



**TOWN OF NORTH CASTLE  
WESTCHESTER COUNTY  
17 Bedford Road  
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**PLANNING BOARD  
Christopher Carthy, Chair**

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

**Action:** Drainage Easement Modification  
**Application Name:** 2 Deer Ridge – Hason – Drainage Easement Modification [2021-001]  
**Owner/Applicant:** David and Lynn Hason  
**Designation:** 100.04-2-21  
**Zone:** R-2A Zoning District  
**Acreage:** Approximately 2 acres  
**Location:** 2 Deer Ridge Lane  
**Date of Approval:** January 25, 2021  
**Expiration Date:** January 25, 2022 (1 Year)

WHEREAS, the subject property is located at 2 Deer Ridge Lane and is identified on the tax assessment map of the Town of North Castle as Section 100.04, Block 2, Lot 21; and

WHEREAS, the lot is approximately 2 acres and was created as part of the Fareri Estates Subdivision, which was approved by the North Castle Planning Board in 1994; and

WHEREAS, the Fareri Estates Subdivision contained the following note on Lot 6: "Proposed New 15 FT. Wide Drainage Easement In Favor of Lot 7. For Use With Future Subdivision Development" and

WHEREAS, the referenced drainage easement identified on the Fareri Plat was never reflected in a written easement agreement that was recorded with Westchester County Clerk; and

WHEREAS, the Deer Ridge application to further subdivide the 17-acre Lot 7 into five (5) lots was submitted to the Planning Board on March 7, 2016 and was approved on November 21, 2016; and

WHEREAS, pursuant to Condition #7 of the Resolution of Approval, "[t]he Applicant shall submit an executed easement, in recordable form satisfactory to the Town Attorney, for a drainage easement over lot 100.04-2-21 [the Hason Lot];" and

WHEREAS, the required drainage easement was recorded with the Westchester County Clerk on April 25, 2017; and

WHEREAS, the intent of the Drainage Easement is to provide the owners of 4 Deer Ridge Lane and the Hason Property "with access to the Drainage Easement for the installation, maintenance, replacement, and reconstruction of the drainage facilities to serve [4 Deer Ridge Lane] and [the Hason Property], which drainage easement is located on [the Hason property]; and

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WHEREAS, the only property located within the Deer Ridge Subdivision that benefits from the Drainage Easement is 4 Deer Ridge Lane and no other properties in the Deer Ridge Subdivision have any rights to utilize the Drainage Easement or enter upon the Hason Property for any reason and

WHEREAS, because the drainage easements are shown on the filed Deer Ridge Plat, the consent of all of the owners within the Deer Ridge Subdivision is required to amend the easement location; and

WHEREAS, a Consent Agreement has been distributed to all such owners, and we are awaiting the executed copies to be returned to the Applicant; and

WHEREAS, both the 15 ft. wide drainage easement, as shown on the Fareri Plat, and the 10 ft. wide Drainage Easement required as part of the Deer Ridge Subdivision are shown on the Deer Ridge Plat; and

WHEREAS, in connection with the single-family home on the Hason Property, a stone wall was built over both the 15 ft. and 10 ft. wide drainage easements; and

WHEREAS, instead of removing the stone wall, Mr. and Mrs. Hason are seeking permission to relocate the drainage easement as shown the plan entitled "Easement Amendment Plan," prepared by Alfonzetti Engineering, P.C., and dated January 6, 2021;

WHEREAS, other than the relocation, all provisions of the Drainage Easement will remain in full force and effect; and

WHEREAS, the new drainage easement will extinguish and eliminate the existing 15 ft. and 10 ft. wide easement areas; 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 instead of removing the stone wall, the Planning Board grants permission to relocate the drainage easement as shown the plan entitled "Easement Amendment Plan," prepared by Alfonzetti Engineering, P.C., and dated January 6, 2021; and

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BE IT FURTHER RESOLVED, that other than the relocation, all provisions of the Drainage Easement will remain in full force and effect; and

**Conditions of Approval:**

*(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 of signed Consent Agreement for all Deer Ridge Subdivision property owners to the satisfaction of the Town Attorney.
  
- \_\_\_\_\_ 2. The Applicant shall obtain written consent from the Town of North Castle Town Board to modify the existing drainage easement to the satisfaction of the Town Attorney since the Town of North Castle is a third party beneficiary of the existing drainage easement.

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
David and Lynn Hason

\*\*\*\*\*

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Valerie Desimone, Planning Board Secretary  
Certified as Approved by the North Castle Planning Board

KELLARD SESSIONS CONSULTING P.C.  
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