



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

## **RESOLUTION**

**Action:** Preliminary Subdivision Plat Approval  
**Application Name:** 25 Orchard Dr. & 22 Annadale St. Subdivision [2021-040]  
**Owner/Applicant:** Damian Development, LLC and Salim Hasanaj  
**Designation:** 108.01-6-78 & 108.01-6-67  
**Zone:** R-10  
**Acreage:** 36,340 square feet  
**Location:** 25 Orchard Dr. & 22 Annadale St.  
**Date of Approval:** November 8, 2021  
**Expiration Date:** May 8, 2022 (6 Months)

WHEREAS, application dated October 4, 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 entitled "Subdivision Plat," dated July 15, 2019, last revised August 23, 2021, prepared by Ward Carpenter Engineers Inc.

WHEREAS, the Applicant is seeking approval of a proposed lot line realignment (subdivision) that would alter the existing common lot line between 25 Orchard Drive & 22 Annadale St.; and

WHEREAS, currently, a patio associated with 22 Annadale St is located on 25 Orchard Drive via an easement; and

WHEREAS, the proposed subdivision would enlarge 22 Annadale so that the patio is located on 22 Annadale and reduce the lot size of 25 Orchard 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 May 7, 2020; 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 November 8, 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**

*(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 plans depict a frame shed located on both 22 Annadale and 24 Annadale. The shed should be relocated to be fully on the shed owner's lot. If a building permit has not been issued for the structure, the Applicant should obtain the permit at this time.
  
- \_\_\_\_\_2. The Zoning Compliance Chart shall be updated, to the satisfaction of the Planning Department, to reflect that the 25 Orchard Drive lot is vacant and does not contain any proposed gross land coverage and gross floor area. In addition, the existing front, side and rear setback entries should be removed (since the lot is vacant) and the height, coverage and dwelling unit size entries should also be removed.
  
- \_\_\_\_\_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.

**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. Pursuant to Section 275-33 of the North Castle Town Code, the final plat should be revised to include the total acreage of the proposed subdivision, and the names of owners of record or properties adjoining and directly across the street from the proposed subdivision.
  
2. The final plat should be revised to reflect the removal of the non-conforming portion of patio and dimension the required 5 foot setback from the patio to the rear property line.
  
3. 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.
  
4. 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.

**Other Conditions:**

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

