



**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, Amended Clearing and Grading Limit Line and Tree Removal Permit Approvals
Application Name:	Salazar [2020-019]
Applicant/Owner:	Felicia Salazar & Julio A. Salazar Jr
Designation:	101.03-3-33
Zone:	R-1A
Acreage:	1.23 acres
Location:	10 Leisure Farm Dr
Date of Approval:	June 22, 2020
Expiration Date:	June 22, 2021 (1 Year)

WHEREAS, the Applicant has removed approximately 8 trees in an area beyond the approved Clearing and Grading Limit Line depicted on the Leisure Farm subdivision plat; and

WHEREAS, the Applicant is also seeking approval for a new boulder wall, terrace, stepping stone path and trampoline patio; and

WHEREAS, the Applicant is seeking further approval to remove approximately 12 additional small trees in the rear yard; and

WHEREAS, the plat contains a note stating that "All of the clearing and grading lines as shown on this plat shall not be altered without Planning Board Approval;" and

WHEREAS, therefore, the Applicant is required to seek amended approval from the Planning Board; and

WHEREAS, the Applicant agreed to obtain site plan approval from the Planning Board as a result of several instances of the Applicant not complying with approved plans; and

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

- Plan entitled "Revised Site Plan," dated April 2, 2019, last revised April 28, 2020, prepared by F. Capparelli Landscape Design.
- Plan entitled "Landscape Mitigation Plan," dated October 24, 2018, prepared by F. Capparelli Landscape Design.
- Plan entitled "Gross Lot Coverage," dated May 30, 2020, prepared by F. Capparelli Landscape Design.

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WHEREAS, the submitted site plan depicts grading and disturbance that is different than what was contemplated during the subdivision process; and

WHEREAS, the Applicant is requesting revisions to the previously established Clearing and Grading Limit Line (C&GLL) depicted on the Leisure Farm subdivision plat map in the north western portion of the lot; and

WHEREAS, a note on the subdivision plat map states that “All of the clearing and grading lines as shown on this plat shall not be altered without Planning Board Approval;” and

WHEREAS, in addition, the plat contains a note that states, “Grading and Clearing Limits lines define an area beyond which no clearing of trees, grading or other alternations of contours or soil, filing or dumping or construction is permitted without Planning Board approval. This shall not include normal property maintenance and/or removal of trees for protection of persons or property;” and

WHEREAS, the Planning Board, pursuant to §355-44 of the North Castle Code, conducted a duly noticed public meeting on June 22, 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 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 approval, amended clearing and grading limit line and tree removal, as described herein, are hereby conditionally approved, subject to the following conditions and modifications; and

BE IT FURTHER RESOLVED that, this site plan approval 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. The submitted Gross Land Coverage Worksheet and backup information do not appear to correlate. The backup plan should be revised to include a table of all depicted GLC that can be used to reconcile the worksheet and plan data. As submitted, it appears that the existing upper terrace is missing from the backup data plan.
- _____ 2. The inspection ports and emergency overflow connection for the installed infiltration system must still be constructed. This should be noted on the plans to the satisfaction of the Town Engineer.
- _____ 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 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.

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. Payment of all outstanding fees, including professional review fees.
- _____ 2. 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.
- _____ 3. 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

Felicia Salazar & Julio A. Salazar Jr

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