



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

PLANNING BOARD
Christopher Carthy, Chair

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RESOLUTION

Action: Final Subdivision Plat Approval
Application Name: 50 E. Middle Patent Two Lot Subdivision
Owner/Applicant: Bedford EMP Ownership, LLC
Designation: 103.01-1-18
Zone: R-4A (Residential, 4 Acre Minimum Lot Size) District
Acreage: 29.21 acres
Location: 50 E. Middle Patent Road
Date of Approval: November 8, 2021
Expiration Date: May 8, 2022 (180 Days)

WHEREAS, applications dated June 25, 2021 for preliminary subdivision plat, steep slope permit and tree removal permit approvals were submitted to the Planning Board and the application fees were paid; and

WHEREAS, the application consists of the following drawings:

- Plan labeled "EX-1," entitled "Existing Conditions Plan," dated June 28, 2021, last revised October 25, 2021, prepared by Bibbo Associates, LLP.
- Plan labeled "PP-1," entitled "Preliminary Subdivision Plat," dated June 28, 2021, last revised October 25, 2021, prepared by Bibbo Associates, LLP.
- Plan labeled "EXB-1," entitled "Lot Dimension Exhibit," dated September 13, 2021, last revised October 25, 2021, prepared by Bibbo Associates, LLP.
- Plan labeled "EXB-2," entitled "Contiguous Buildable Area Exhibit," dated September 13, 2021, last revised October 25, 2021, prepared by Bibbo Associates, LLP.

HEREAS, the subject application involves an application for preliminary subdivision approval of a two lot residential subdivision in the R-4A Zoning District; and

WHEREAS, the site is currently a 29.21 acre lot developed with a single family home; and

WHEREAS, the subdivision will create Lot 1 of approximately 20.52 net acres, Lot 2 of approximately 5.25; and

WHEREAS, all both lots will be accessed via individual driveways onto E Middle Patent Road; and

WHEREAS, the subdivision will be served by private wells; and

WHEREAS, the lots will be provided with individual on-site septic systems; and

WHEREAS, the applicant submitted a Short Environmental Assessment Form (EAF) in connection with the application dated June 24, 2021; 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 determined to conduct an uncoordinated SEQRA review; and

WHEREAS, the Planning Board adopted a Negative Declaration on November 8, 2021; and

WHEREAS, a duly advertised public hearing on the preliminary subdivision plat application was conducted on November 8, 2021 at which time all those wishing to be heard were given the opportunity to be heard; and

WHEREAS, pursuant to Section 275-15.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; 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 determined that the proposed addition of one (1) new single-family lot will contribute to the existing unmet need for additional park and recreational facilities in the Town, which need cannot be met on the subject property in accordance with the provisions of Section 275-27.A(4) of the Town of North Castle Town Code given its size and characteristics, and on that basis, has determined that the best interests of the Town and future residents of the proposed subdivision will be better served by requiring a cash payment to be earmarked for park, playground and/or other recreational purposes; 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 *1996 Town of North Castle Comprehensive Update* have been met by the application; and

WHEREAS, under the Town Law the approval of said 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; and

WHEREAS, the Applicant received preliminary subdivision plat approval on November 8, 2021;

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 November 8, 2021; and

BE IT FURTHER RESOLVED, that pursuant to the authority granted by Section 275-15.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 approval, 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. Submission of a Stormwater Pollution Prevention Plan Report to the satisfaction of the Town Engineer.
- _____ 2. The applicant shall be required to submit a cross access easement between Lots 1 and 2, in recordable form satisfactory to the Town Attorney, concerning the proposed driveway connection.
- _____ 3. Payment of all applicable fees, including any outstanding consulting fees.
- _____ 4. The applicant shall furnish the necessary documentation confirming that all taxes assessed against the property have been paid.
- _____ 5. The plat shall be referred to the Tax Assessor for review and for the assignment of the new tax lot numbers. The plat shall be revised per the Assessor as required and all new tax lot numbers shall be placed on the subdivision plat.
- _____ 6. 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.
- _____ 7. The applicant shall provide approvals from the WCHD for the subdivision, proposed on-site wastewater treatment systems and on-site wells to the satisfaction of the Town Engineer.

- _____8. 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 275-16 of the Town Land Subdivision Regulations.
- _____9. 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 275-17 of the Town Code.
- _____10. 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. The proposed home on Lot 2 shall be constructed within 1 year in order that a permitted principal use can be established on the property. If a house is not constructed within the 1 year time lines, the Applicant shall be required to remove the existing tennis court from the property or seek a use variance from the Zoning Board of Appeals.

[RAB, please comment this proposed solution]

2. All references to "the Applicant" shall include the Applicant's successors and assigns.
3. Prior to the start of construction and throughout the construction period, area of disturbance lines shall be clearly delineated in the field by installing snow fence or another demarcation acceptable to the Town Engineer 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.
4. The Applicant shall obtain curb cut permits for any work on a Town Road.

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

Date Bedford EMP Ownership, LLC

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, Chair