



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

RESOLUTION

Action: Preliminary Subdivision Plat Approval
Application Name: 40 High Street Two Lot Subdivision [2022-042]
Owner: Christopher Gibaldi and Elvira Gibaldi
Applicant: Frank Contacessa & Daria Contacessa Tranquillo
Designation: 101.03-3-83
Zone: R-1A (Residential, 1 Acre Minimum Lot Size) District
Acreage: 5.847 acres
Location: 40 High Street
Date of Approval: January 8, 2024
Expiration Date: July 8, 2024 (6 Months)

WHEREAS, an application dated September 23, 2022 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 "Lot Width & Depth Analysis," dated December 11, 2023, prepared by DTD Provident Design Engineering, LLP.
- Plan labeled "C-100," entitled "Existing Conditions Plan," dated October 20, 2022, prepared by DTD Provident Design Engineering, LLP.
- Plan labeled "C-200," entitled "Integrated Plot Plan Lot," dated October 20, 2022, last revised December 11, 2023, prepared by DTD Provident Design Engineering, LLP.

WHEREAS, the subject application involves an application for preliminary subdivision approval of a two lot residential subdivision in the R-1A Zoning District; and

WHEREAS, the site is currently a 5.847 acre lot developed with a single family home; and

WHEREAS, the subdivision will create Lot 1 of approximately 1.12 net acres, Lot 2 of approximately 4.26; and

WHEREAS, proposed Lot 2 is more than twice the minimum lot size in the R-1A Zoning District; and

WHEREAS, the Applicant has offered to deed restrict the further subdivision of Lot 2; and

WHEREAS, Lot 1 will be accessed off of Cannato Place and Lot 2 will continue to be accessed via High Street; 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 October 24, 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 Planning Board determined to conduct an uncoordinated SEQRA review; and

WHEREAS, a duly advertised public hearing on said application was conducted on January 8, 2024, at which time all those wishing to be heard were given the opportunity to be heard; 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 275-27.A 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 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 the Planning Board 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 approval, as described herein, be and is hereby conditionally approved, subject to 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 Town Engineer shall confirm that Cannato Place is suitably improved and capable of accommodating the new house.
- _____ 2. The applicant is proposing a storm drainage pipe to convey runoff from High Street. The applicant shall prepare detailed plans and profiles of the proposed drainage system to the satisfaction of the Town Engineer. The applicant shall submit stormwater computations used in determining the sizing of the system. Please also specify size, details and capacity of the existing downstream pipe system on Lot #2. The plans shall show improvements within High Street and the connection of the Cobblers Lane drainage system into the proposed drainage system.
- _____ 3. The applicant has calculated net building lot area for the two (2) proposed lots which will be created by the proposed subdivision. The area of steep slopes on Lot #2 seem to have only considered slopes within the northern portion of the lot where topography is provided. The Applicant shall include steep slopes across the remainder of the property to the satisfaction of the Planning Department and Town Engineer.
- _____ 4. The Applicant shall provide stormwater mitigation and design calculations for the runoff generated by the net increase in impervious surface for the 100-year, 24-hour design storm event to the satisfaction of the Town Engineer. Provide details of the stormwater mitigation system.
- _____ 5. The Applicant shall perform deep and percolation soil testing in the vicinity of the proposed mitigation system to be witnessed by the Town Engineer. The test locations and results shall be shown on the plan. Contact the Town Engineer to schedule the testing.
- _____ 6. Please provide sizing calculations and designs for the proposed rain gardens which confirm stormwater mitigation can be obtained on Lot#1 to the satisfaction of the Town Engineer.
- _____ 7. Provide stormwater collection and piping systems to the satisfaction of the Town Engineer. Provide rims, inverts, size and material for all drainage materials. Provide details.

- _____ 8. The plan shall illustrate the roof drain and drainage pipe connections on the site plan to the satisfaction of the Town Engineer. Include the size, slope and material. Provide outlet protection details.
- _____ 9. The plan shall illustrate the footing drain location on the site plan to the satisfaction of the Town Engineer. Include the size, slope and material. Provide outlet protection details.
- _____ 10. The applicant will need to prepare an Erosion and Sediment Control Plan, including, but not limited to, temporary construction access, temporary sediment basins, silt fence, erosion control blanket, inlet protection, construction sequence, etc. to the satisfaction of the Town Engineer. Provide details. The Erosion and Sediment Control Plan shall illustrate and quantify the limits of disturbance, inclusive of drainage improvements. The plan shall note that disturbance limits shall be staked in the field prior to construction.
- _____ 11. The plan shall provide construction details and specifications on the plan for all proposed walls to the satisfaction of the Town Engineer.
- _____ 12. The plan shall include driveway dimensions, as appropriate, for the proposed platform area and width to the satisfaction of the Town Engineer.
- _____ 13. The plan shall illustrate and note that all driveway curb cuts shall be a maximum of 18 feet wide to the satisfaction of the Town Engineer.

The plan shall illustrate and note that all driveway curb cuts shall be a maximum of 18 feet wide. A Curb Cut Permit must be obtained from the Town Highway Department prior to Building Permit.
- _____ 14. The site plan shall be revised to include sight distance profiles for the proposed driveway demonstrating adequate sight lines for a minimum distance of 200 feet in each direction to the satisfaction of the Town Engineer.

The applicant shall provide sight distance profiles for the proposed driveway demonstrating adequate sight lines for a minimum distance of 200 feet in each direction, as required by Town Code.
- _____ 15. The plan shall include a driveway profile to demonstrate compliance with Section 355-59B(1) of the Town Code and grading for the driveway to the satisfaction of the Town Engineer.
- _____ 16. Provide construction details for all proposed improvements, including, but not limited to, driveway, drainage, curbing, pavement restoration, walkways, sewer and water services, erosion controls, etc. to the satisfaction of the Town Engineer.

- _____ 17. The Applicant shall submit a preliminary plat that conforms to the minimum requirements of Section 275-30 of the North Castle Town to the satisfaction of the Planning Department and Town Engineer.
- _____ 18. The Applicant shall submit an exhibit demonstrating that proposed Lot 2 contains a 25,000 square foot contiguous buildable area.
- _____ 19. The Applicant shall submit a gross floor area calculations worksheet and backup exhibit for proposed Lot 2.
- _____ 20. The subdivision plat shall include a note, to the satisfaction of the Planning Department, indicating that the future subdivision of Lot 2 shall be prohibited.
- _____ 21. The Applicant shall submit a deed restriction, in form satisfactory to the Town Attorney, prohibiting the further subdivision of Lot 2.
- _____ 22. It appears that the property contains several existing elements that do not appear to comply with the Town Code (e.g. pool and pool patio does not meet year yard setback, detached garage does not meet rear yard setback, pool fence not located on property, driveway courtyard does not meet front yard setback). The Applicant shall demonstrate, to the satisfaction of the Building Department, that all approvals/variances have been issued for these site elements.
- _____ 23. Payment of all applicable fees, including any outstanding consulting fees.
- _____ 24. The applicant shall furnish the necessary documentation confirming that all taxes assessed against the property have been paid.
- _____ 25. 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.
- _____ 26. 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.

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 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.
3. 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.
4. 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.
5. 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 Christopher Gibaldi and Elvira Gibaldi, Owner

Date Frank Contacessa & Daria Contacessa Tranquillo, Applicant

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

Date Joseline Huerta , Planning Board Secretary
Certified as Approved by the North Castle Planning Board

KSCJ 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