



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

RESOLUTION

Action: Final Subdivision Plat Approval
Application Name: 8 Cole Drive/24 Davis Drive [2020-028]
Owner/Applicant: Nazar Massouh & Pudding Pie II LLC
Designation: 94.01-1-8 & 94.02-1-9
Zone: R-2A Zoning District
Acreage: 16.652 acres (total)
Location: 8 Cole Drive & 24 Davis Drive
Date of Approval: September 27, 2021
Expiration Date: March 26, 2022 (180 Days)

WHEREAS, application dated July 11, 2020 for preliminary subdivision plat approval was submitted to the Planning Board and the application fees were paid; and

WHEREAS, the application consists of the following drawings:

- Plan labeled “C-100,” entitled “Existing Conditions Plan,” dated July 13, 2020, last revised May 28, 2021, prepared by Provident Design Engineering, PLLC.
- Plan labeled “C-101,” entitled “Preliminary Plat,” dated July 13, 2020, last revised May 28, 2021, prepared by Provident Design Engineering, PLLC.
- Plan labeled “C-102,” entitled “Integrated Plot Plan,” dated July 13, 2020, last revised May 28, 2021, prepared by Provident Design Engineering, PLLC.
- Plan labeled “C-201,” entitled “Driveway Profile & Cross Sections,” dated March 8, 2021, last revised May 28, 2021, prepared by Provident Design Engineering, PLLC.
- Plan labeled “C-301,” entitled “Erosion Control Plan,” dated March 22, 2021, last revised May 28, 2021, prepared by Provident Design Engineering, PLLC.
- Plan labeled “D-101,” entitled “Details,” dated March 22, 2021, last revised May 28, 2021, prepared by Provident Design Engineering, PLLC.
- Plan labeled “L-1,” entitled “Mitigation Planting Plan,” dated July 10, 2020, last revised March 22, 2021, prepared by IQ Imbiano Quigley Landscape Architects.
- Plan labeled “L-2,” entitled “Details,” dated July 10, 2020, last revised March 22, 2021, prepared by IQ Imbiano Quigley Landscape Architects.
- Plan labeled “L-3,” entitled “Tree Removal Plan,” dated April 28, 2021, last revised April 28, 2021, prepared by IQ Imbiano Quigley Landscape Architects.

WHEREAS, the Applicant is proposing a lot line realignment that would alter the existing common lot line between 8 Cole Drive and 24 Davis Drive by transferring 126,880 s.f. from 24 Davis Drive to 8 Cole Drive, resulting in 8 Cole Drive increasing in size to approximately 8.8 acres and 24 Davis Drive decreasing in size to approximately 7.8 acres; and

WHEREAS, separately, the Applicant is proposing a new driveway for 24 Davis Drive that is proposed to directly impact the Town-regulated wetland and Town-regulated wetland buffer; and

WHEREAS, in addition, the proposed new driveway would require the issuance of a steep slope permit and tree removal permit; and

WHEREAS, furthermore, the Applicant is proposing a 4,510 square foot addition to the existing single family home at 8 Cole Drive; and

WHEREAS, no new building lots are proposed; and

WHEREAS, the proposed subdivision will not result in the removal of Town-regulated trees; and

WHEREAS, the proposed subdivision will not result in the disturbance to Town-regulated steep slopes; and

WHEREAS, the proposed subdivision will not result in the disturbance to any Town-regulated wetland or Town-regulated wetland buffer; and

WHEREAS, the applicant submitted a short Environmental Assessment Form (EAF) in connection with the application dated July 11, 2020; and

WHEREAS, the Proposed Action would be classified as an Unlisted Action pursuant to the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Planning Board elected to conduct an uncoordinated SEQRA review; and

WHEREAS, the Planning Board has evaluated the proposed total site disturbance; and

WHEREAS, the Planning Board has inspected the site and is familiar with the nature of the site and the surrounding area; and

WHEREAS, the Planning Board has received and considered comments from the public, Town Attorney, Town Engineer and Town Planner; and

WHEREAS, the requirements of the Land Subdivision Regulations, the Zoning Ordinance and the *Town of North Castle Comprehensive Plan* have been met by the application; and

WHEREAS, under the Town Law the approval of said preliminary subdivision plat by this Planning Board does not affect the power of the Town to change zoning regulations, nor act as an assurance of the granting of any building permits;

WHEREAS, a duly advertised public hearing regarding the subdivision was opened on August 9, 2021 and closed on September 13, 2021 at which time all those wishing to be heard were given the opportunity to be heard; and

WHEREAS, the Applicant received preliminary subdivision plat approval on September 27, 2021; and

WHEREAS, pursuant to Section 275-16.E of the Town Code, when the Planning Board deems the final plat to be in substantial agreement with a preliminary plat approved under the provisions of the Town Code and modified in accordance with the requirements of such approval if applicable, the Planning Board may waive the requirement for such a public hearing;

NOW THEREFORE BE IT RESOLVED, that the Planning Board based upon its review of the full environmental record finds that the proposed action will not result in any significant adverse environmental impacts and hereby reconfirms the Negative Declaration adopted on September 27, 2021; and

BE IT FURTHER RESOLVED, that pursuant to the authority granted by Section 275-16.E of the Town of North Castle Town Code, the Planning Board hereby waives the public hearing on the final plat; and

BE IT FURTHER RESOLVED, that the final subdivision plat, as described herein, is conditionally approved, subject to compliance with the following conditions and modifications; and

BE IT FURTHER RESOLVED, that this final subdivision plat approval shall expire 180 days from the date of this resolution unless a written request for an extension of final subdivision plat is granted by the Planning Board; and

BE IT FURTHER RESOLVED, that if all conditions of approval are not fully complied with within the above time limits, said plat shall be disapproved.

Conditions to be Completed Before the Final Plat is Signed

(The Planning Board Secretary's initial and date shall be placed in the space below to indicate that the condition has been satisfied.)

- _____ 1. The IPP should include a note clearly indicating that the future development of the pool and/or cabana will require prior review and approval by the Town of North Castle.
- _____ 2. The previously requested estimates for rock removal, removal methods and processing/crushing for use as fill material shall be provided by the applicant to the satisfaction of the Town Engineer.
- _____ 3. The plat map shall be revised to depict the existing easements (three) on the subject Property to the satisfaction of the Planning Department.
- _____ 4. The plat map shall be revised to include the names of owners of record or properties directly across the street from the proposed subdivision to the satisfaction of the Planning Department.

- _____5. The plat map shall be revised to include a site location sketch, at a scale of one inch equals 800 feet, showing the general situation of the applicant's property with respect to surrounding properties and streets to the satisfaction of the Planning Department.
- _____6. Payment of all applicable fees, including any outstanding consulting fees.
- _____7. The applicant shall furnish the necessary documentation confirming that all taxes assessed against the property have been paid.
- _____8. The Applicant shall secure approval and endorsement of the plat by the Westchester County Department of Health. All plans submitted to the Westchester County Department of Health for review and approval shall reflect the identification of all wetland boundaries and their respective surrounding regulated areas. A copy of the integrated plot plan containing the endorsement of the Westchester County Department of Health shall be submitted to the Town Engineer prior to the signing of the final linen.
- _____9. The applicant shall produce a Final Subdivision Plat in accordance with the provisions of Section 275-33 of the North Castle Land Subdivision Regulations, and Final Construction Plans in accordance with 275-34 of the Town Land Subdivision Regulations.
- _____10. The Applicant shall furnish the necessary documentation confirming that the plat can be filed immediately, that there are no liens on the plat whatsoever, or any other impediments to the filing of the Plat with the County Clerk.

Other Conditions:

1. All references to "the Applicant" shall include the Applicant's successors and assigns.

