



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: February 26, 2024
Expiration Date: August 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 February 12, 2024, prepared by DTD Provident Design Engineering, LLP.
- Plan labeled "C-201," entitled "Construction Plan," dated February 12, 2024, prepared by DTD Provident Design Engineering, LLP.
- Plan labeled "C-202," entitled "Detail Sheet," dated February 12, 2024, prepared by DTD Provident Design Engineering, LLP.
- Plan labeled "C-203," entitled "Profiles," dated February 12, 2024, 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

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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 February 26, 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 *2018 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 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. The slope between MH#4 and Headwall #2 should be connected.
- _____ 3. The Applicant shall update the calculation of net lot area to include the total area of steep slopes found on Lot 2 to the satisfaction of the Town Engineer and Planning Department.
- _____ 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 provide construction details and specifications on the plan for all proposed walls to the satisfaction of the Town Engineer.
- _____ 9. 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.
- _____ 10. 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.
- _____ 11. The Applicant shall submit a gross floor area calculations worksheet and backup exhibit for proposed Lot 2.
- _____ 12. 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.
- _____ 13. The Applicant shall submit a deed restriction, in form satisfactory to the Town Attorney, prohibiting the further subdivision of Lot 2.
- _____ 14. 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 rear 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.
- _____ 15. Payment of all applicable fees, including any outstanding consulting fees.
- _____ 16. The applicant shall furnish the necessary documentation confirming that all taxes assessed against the property have been paid.
- _____ 17. 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.

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 275-16 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 275-17 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.
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 Flores, 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