



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 Development Plan and Tree Removal Permit Approvals
Application Name: 99 Byram Ridge Road [2024-006]
Applicant/Owner: Jackie and Brian Berkin
Designation: 101.01-1-13
Zone: R-1A
Acreage: 1.34 acres
Location: 99 Byram Ridge Road
Date of Approval: February 26, 2024
Expiration Date: February 26, 2025 (1 Year)

WHEREAS, the Applicant has submitted a site plan application for a new two-story, single family dwelling with private well and on-site wastewater treatment system; and

WHEREAS, a new house was previously approved by the Planning Board on December 13, 2001 [2021-003]; and

WHEREAS, this project was referred to the Planning Board by the Residential Project Review Committee; and

WHEREAS, given the previous history of development on this lot and given the neighborhood concerns regarding stormwater the RPRC felt that neighbor notification regarding this project was essential; and

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

- Plan labeled “C-101,” entitled “Site Layout Plan,” dated December 8, 2023, last revised February 12, 2024, prepared by ALP Engineering & Landscape Architecture, PLLC.
- Plan labeled “C-102,” entitled “Grading and Utilities Plan,” dated November 20, 2023, last revised February 12, 2024, prepared by ALP Engineering & Landscape Architecture, PLLC.
- Plan labeled “C-103,” entitled “Erosion and Sediment Control Plan,” dated November 20, 2023, last revised February 12, 2024, prepared by ALP Engineering & Landscape Architecture, PLLC.
- Plan labeled “C-104,” entitled “Landscape Plan,” dated November 20, 2023, last revised February 12, 2024, prepared by ALP Engineering & Landscape Architecture, PLLC.

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- Plan labeled “C-111,” entitled “Construction Details,” dated November 20, 2023, last revised February 12, 2024, prepared by ALP Engineering & Landscape Architecture, PLLC.
- Plan labeled “C-112,” entitled “Construction Details/Driveway Profile,” dated November 20, 2023, last revised February 12, 2024, prepared by ALP Engineering & Landscape Architecture, PLLC.
- Plan labeled “C-113,” entitled “Construction Details,” dated November 20, 2023, last revised February 12, 2024, prepared by ALP Engineering & Landscape Architecture, PLLC.
- Plan labeled “A-100.00,” entitled “Proposed Lower Level Floor Plan,” dated February 9, 2024, prepared by Teo Sigüenza Architect.
- Plan labeled “A-101.00,” entitled “Proposed First Floor Plan,” dated February 9, 2024, prepared by Teo Sigüenza Architect.
- Plan labeled “A-102.00,” entitled “Proposed Second Floor Plan,” dated February 9, 2024, prepared by Teo Sigüenza Architect.
- Plan labeled “A-103.00,” entitled “Proposed Mezzanine/Attic Plan,” dated February 9, 2024, prepared by Teo Sigüenza Architect.
- Plan labeled “A-104.00,” entitled “Proposed Roof Plan,” dated February 9, 2024, prepared by Teo Sigüenza Architect.
- Plan labeled “R201.00,” entitled “Proposed Street Side Perspective and Materials & Colors,” dated February 9, 2024, prepared by Teo Sigüenza Architect.
- Plan labeled “A-200.00,” entitled “Proposed Exterior Elevations,” dated February 9, 2024, prepared by Teo Sigüenza Architect.
- Plan labeled “A-201.00,” entitled “Proposed Exterior Elevations,” dated February 9, 2024, prepared by Teo Sigüenza Architect.
- Plan labeled “A-202.00,” entitled “Proposed Exterior Elevations,” dated February 9, 2024, prepared by Teo Sigüenza Architect.
- Plan labeled “A-203.00,” entitled “Proposed Exterior Elevations,” dated February 9, 2024, prepared by Teo Sigüenza Architect.
- Plan labeled “A-300.00,” entitled “Proposed Sections,” dated February 9, 2024, prepared by Teo Sigüenza Architect.
- Plan labeled “A-101.10,” entitled “Floor Plans Floor Area Calculations,” dated February 9, 2024, prepared by Teo Sigüenza Architect.
- Plan labeled “SP-2.00,” entitled “Site Plan – Average Grade Calculation and Gross Land Coverage Calculation,” dated February 9, 2024, prepared by Teo Sigüenza Architect.

WHEREAS, the site plan depicts the removal of 37 Town-regulated trees; and

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

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WHEREAS, the Applicant received approval from the Architectural Review Board on XXX, XX, 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

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. The site plan application shall be revised to provide the address of the property owner to the satisfaction of the Planning Department.
- _____ 2. The landscape plan shall be revised to provide screening along the southern property line along the proposed walls for the yard and driveway to the satisfaction of the Planning Department.
- _____ 3. A winding driveway is proposed between Byram Ridge Road and the proposed residence. The driveway includes a 140 degree curve with a 12 foot inside radius and a 180 degree curve into the garage with a tight inside radius. The 140 degree curve shall have a minimum inside radius of 25 feet to accommodate a UPS truck. The 180 degree curve shall have a minimum inside radius of 19 feet to accommodate an SUV. A turnaround area shall be provided.

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- _____4. Access into and out of the garage from the driveway is very difficult. The applicant shall consider improving maneuverability entering and exiting the garage area. Additional consideration should be given to any barriers or extended parapet walls above the retaining wall that may be required, as this will reduce the ability for vehicles to back out of the garage.

- _____5. The driveway profile shall illustrate the location of the edge of the existing roadway and property line. The plan proposes to maintain the upper portion of the drive and connection to the road. However, the existing drive was demolished or is otherwise in need of reconstruction as a result of the prior application. It would be beneficial to the homeowner to have a 4% driveway platform where it meets the Town roadway.

- _____6. The plan proposes a number of retaining walls. Please provide retaining wall designs and details to the satisfaction of the Town Engineer.

- _____7. The plan shall note that the construction of all walls greater than four (4) feet in height shall be certified by the Design Professional prior to issuance of a Certificate of Occupancy/Completion.

- _____8. Water quality mitigation is proposed within the three (3) rain gardens. The runoff requiring water quality treatment the most would be runoff from the driveway. The rain garden proposed within the front yard appears to only treat portions of the roof of the proposed residence. It does not appear that any portion of the driveway is treated for water quality. The applicant shall address water quality treatment of the driveway runoff.

- _____9. The applicant shall perform deep and percolation soil testing in the vicinity of the proposed rain gardens to be witnessed by the Town Engineer. The test locations and results shall be shown on the plan. Contact the Town Engineer to schedule the testing.

- _____10. Peak discharge from the project site will be 4 cfs. The applicant shall avoid point discharge directed at neighboring properties. All discharge from the mitigation systems shall be dissipated and spread across the property to the satisfaction of the Town Engineer.

- _____12. The plan shall illustrate the footing drain location on the site plan to the satisfaction of the Town Engineer. Provide outlet protection details.

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- _____ 13. 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.
- _____ 14. Payment of all applicable fees, including any outstanding consulting fees, pursuant to the master fee schedule.
- _____ 15. 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. All walls, equal to or greater than four (4) feet in height, shall be designed by a NYS Licensed Professional Engineer to the satisfaction of the Town Engineer.
- _____ 2. The Applicant shall obtain Health Department approval for the proposed septic system and well to the satisfaction of the Town Engineer.
- _____ 3. The Applicant shall obtain a curbcut permit from the Highway Department to the satisfaction of the Town Engineer. The Highway Department shall require a work plan for all work in the ROW that takes into consideration existing roadway conditions and associated restoration.
- _____ 4. 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. The construction of all walls, equal to or greater than four (4) feet in height, shall be certified by the Design Professional to the satisfaction of the Town Engineer.
- _____ 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. Provide proof of closure of the Town Highway Department Curb Cut Permit.
- _____ 4. Payment of all outstanding fees, including professional review fees.

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- _____5. 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.
- _____6. 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.

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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

Jackie Berkin, Applicant

Date

Brian Berkin, Applicant

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