated August 12, 2020, last revised January 4, 2024, prepared by RD Studio, Inc.
- Plan labeled “A-303,” dated August 12, 2020, last revised January 4, 2024, prepared by RD Studio, Inc.
- Plan labeled “A-304,” dated August 12, 2020, last revised January 4, 2024, prepared by RD Studio, Inc.
- Plan labeled “A-401,” dated August 12, 2020, last revised January 4, 2024, prepared by RD Studio, Inc.
- Plan labeled “A-901,” dated August 12, 2020, last revised January 4, 2024, prepared by RD Studio, Inc.

WHEREAS, the Planning Board engaged Special Counsel to address the legal issues regarding development of the vacant lot; and

WHEREAS, Special Counsel prepared a report that concluded the following:

- The Lot has frontage on a street on a filed map, and the requirements of Town Law Section 280-a are satisfied, provided the Planning Board finds the Stone Hollow Strip to be suitably improved.

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- The Lot has a right of access over the Stone Hollow Strip and the right to improve same to provide such access by virtue of the Lot being shown on a filed plat fronting on the mapped street which includes the Stone Hollow Strip.
- It is clear that the Lot has a right of access over Whippoorwill Lane to the Stone Hollow Strip; and

WHEREAS, pursuant to Section 355-14.G of the Town Code, no building permit shall be issued for any structure unless the lot upon which that structure is to be built has at least the amount of frontage required in the district in which the lot is located on a street which has been suitably improved to Town road or private road standards, or a bond posted therefor, all in accordance with the provisions of § 280-a of the Town Law; and

WHEREAS, the Applicant is proposing improvements to Whippoorwill Lane depicted on the plan entitled “Whippoorwill Lane Improvement Plan” to meet the requirements of Section 355.14.G of the Town Code; and

**[PB Directed Applicant To Provide Details Of Proposed Turnaround And Road Improvement Plan – Additional Information Not Submitted]**

WHEREAS, the site plan depicts the removal of 30 Town-regulated trees; and

WHEREAS, the Planning Board, pursuant to §355-44 of the North Castle Code, conducted a duly noticed public meeting on March 11, 2024 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 Applicant received approval from the Architectural Review Board on April 3, 2024; 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

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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.

**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. All submitted plans shall contain the seal and signature of the professional preparing the plans to the satisfaction of the Planning Department.
- \_\_\_\_\_ 2. The submitted rear elevation shall be revised to depict maximum exterior wall height (lowest grade to weighted roof midpoint to the satisfaction of the Planning Department.
- \_\_\_\_\_ 3. The project is located in the Kensico Drainage Basin. Disturbance of over 5,000 s.f. will require conformance with New York State Department of Environmental Conservation (NYSDEC) General Permit GP-0-20-001 and filing of a Notice of Intent (NOI) and MS4 SWPPP Acceptance Form with the NYSDEC. The Applicant will need to submit draft copies to the satisfaction of the Town Engineer for review.
- \_\_\_\_\_ 4. The Applicant shall submit stormwater mitigation and design calculations for the runoff generated by the net increase in impervious surface and changes to land use for the 100-year, 24-hour design storm event to the satisfaction of the Town Engineer. Calculations should include mitigation of water quality and pre-treatment. The system shall be sized to include the new driveway and roadway runoff.
- \_\_\_\_\_ 5. The Applicant shall perform deep and percolation soil testing in the vicinity of the proposed mitigation system to be witnessed by the Town Engineer. The test locations and results shall be shown on the plan. The applicant shall contact the Town Engineer to schedule the testing.
- \_\_\_\_\_ 6. The Applicant is proposing to mitigate stormwater runoff through the use of Cultec infiltrators. The system is proposed within a proposed steeply sloping portion of the side yard. The system will be filled and the system will be located up to nine (9) feet below grade. The Applicant shall provide details and cross sections through the proposed infiltration system showing the existing and proposed grades, proposed inverts and deep soil test data to the satisfaction of the Town Engineer. Deep test data extends to a depth of 72 inches. Since the system will extend nine (9) feet below grade, test data must extend to a depth of 144 inches or four (4) feet below the bottom of the treatment practice.

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- \_\_\_\_\_7. The site plan shall be revised to include erosion control measures on the plan, including, but not limited to, temporary construction access, silt fence, erosion control blanket, inlet protection, construction sequence, etc. to the satisfaction of the Town Engineer. Provide details. The proposed construction entrance shall be located at the beginning of the project. The Applicant shall consider the installation of a temporary sediment basin during the construction phase. It would also be beneficial to restrict the disturbance of the septic fields until the disturbance around the proposed dwelling is stabilized.
- \_\_\_\_\_8. The project will result in 1,042 c.y. of excavation and 1,264 c.y. of fill, requiring importation of 222 c.y. of fill. The Applicant should clarify the volume of fill from the dwelling and stormwater system excavation and the volume of fill required for the septic system.
- \_\_\_\_\_9. The Applicant shall obtain a fill permit from the Building Department prior to the importation of fill to the site.
- \_\_\_\_\_10. Submission of documentation, to the satisfaction of the Town Engineer, that the proposed water tap to the existing Water District #5 main within the rear yard was approved by the Town Water & Sewer Department.
- \_\_\_\_\_11. The site plan depicts the construction of an 18 foot wide driveway from Whippoorwill Lane within the right-of-way/easement. The roadway design shall detail the transition between the existing roadway and new roadway to the satisfaction of the Town Engineer.
- \_\_\_\_\_12. The plans shall be revised to depict drainage improvements which collect runoff from the roadway and pipe the runoff to the stormwater treatment system to the satisfaction of the Town Engineer. The Applicant shall address drainage improvements within the proposed roadway and driveway.
- \_\_\_\_\_13. The proposed grading along the eastern shoulder of the proposed roadway does not provide a shoulder. The Applicant shall re-examine the eastern shoulder grading, providing a minimum three (3) foot level shoulder area adjacent to the roadway to the satisfaction of the Town Engineer. Regrading will likely require expanding the proposed retaining wall. The applicant shall also specify the proposed curbing on the plan.
- \_\_\_\_\_14. The site plan shall be revised to include vehicle and emergency vehicle turning movements to the satisfaction of the Town Engineer. Vehicle turning movements into and out of the driveway and emergency vehicle turnaround should be depicted.

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- \_\_\_\_\_ 15. The Applicant shall submit documentation, to the satisfaction of the Planning Department and Town Engineer, from the Armonk Fire Department confirming that the proposed Whippoorwill Lane is adequately improved.
- \_\_\_\_\_ 16. The Applicant shall revise the plans to depict the installation of a new fire hydrant on Whippoorwill Lane in the vicinity of the existing water main near the property N/F Bruno to the satisfaction of the Town Engineer and Water and Sewer Department.
- \_\_\_\_\_ 17. The Applicant shall provide copies of the septic system and well approved by the Westchester County Department of Health for the current proposed site layout to the satisfaction of the Town Engineer.
- \_\_\_\_\_ 18. The Applicant shall provide copies of the septic system approved by the New York City Department of Environmental Protection (NYCDEP) for the current proposed site layout to the satisfaction of the Town Engineer.
- \_\_\_\_\_ 19. Payment of all applicable fees, including any outstanding consulting fees, pursuant to the master fee schedule.
- \_\_\_\_\_ 20. The Applicant shall submit to the Planning Board Secretary a 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. If rock chipping or blasting is required, the Applicant shall obtain the necessary permits from the Building Department.
- \_\_\_\_\_ 2. The Applicant shall obtain Health Department approval for the proposed septic system and well to the satisfaction of the Town Engineer.
- \_\_\_\_\_ 3. 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. Completion of all work depicted on the plan entitled “Whippoorwill Lane Improvement Plan” to the satisfaction of the Town Engineer.

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- \_\_\_\_\_2. The submission to the Town Building Inspector of a Completed Works Certificate for the septic system and well 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. 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. 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.

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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.



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

\_\_\_\_\_

Date

\_\_\_\_\_  
MRL 11 Whippoorwill LLC

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

\_\_\_\_\_

Date

\_\_\_\_\_  
Joseline Flores, Planning Board Secretary

KSCJ 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