



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 Re-Approval
Application Name: 655 Bedford Road Four Lot (Two Building Lots) Subdivision [#2022-015]
Owner/Applicant: Evan & Debra Mittman
Designation: 94.04-2-29
Zone: R-2A (Residential, 2 Acre Minimum Lot Size) District
Acreage: 20.7 acres
Location: 655 Bedford Road
Original Date of Approval: September 29, 2022
Original Expiration Date: March 11, 2023 (180 Days)
Date of Re-Approval: May 22, 2034
Expiration Date: November 18, 2023 (180 Days)

WHEREAS, applications dated April 11, 2022 for preliminary subdivision plat approval were originally submitted to the Planning Board and the application fees were paid; and

WHEREAS, the Planning Board approved the subdivision on September 29, 2022; and

WHEREAS, the original approval expired on March 11, 2023; and

WHEREAS, applications for preliminary subdivision plat approval were re-submitted to the Planning Board and the application fees were paid; and

WHEREAS, the application consists of the following drawings:

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- Plan entitled "Minimum Contiguous Buildable Area," dated April 6, 2022, last revised May 20, 2022, prepared by Alfonzetti Engineering, P.C.
- Plan labeled "Sheet 01 of 01," entitled "Existing Conditions Plan," dated April 6, 2022, prepared by Alfonzetti Engineering, P.C.
- Plan labeled "Sheet 01 of 01," entitled "Integrated Plot Plan 6 Lot," dated April 7, 2022, last revised May 4, 2023, prepared by Alfonzetti Engineering, P.C.
- Plan labeled "Sheet 01 of 01," entitled "Integrated Plot Plan 4 Lot Subdivision," dated September 21, 2022, last revised May 4, 2023, prepared by Alfonzetti Engineering, P.C.
- Plan entitled "Gross Land Coverage Calculations Exhibit," dated May 19, 2022, prepared by Alfonzetti Engineering, P.C.
- Plan entitled "Lot Width Exhibit," dated June 20, 2022, prepared by Alfonzetti Engineering, P.C.
- Plan labeled "4 Lot Subdivision Width-Depth Exhibit," dated September 21, 2022, prepared by Alfonzetti Engineering, P.C.

- Plan labeled “4 Lot Subdivision Minimum Buildable Area Exhibit,” dated September 21, 2022, prepared by Alfonzetti Engineering, P.C.

WHEREAS, the subject application involves an application for subdivision approval of a four lot (two building lots) residential subdivision in the R-2A Zoning District; and

WHEREAS, the site is currently a 20.7 acre lot developed with a single family home; and

WHEREAS, the subdivision will create Lot 1 of approximately 3.135 acres (3.048 net), Lot 2 of approximately 8.2 acres (not a building lot), Lot 3 of 4.5 acres (4.22 net) and Lot 4 of 4.88 acres (not a building lot); and

WHEREAS, Lot 2 and 4 are not building lots and are proposed to be donated to the Town of North Castle; and

WHEREAS, proposed Lot 3 will be accessed via a new driveway over an existing easement connecting to Hemlock Hollow Place and proposed Lot 1 will continue to be accessed via a common driveway accessing NYS Route 22; 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, pursuant to Section 239-y.3.a of NYS General Municipal Law, the Planning Board referred this application to the Conservation Board to review the application with respect to the proposed use or development of the open area in terms of the open area planning objectives of the Town; and

WHEREAS, in a July 26, 2022 memorandum to the Planning Board the Conservation Board recommended approval of the project subject to providing a 2:1 mitigation plan, if a wetlands permit is required; and

WHEREAS, Proposed Lot 1 does not meet the minimum required front yard setback; and

WHEREAS, the Building Department confirmed that a variance would not be required prior to the Planning Board approving the proposed lot containing the existing house; and

WHEREAS, the applicant submitted a Short Environmental Assessment Form (EAF) in connection with the application dated April 11, 2022; and

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

WHEREAS, the property does not have the minimum required amount of frontage on a road; and

WHEREAS, the Applicant obtained approval from the Zoning Board of Appeals, on August 4, 2022, to permit the creation of the lot with substandard frontage via Section 280-A.3 of NYS Town Law; and

WHEREAS, as part of the required SEQRA “hard look” at the maximum development potential of the property (to avoid a segmented environmental review of the property), the Applicant submitted a proposed six lot subdivision for review purposes; and

WHEREAS, the submitted six lot subdivision meets all of the minimum zoning requirements of the Town of North Castle; and

WHEREAS, the Applicant submitted an impact matrix that identifies the impacts associated with the four lot (two building lots) subdivision as well as the maximum development potential alternative; and

WHEREAS, the matrix included total area of disturbance, total amount of cut and fill (c.y.), Town-regulated steep slope disturbance, Town-regulated tree removal, Town-regulated wetland disturbance and Town-regulated wetland buffer disturbance; and

WHEREAS, the maximum development six lot plan depicts 297,695 square feet of disturbance, 27,032 square feet of Town-regulated wetland buffer disturbance, 6,752 square feet of Town-regulated steep slope disturbance, 9,215 c.f. of fill and the removal of 548 Town-regulated trees; and

WHEREAS, the proposed four lot (two building lots) subdivision depicts 82,290 square feet of disturbance, 0 square feet of Town-regulated wetland buffer disturbance, 680 square feet of Town-regulated steep slope disturbance, 696 c.f. of fill and the removal of 164 Town-regulated trees; and

WHEREAS, the Planning Board determined to conduct a coordinated SEQRA review; and

WHEREAS, the Planning Board declared their intent to act as Lead Agency on April 26, 2022; and

WHEREAS, the Planning Board confirmed that the impacts associated with the 6-lot subdivision are reasonable and that there will not be a significant negative environmental impact associated with the full buildout of the subdivision; and

WHEREAS, the Planning Board, as Lead Agency, adopted a Negative Declaration on June 11, 2022; and

WHEREAS, the Applicant has provided sufficient environmental information, including stormwater runoff, water supply, septic field capacities, road profiles ,etc. , such that the planning board would consider approving a six lot subdivision on this site; and

WHEREAS, however, due to the Applicant’s willingness to create non-building lots on a substantial portion of land, the Planning Board will approve the existing house on a separate lot,

Final Subdivision Plat Approval
655 Bedford Road Four Lot (Two Building Lots) Subdivision
September 29, 2022
4 of 8

create a new lot in excess of 3 acres and the balance of the land will be placed within non-building lots; and

WHEREAS, a duly advertised public hearing on the preliminary subdivision plat application was conducted on May 22, 2023 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 September 29, 2022;

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 June 11, 2022; 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. The Applicant shall submit a preliminary plat meeting the requirements of Section 275-30 of the Town Code to the satisfaction of the Planning Department.
- _____ 2. It appears that access for 649 Bedford Road is located over 655 Bedford Road. The plans shall depict the existing access easement on the plans/plat. If such easement does not exist, this issue shall be addressed to the satisfaction of the Town Attorney.
- _____ 3. The existing conditions plan references a 50' access easement at Hemlock Hollow. Applicant shall submit the access easement for review by the Town Attorney.
- _____ 4. The Zoning Compliance Table should be revised to re-label the proposed 4.88 acre as Lot 4 to the satisfaction of the Planning Department.
- _____ 5. The gross lot area of proposed Lot 2 & 4 should be added to the Zoning Compliance Chart to the satisfaction of the Planning Department.
- _____ 6. The plat map shall be revised to depict a proposed access easement from the proposed Lot 3 driveway to Lot 2 & 4 in favor of the Town of North Castle to the satisfaction of the Planning Department and Town Attorney.
- _____ 7. The Applicant shall demonstrate to the satisfaction of the Town Attorney that the Town of North Castle has the ability to utilize the access easement that provides access to the property from Hemlock Hollow Place.
- _____ 8. The submitted plat map shall include a note stating that "Lot 3 can not be further subdivided" to the satisfaction of the Planning Department.
- _____ 9. The submitted plat map shall include a note stating that "Lot 2 & Lot 4 are not building lots" to the satisfaction of the Planning Department.

- _____10. The plans shall be revised to provide vertical curve information for curves at Stations 2+90 and 8+70± to the satisfaction of the Town Engineer.
- _____11. The plans shall be revised to provide a roadway platform at Hemlock Hollow Place limited to 1.5% (275-24(e)) to the satisfaction of the Town Engineer.
- _____12. The plans shall be revised to demonstrate that Lots #3 and #4 of the six lot subdivision depict a minimum lot width of not less than 75 feet at any location to the satisfaction of the Town Engineer and Planning Department.
- _____13. Payment of all applicable fees, including any outstanding consulting fees.
- _____14. The applicant shall furnish the necessary documentation confirming that all taxes assessed against the property have been paid.
- _____15. 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.
- _____16. 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.
- _____17. 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.
- _____18. 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.
- _____19. 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.
- _____20. 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.
2. 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.
3. 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 Evan & Debra Mittman

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