



**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](http://www.northcastleny.com)

**PLANNING BOARD**  
Christopher Carthy, Chair

## **R E S O L U T I O N**

<b>Action:</b>	Site Plan and Tree Removal Permit Approvals
<b>Application Name:</b>	10 East Lane Site Plan [2023-028]
<b>Applicant/Owner</b>	IREP-CG East Lane, LLC
<b>Designation:</b>	108.03-3-39.2
<b>Zone:</b>	R-1A
<b>Acreage:</b>	1.138 acre
<b>Location:</b>	10 East Lane
<b>Date of Approval:</b>	November 13, 2023
<b>Original Expiration Date:</b>	November 13, 2024 (1 Year)

WHEREAS, the Applicant has submitted a site plan application for the construction of Lot #2 of the Turet Subdivision which includes the construction of a new five-bedroom residence, new paved driveway, new in-ground pool, associated patios/walkways, new sewage disposal system and a new drilled well serving the proposed five-bedroom residence.

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

- Plan labeled “SP-1,” entitled “Site Plan,” dated June 19, 2023, prepared by Bibbo Associates, LLP.
- Plan labeled “EC-1,” entitled “Erosion Control Plan,” dated June 19, 2023, prepared by Bibbo Associates, LLP.
- Plan labeled “D-1,” entitled “Details,” dated June 19, 2023, prepared by Bibbo Associates, LLP.
- Plan labeled “A0-0,” entitled “Site Plan,” undated, prepared by AD Plus Design, LLC.
- Plan labeled “A0-1,” entitled “Google Map,” undated, prepared by AD Plus Design, LLC.
- Plan labeled “A1-01,” entitled “Elevation,” undated, prepared by AD Plus Design, LLC.
- Plan labeled “A1-02,” entitled “Elevation,” undated, prepared by AD Plus Design, LLC.
- Plan labeled “A1-03,” entitled “Basement Plan,” undated, prepared by AD Plus Design, LLC.
- Plan labeled “A1-04,” entitled “1<sup>st</sup> Floor Plan,” undated, prepared by AD Plus Design, LLC.
- Plan labeled “A1-05,” entitled “2<sup>nd</sup> Floor Plan,” undated, prepared by AD Plus Design, LLC.
- Plan labeled “A1-06,” entitled “Section,” undated, prepared by AD Plus Design, LLC.
- Plan labeled “A1-07,” entitled “Visualization,” undated, prepared by AD Plus Design, LLC.

*Site Plan and Tree Removal Permit Approvals for*

10 East Lane [2023-028]

November 13, 2023

Page 2 of 8

- Plan labeled “A1-08,” entitled “Visualization,” undated, prepared by AD Plus Design, LLC.

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

WHEREAS, the site plan does not depicts disturbance to Town-regulated steep slopes; and

WHEREAS, the site plan does not depict disturbance to Town-regulated wetlands or wetland buffers; and

WHEREAS, the site plan was forwarded to the Chief of Police, Fire Inspector and the Armonk Fire Chief so that they may make any pertinent recommendations to the Planning Board including, but not limited to, the designation of no-parking zones, emergency vehicle access or any other issued deemed important to providing emergency services; and

WHEREAS, the Police Department did not express any comments; and

WHEREAS, the site plan application was referred to the Westchester County Planning Board pursuant to § 239-m of New York State General Municipal Law (GML) since the site is within 500 feet of the Town of Greenwich; and

WHEREAS, the proposed house design received approval from the ARB on September 20, 2023; and

WHEREAS, the Planning Board, pursuant to §355-44 of the North Castle Code, conducted a duly noticed public meeting that was opened on September 28, 2023 and closed on November 13, 2023 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 neighbor notification notice was sent to the Town of Greenwich Town Clerk pursuant to § 239-nn of New York State General Municipal Law (GML) since the subject site is located within 500 feet of the Town of Greenwich; 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

**Site Plan and Tree Removal Permit Approvals for**

10 East Lane [2023-028]

November 13, 2023

Page 3 of 8

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.

**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. Submission to the Planning Board of a suitable legal agreement, in form satisfactory to the Town Attorney, assuring the Town that the Applicant will, prior to issuance of a building permit, will deposit cash or file a surety bond or other security acceptable to the Town Board (such as a Letter of Credit) for the construction of the Town road, stormwater and common driveway until such time as a certificate of occupancy is issued for said lot on the road, the amount of said bond or other security to be determined by the Town Board.

In the event that the issuer of the bond or other security furnished to the Town hereunder becomes insolvent or, for any reason, disaffirms the validity of such security, the Applicant shall notify the Town Board immediately and replace the invalid security with a new bond or other security acceptable to the Town Board within thirty (30) days thereafter. The existence of a valid bond, letter of credit or other security shall be a condition precedent to the validity of any permits issued or to be issued in connection with this subdivision.

\_\_\_\_\_ 2. The applicant has submitted a cost estimate for establishment of the Bond and inspection fee for the subdivision improvements. The applicant shall post the subdivision guarantee and post an inspection fee to the Town at the time of Site Plan approval for Lot #1 to the satisfaction of the Town Engineer.

\_\_\_\_\_ 3. The applicant shall clarify whether any roadway, common driveway and/or drainage improvements are proposed to be changed from the original approved plans to the satisfaction of the Town Engineer.

\_\_\_\_\_ 4. The applicant has provided an updated Stormwater Pollution Prevention Plan (SWPPP). The updated design would result in four (4) additional Culterc infiltrators. The applicant shall file a Notice of Intent (NOI) and SWPPP MS4 Acceptance Form with the New York State Department of Environmental Conservation (NYSDEC) prior to starting work.

***Site Plan and Tree Removal Permit Approvals for***

10 East Lane [2023-028]

November 13, 2023

Page 4 of 8

- \_\_\_\_\_5. The applicant shall provide a construction schedule which outlines the sequence of construction for the proposed roadway to the satisfaction of Town Engineer. Most importantly, access for emergency vehicles to the existing residences along the roadway must be maintained at all times.
- \_\_\_\_\_6. The architectural plans should be revised to include the name, address and contact information of the design professional to the satisfaction of the Planning Department.
- \_\_\_\_\_7. The submitted landscape plan should be revised to depict landscaping/screening between the 10 East Lane Driveway and 12 East Lane Driveway to the satisfaction of the Planning Department.
- \_\_\_\_\_8. The site plan shall be revised to depict proposed Town-regulated tree removal to the satisfaction of the Planning Department.
- \_\_\_\_\_9. The submitted elevations shall be revised to depict proposed building height (average grade to rooftop) to the satisfaction of the Planning Department.
- \_\_\_\_\_10. The site plan shall be revised to indicate whether rock chipping or blasting would be required. If so, a chipping or blasting permit will be required from the Building Department.
- \_\_\_\_\_11. The applicant is proposing a new septic and domestic well to serve the residence. The Applicant shall forward Westchester County Department of Health (WCHD) construction permits to the satisfaction of the Town Engineer.
- \_\_\_\_\_12. The site plan shall be revised, to the satisfaction of the Town Engineer, to relocate the footing drain discharge to be directed towards the northwest corner of the lot, not directed at the neighboring yard.
- \_\_\_\_\_13. The site plan shall be revised to include a driveway profile to the satisfaction of the Town Engineer.
- \_\_\_\_\_14. The Applicant shall provide a comparison of on-site impervious surfaces proposed vs. the proposed impervious area used for Lot #2 within the approved Stormwater Pollution Prevention Plan (SWPPP) for the project to the satisfaction of the Town Engineer.
- \_\_\_\_\_15. The site plan shall be revised to depict a protective barrier along the downhill side of the proposed driveway to the satisfaction of the Town Engineer.

**Site Plan and Tree Removal Permit Approvals for**

10 East Lane [2023-028]

November 13, 2023

Page 5 of 8

- \_\_\_\_\_ 16. The swimming pool winterization drawdown shall discharge to the drainage system to the satisfaction of the Town Engineer.
- \_\_\_\_\_ 17. The project will result in approximately 2,310 c.y. of excess excavation to be removed from the site. The site plan shall be revised to identify the intended use of material. If it is to be stored within the subdivision for future use, the site plan shall be revised to depict a location to the satisfaction of the Town Engineer.
- \_\_\_\_\_ 18. Payment of all applicable fees, including any outstanding consulting fees, pursuant to the master fee schedule.
- \_\_\_\_\_ 19. 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.
- \_\_\_\_\_ 20. The Applicant shall submit final construction plans for site improvements, excepting improvements relating to the house construction, to the Town Engineer for his approval of driveways, parking areas, storm drainage system, water and sewer connections, sidewalks, erosion and sediment controls and any other information requested by the Town Engineer to the satisfaction of the Town Engineer.
- \_\_\_\_\_ 21. Payment of engineering inspection fees for the subdivision roadway and common driveway to the Town. Posting of the subdivision roadway, common driveway and wetland mitigation guarantees to the Town.

**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.
- \_\_\_\_\_ 2. The applicant shall obtain a NYSDOT Highway Work Permit for the subdivision roadway, to the satisfaction of the 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. Provide proof of closure of the NYSDOT Highway Work Permit.
- \_\_\_\_\_ 2. Payment of all outstanding fees, including professional review fees.

**Site Plan and Tree Removal Permit Approvals for**

10 East Lane [2023-028]

November 13, 2023

Page 6 of 8

- \_\_\_\_\_ 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.
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.

***Site Plan and Tree Removal Permit Approvals for***

10 East Lane [2023-028]

November 13, 2023

Page 7 of 8

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*

10 East Lane [2023-028]

November 13, 2023

Page 8 of 8

\*\*\*\*\*

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
IREP-CG East Lane, LLC

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Joseline Huerta, 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