



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

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**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>	14 Mianus River Road [2020-033]
<b>Applicant/Owner:</b>	John Needham & Leslie S Needham R/T
<b>Designation:</b>	96.03-1-21.1
<b>Zone:</b>	R-4A
<b>Acreage:</b>	10.24 acres
<b>Location:</b>	14 Mianus River Road
<b>Date of Approval:</b>	October 15, 2020
<b>Expiration Date:</b>	October 15, 2021 (1 Year)

WHEREAS, the Applicant has submitted a site plan application for the construction of a 726 square foot accessory barn structure with storage shed; and

WHEREAS, a new driveway will be created from the street to access the barn structure and an existing curb cut will be eliminated; and

WHEREAS, stormwater mitigation is proposed to address runoff from new impervious surfaces; and

WHEREAS, the project is located on E. Middle Patent Road, which is a designated Scenic Roadway; as such, Planning Board site plan approval is required for this project; and

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

- Plan labeled "C-101," entitled "Existing Conditions," dated August 3, 2020, prepared by Provident Design Engineering.
- Plan labeled "C-102," entitled "Site Plan," dated August 3, 2020, prepared by Provident Design Engineering.
- Plan labeled "C-103," entitled "Construction Details," dated August 3, 2020, prepared by Provident Design Engineering.
- Plan labeled "1 of 1," entitled "Plan and Elevations," dated August 3, 2020, prepared by Hamady Architects.
- Undated Plan depicting Material Palette and Planting Plan (preparer unknown).

WHEREAS, the site plan depicts the relocation of a 7" Oak and the removal of one other tree; and

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WHEREAS, the site contains both State and locally regulated freshwater wetlands; and

WHEREAS, the Planning Board conducted a duly noticed public hearing in October 15, 2020 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 September 16, 2020; 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 proposed accessory structure does not meet the minimum required front yard setback of 75 feet as only a 32 foot front yard setback is provided; and

WHEREAS, the Applicant received the required 43 foot front yard variance from the Zoning Board of Appeals on October 1, 2020; and

WHEREAS, the requirements of the Zoning Ordinance of the Town of North Castle have been met by said application; and

WHEREAS, the Planning Board finds that any necessary intrusions within the scenic roadscape area have been reduced to the maximum extent practicable by such measures as common driveways, shared utility services or other such techniques and that the construction is compatible with the legislative intent of Town Code; and

NOW THEREFORE BE IT RESOLVED, that the application for site plan and tree removal permit approvals, as described herein, is 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.

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**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. As required by Section 355-59 (D) of the Town Code, sight distance plan and profiles shall be provided to demonstrate that the required 200-foot minimum sight distance is achieved in both directions to the satisfaction of the Town Engineer. Westchester County GIS topographic data may be used to obtain the required existing elevations for the road profile. The contour elevations should be in the same datum as the contours provided on the submitted plans.
- \_\_\_\_\_ 2. The submitted elevations shall be revised to depict building height (average grade to roof midpoint) to the satisfaction of the Planning Department.
- \_\_\_\_\_ 3. The Applicant shall submit a gross land coverage calculations worksheet and backup data for review to the satisfaction of the Planning Department.
- \_\_\_\_\_ 4. The Applicant shall submit a gross floor area calculations worksheet and backup data for review to the satisfaction of the Planning Department.
- \_\_\_\_\_ 5. The site plan shall be revised to demonstrate that the accessory structure is not more than 25% of the gross floor area of the principal structure to the satisfaction of the Planning Department.
- \_\_\_\_\_ 6. The site contains both State and locally regulated freshwater wetlands. The applicant shall establish the wetland boundary closest to the proposed development for confirmation by the Town Wetland Consultant. The New York State Department of Environmental Conservation (NYSDEC) wetland boundaries shall be verified by the NYSDEC and a validation map provided. Should any of the wetland boundaries require modification or it is found that development is proposed within the buffer, the plan shall be updated accordingly for review by the Planning Board.
- \_\_\_\_\_ 7. The plan shall include a driveway profile to demonstrate compliance with Sections 355-59 B (1) and (3) of the Town Code, related to maximum grades and the limits of the 4% entry apron at the curb cut to the satisfaction of the Town Engineer.
- \_\_\_\_\_ 8. The applicant is proposing a gravel driveway. The slope of the driveway is at least 9% and adequate vehicle traction may present a problem in the future. The site plan shall be revised to include a paved surface or other engineered permeable surface for the steeper sections of the driveway to the satisfaction of the Town Engineer.

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- \_\_\_\_\_ 9. The driveway curb cut shall provide a minimum five (5) feet asphalt apron to connect the driveway platform to Mianus River Road to the satisfaction of the Town Engineer.
- \_\_\_\_\_ 10. The applicant shall provide stormwater mitigation and supporting design calculations to demonstrate adequate attenuation of the net increase in stormwater runoff generated by the 25-year, 24-hour design storm event to the satisfaction of the Town Engineer. Provide details of the stormwater mitigation system.
- \_\_\_\_\_ 11. The applicant shall perform deep and percolation soil testing, in the vicinity of the proposed stormwater mitigation practices, to be witnessed by the Town Engineer. The test locations and results shall be shown on the plans.
- \_\_\_\_\_ 12. The location of the existing septic primary and expansion area shall be shown on the plan to the satisfaction of the Town Engineer. The plan shall show this area to be cordoned off during construction.
- \_\_\_\_\_ 13. The plan shall illustrate all trees to be removed and/or protected within and ten (10) feet beyond the proposed limits of disturbance to the satisfaction of the Town Engineer.
- \_\_\_\_\_ 14. The site plan illustrates a terrace on the east side of the proposed exercise shed. Provide elevations, grading and construction details for the proposed terrace to the satisfaction of the Town Engineer.
- \_\_\_\_\_ 15. If the existing wall in the Mianus River Road right-of-way is proposed to be modified or extended, the Applicant will need to obtain a Town Board license agreement for the proposed work in the right-of-way to the satisfaction of the Town Engineer.
- \_\_\_\_\_ 16. The Bulk Zoning Compliance Table on the Site Plan shall indicate the extent and date of approval for the required area variance, to the satisfaction of the Town Engineer.
- \_\_\_\_\_ 17. The plans shall include details for all proposed improvements, including but not limited to, gravel driveway, stormwater mitigation, terrace, walkways, asphalt apron, drainage trench, utility trench, retaining wall, and tree and shrub planting 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 Erosion Control Plan shall identify the size and species of all existing trees, to the satisfaction of the Town Engineer

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- \_\_\_\_\_ 20. The Applicant shall submit to the Planning Board Secretary two (2) sets 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 approved site plan shall be signed by both the Planning Board Chair and Town Engineer.
- \_\_\_\_\_ 2. 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.

**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 Town Highway Department Curb Cut Permit.
- \_\_\_\_\_ 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. 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.

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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.
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.

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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

\_\_\_\_\_  
John Needham

\_\_\_\_\_  
Date

\_\_\_\_\_  
Leslie S Needham R/T

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Valerie B. Desimone, 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