



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

RESOLUTION

Action: Preliminary Subdivision Plat Approval
Application Name: Madonna Subdivision [2021-004]
Owner/Applicant: Frank Madonna
Designation: 108.01-1-20
Zone: R-10
Acreage: 17,233 square feet
Location: 124 and 124A Old Mount Kisco Road
Date of Approval: May 24, 2021
Expiration Date: November 24, 2021 (6 Months)

WHEREAS, application dated January 23, 2021 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 "Sheet 01 of 03," entitled "Existing Conditions and Demolition Plan," dated January 25, 2021, prepared by Alfonzetti Engineering, P.C.
- Plan labeled "Sheet 02 of 03," entitled "Existing Conditions and Demolition Plan," dated January 25, 2021, prepared by Alfonzetti Engineering, P.C.
- Plan labeled "Sheet 03 of 03," entitled "Erosion Control Plan," dated January 25, 2021, prepared by Alfonzetti Engineering, P.C.
- Plan entitled "Width-Depth Calculation Map," dated January 25, 2021, prepared by Alfonzetti Engineering, P.C.
- Plan entitled "Contiguous Buildable Area Map," dated January 25, 2021, prepared by Alfonzetti Engineering, P.C.
- Plan labeled "Topography of Property," dated February 18, 2020, prepared by TC Merritts Land Surveyors.

WHEREAS, the Applicant is seeking approval for the subdivision of an existing lot with one existing home and one damaged home into two lots located in the R-10 (10,000 s.f. lots) Zoning District; and

WHEREAS, the property is an existing nonconforming lot with that contains one home and one damaged home; and

WHEREAS, the property contains two principal dwellings that have been deemed pre-existing nonconforming uses (built prior to zoning). Unfortunately, one of the structures was damaged in a recent fire; and

WHEREAS, proposed Lot 1 requires a minimum lot area of 10,000 square feet and proposed Lot 1 has a net lot area of 8,616 square feet; and

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WHEREAS, proposed Lot 2 requires a minimum lot area of 10,000 square feet and proposed Lot 2 has a net lot area of 7,577 square feet.

WHEREAS, proposed Lot 1 requires a minimum of 100 feet of frontage and proposed Lot 1 has 75.35 feet of frontage.

WHEREAS, proposed Lot 2 requires a minimum of 100 feet of frontage and proposed Lot 2 has 81.36 feet of frontage.

WHEREAS, proposed Lot 1 requires a minimum lot width of 100 feet and proposed Lot 1 has a lot width of 81.02 feet.

WHEREAS, proposed Lot 2 requires a minimum lot width of 100 feet and proposed Lot 2 has a lot width of 75.67 feet.

WHEREAS, proposed Lot 1 requires a minimum contiguous buildable area of 9,000 square feet and Proposed Lot 1 has a minimum contiguous buildable area of 8,616 square feet.

WHEREAS, proposed Lot 2 requires a minimum contiguous buildable area of 9,000 square feet and proposed Lot 2 has a minimum contiguous buildable area of 8,107 square feet.

WHEREAS, the Applicant secured all of the required variances from the Zoning Board of Appeals on April 1, 2021.

WHEREAS, Lot 1 is proposed to be 8,616 s.f. and Lot 2 is proposed to be 7,577 s.f.; and

WHEREAS, both new lots are not zoning compliant and will required the issuance of several variances; and

WHEREAS, one new building lot is proposed; and

WHEREAS, the proposed subdivision will result in the removal of two Town-regulated trees; and

WHEREAS, the proposed subdivision will not result in the disturbance to Town-regulated steep slopes, unless the requested slope map references otherwise; 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 January 25, 2021; and

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

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

WHEREAS, a duly advertised public hearing on said application was conducted on May 24, 2021, at which time all those wishing to be heard were given the opportunity to be heard; 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;

NOW THEREFORE BE IT RESOLVED, that 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 adopts a Negative Declaration pursuant to the requirements of Article 8 of the New York State Environmental Quality Review Law and 6 NYCRR Part 617; and

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

BE IT FURTHER RESOLVED, that this preliminary subdivision plat approval shall expire six months from the date of this resolution unless an application for final subdivision plat approval is submitted to the Planning Board prior to the end of such time period or unless a written request for an extension of preliminary subdivision plat is granted by the Planning Board.

Conditions to be Completed Before the Final Plat is Submitted/Signing of the Preliminary Plat
(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 depicts a house on proposed lot 1 that does not meet the minimum front setback requirement. The IPP should be revised to depict a compliant structure to the satisfaction of the Planning Department.

- _____ 2. The Applicant should submit a preliminary plat that conforms to the minimum requirements of Section 275-30 of the North Castle Town Code to the satisfaction of the Planning Department.

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- _____3. The subdivision plat map and the IPP shall be revised to clearly indicate that all new and existing homes will be provided with underground utilities.
- _____4. The Applicant shall submit a final plat conforming to the standards set forth in Section 275-33 of the North Castle Town Code to the satisfaction of the Planning Department.
- _____5. The subdivision will require approval by the Westchester County Department of Health (WCHD) to the satisfaction of the Town Engineer. WCHD Approval for the proposed drilled wells and abandonment of the existing septic system serving the residences will also be required to the satisfaction of the Town Engineer.
- _____6. The applicant shall provide a Steep Slope Map delineating and quantifying those areas of Town regulated steep slopes, those areas having a gradient of equal to or greater than 25% to the satisfaction of the Planning Department and Town Engineer. Verification of areas of steep slopes is required to support the net lot area and minimum contiguous buildable area calculations provided.
- _____7. The plan proposes the removal of six (6) trees, two (2) of which are regulated by Town Code. The proposed tree removal and protection should also be illustrated on the Grading Plan for coordination purposes to the satisfaction of the Town Engineer.
- _____8. The applicant shall provide a cut and fill analysis for the proposed improvements to the satisfaction of the Town Engineer.
- _____9. The applicant shall provide a sight line and site profile analysis for the driveway serving Proposed Lot 1 demonstrating that adequate sight distance of 200 feet in either direction is provided along Old Mount Kisco Road to the satisfaction of the Town Engineer.
- _____10. The Site Plan for proposed Lot 1 shall be revised to include walkways and patios typical for this type of development to the satisfaction of the Town Planner and Town Engineer.
- _____11. The plan illustrates a proposed private drilled well to serve Lot 2, however, the well key does not appear to be drawn in compliance with WCHD regulations. The radius for separation shall be increased to 100 feet and the plan expanded to illustrate the entirety of the well key to ensure adequate separation distances are maintained to the satisfaction of the Town Engineer. The plan shall also illustrate the location and associated well key for the private drilled well required for Lot 1 to the satisfaction of the Town Engineer. The applicant shall obtain approval from the WCHD for the proposed drilled wells to the satisfaction of the Town Engineer.

- _____ 12. The plan shall illustrate the location of the existing septic systems and note that they are to be abandoned in accordance with WCHD Rules and Regulations to the satisfaction of the Town Engineer.
- _____ 13. The plan illustrates individual sewer service connections to the public sanitary sewer main recently installed on Old Mount Kisco Road by the applicant as part of an adjacent project; however, the public main has not yet been approved by the WCHD or dedicated to the Town. Until such time, the sewer service connections, as proposed, cannot be put into service and the new lot will need to be served by a septic system. **[ITEM TO BE DISCUSSED WITH PLANNING BOARD]**
- _____ 14. The plan shall include a driveway profile for proposed Lot 1 to demonstrate compliance with Section 355-59, Driveways of the Town Code to the satisfaction of the Town Engineer.
- _____ 15. The plan shall illustrate the limits of removal of existing retaining walls along the frontage of Old Mount Kisco Road required for the purposes of the installation of the driveway and sanitary sewer service connections to the satisfaction of the Town Engineer. Details for the restoration and reconstruction shall be provided.
- _____ 16. The retaining wall detail provided on the plan shall be revised to the satisfaction of the Town Engineer. The detail indicates a maximum height of four (4) feet, while the proposed walls are in excess of six (6) feet.
- _____ 17. The site plan shall be revised to indicate that the proposed curb cut for Lot 1 will not exceed 18 feet in width, as required by the Town Highway Department to the satisfaction of the Town Engineer.
- _____ 18. The driveway for Lot 1 illustrates a proposed retaining wall extending into the Town right-of-way. The plan shall be revised to avoid this condition to the satisfaction of the Town Engineer.
- _____ 19. The plans shall be revised to depict the removal of all existing encroachments in the town right-of-way or obtain a license to maintain existing improvements, such as concrete stairs and retaining walls, within the Town right of way to the satisfaction of the Town Attorney and Town Engineer.
- _____ 20. The applicant will be required to provide stormwater mitigation through the 100 - year storm event for the proposed residence on Lot 1 to the satisfaction of the Town Engineer. The plan shall illustrate that all required separation distances to private drilled wells will be maintained.
- _____ 21. The applicant shall perform deep and percolation soil testing, to be witnessed by the Town Engineer, demonstrating that suitable soils are present for any proposed stormwater mitigation practices.

- _____22. Development of Lot 1 as proposed will require a significant amount of cut, presumably in rock. Due to the relatively small size of the lot and limited access on the site, the plan shall clearly demonstrate how the materials will be cut, staged and loaded onto trucks for offsite disposal to the satisfaction of the Town Engineer. The plan shall clearly illustrate adequate staging areas for machinery and trucks to eliminate the potential for queuing of construction equipment within Old Mount Kisco Road.
- _____23. The applicant shall prepare a rock chipping and removal plan for compliance with Chapter 122, Blasting, Explosives & Chipping, to the satisfaction of the Town Planner and Town Engineer.
- _____24. The Erosion and Sediment Control Plan should be revised to include the following minimum measures to the satisfaction of the Town Engineer:
- Additional protection of regraded slopes at the central and rear portions of the property shall be provided, such as additional silt fence and erosion control blankets;
 - The location of the soil stockpile should be reconsidered as access to the proposed location is limited;
 - Temporary inlet protection should be provided at all area drain inlets within Old Mount Kisco Road.
- _____25. The plan shall include invert elevations for the sanitary sewer service connection at the residence and public main the satisfaction of the Town Engineer.
- _____26. The plans shall include details of all site improvements, including but not limited to, pavement, curb, retaining walls, sewer connections, drilled well, storm water mitigation and collection systems, trench restoration, etc. to the satisfaction of the Town Engineer.
- _____27. Payment of all applicable fees, including any outstanding consulting fees.
- _____28. The applicant shall furnish the necessary documentation confirming that all taxes assessed against the property have been paid.

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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 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.
2. 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.
3. The applicant shall submit payment of the recreation fee in the amount of ten-thousand dollars (\$10,000) for each new building lot, for a total of \$10,000 as stated in Section 275-37 of the Town Code.
4. The Applicant shall furnish the necessary documentation confirming that the plat can be filed immediately, that there are not 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.

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

Date Frank Madonna

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
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, Chair