



HUDSON
ENGINEERING
&
CONSULTING, P.C.



October 18, 2023

Mr. Christopher Carthy
Chairman
Town of North Castle
Planning Board
15 Bedford Road
Armonk, NY 10504

Re: Preliminary Subdivision Plat Approval
2 Massaro Court Lot Line Change [2023-002]

Dear Mr. Carthy:

Regarding the above referenced preliminary Planning Board Subdivision approval Case # 2023-002 2 Massaro Court Lot Line Change for Bernardo and Filomena Luciano we respectfully request a 180-day extension to the Planning Board's approval. We are in the process of addressing the conditions of the resolution to submit to the Town prior to WCDOH submission.

Thank you.

Regards,

Ubadah Abdullah
Project Engineer



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

RECEIVED 6/1/2023
TOWN CLERK'S OFFICE

PLANNING BOARD
Christopher Carthy, Chair

Telephone: (914) 273-3542
Fax: (914) 273-3554
www.northcastleny.com

RESOLUTION

Action: Preliminary Subdivision Plat Approval
Application Name: 2 Massaro Court Lot Line Change [2023-002]
Owner/Applicant: Bernardo & Filomena Luciano
Designation: 122.12-3-8.4, 122.12-3-8.2, 122.12-3-8.3 & 122.12-3-8.1
Zone: R-2F Zoning District
Acreage: 1.55 acres (total)
Location: 2, 4 and 6 Massaro Court
Date of Approval: May 8, 2023
Expiration Date: November 8, 2023 (6 Months)

WHEREAS, application dated February 27, 2023 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 "Preliminary Plat," dated March 31, 2023, prepared by TC Merritts Land Surveyors.
- Plan labeled "C-1," entitled "Subdivision/Zoning Plan," dated February 27, 2023, last revised March 27, 2023, prepared by Hudson Engineering & Consulting, P.C.
- Plan labeled "C-2," entitled "Grading and Sediment & Erosion Control Plan," dated February 27, 2023, last revised March 27, 2023, prepared by Hudson Engineering & Consulting, P.C.
- Plan labeled "C-3," entitled "Stormwater Management and Utilities Plan," dated February 27, 2023, last revised March 27, 2023, prepared by Hudson Engineering & Consulting, P.C.
- Plan labeled "C-4," entitled "Turning Templates," dated February 27, 2023, last revised March 27, 2023, prepared by Hudson Engineering & Consulting, P.C.
- Plan labeled "C-5," entitled "Profiles," dated February 27, 2023, last revised March 27, 2023, prepared by Hudson Engineering & Consulting, P.C.
- Plan labeled "SA-1," entitled "Slope Analysis," dated February 27, 2023, prepared by Hudson Engineering & Consulting, P.C.

WHEREAS, the Applicant is proposing adjustments to 3 lots that were subdivided in 2009; and

WHEREAS, all 3 lots are currently undeveloped; and

WHEREAS, Lot 1 is proposed to be widened to allow for a more flexible layout; and

WHEREAS, Lot 2 would extend into the rear area and parallel lot 3; and

WHEREAS, the proposed modified driveway would significantly reduce impacts upon steep slopes on Lot 2 compared to the approved subdivision layout; and

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WHEREAS, a deed restriction relating to the prohibition of further subdivision of Lot 3 was previously filed; and

WHEREAS, the Town Attorney confirmed that the proposed lot line realignment would not impact the deed restriction and no action has been taken at this time; and

WHEREAS, the Planning Board at the March 13, 2023 meeting indicated that it wished to retain site plan jurisdiction over the lots in this subdivision; 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; 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 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, conducted a public hearing which was conducted on January 8, 2023, pursuant to §275-15.H of the North Castle Code, with respect to the preliminary subdivision application, at which time all those wishing to be heard with respect to the plan were given an opportunity to be heard; 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

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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 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 plat shall be revised to contain a note, to the satisfaction of the Planning Department, stating that "Planning Board site plan approval shall be required for all lots in this subdivision."
- _____ 2. The plat shall be revised to depict the names of owners of record for properties directly across the street from the proposed subdivision.
- _____ 3. The Applicant shall submit an updated subdivision landscaping plan to the satisfaction of the Planning Department.
- _____ 4. The Applicant shall submit a lot width and depth analysis for each building lot to the satisfaction of the Planning Department. The analysis shall demonstrate that the average lot width is a least 50 feet for each lot and average lot depth is 100 feet for each lot.
- _____ 5. Applicant should submit a common driveway agreement for Lots 1 and 3 for review by the Town Attorney.
- _____ 6. Applicant shall submit utility easements along the common drive in favor of Lots #2 and #3 for review by the Town Attorney. A maintenance agreement shall also be required.

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- _____ 7. The applicant shall revise the proposed driveway profile for Lot #1 and the common driveway profile for Lots #2 and #3. Driveway profiles shall be revised to comply fully with the Town regulations for driveways. Driveway profiles shall include vertical curves at changes in grade. Proposed site grading shall be revised to reflect changes in the driveway profile, to the satisfaction of the Town Engineer.
- _____ 8. The applicant shall revise the vehicle backup area on Lot #2 in an effort to improve the turning maneuver required to exit the northern parking spaces, to the satisfaction of the Town Engineer.
- _____ 9. The applicant shall prepare and submit retaining wall details, designs and specifications for all proposed retaining walls. Walls adjacent to parking spaces and driveways shall consider the vehicle loads within the design. Protective barriers shall be provided above all walls located adjacent to driveways and parking spaces, to the satisfaction of the Town Engineer.
- _____ 10. The location of existing sewer services shall be included on the project plans. The applicant should revise the proposed service connections to connect to the existing services outside of the roadway pavement, to the satisfaction of the Town Engineer.
- _____ 11. The applicant shall specify on the plans how the roof and footing discharge from the rear of Lot #2 will be discharged to the stormwater mitigation system in Massaro Court, to the satisfaction of the Town Engineer.
- _____ 12. The applicant shall modify erosion and sediment controls and construction details, to the satisfaction of the Town Engineer.
- _____ 13. The applicant shall re-activate the New York State Department of Environmental Conservation (NYSDEC) Stormwater Permit (GP-0-20-001) for the project under the new owner's name or file for a new Permit, to the satisfaction of the Town Engineer.
- _____ 14. The Applicant should submit a preliminary plat that conforms to the minimum requirements of Section 275-30 of the North Castle Town Code for review.
- _____ 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 Applicant shall secure approval and endorsement of the plat by the Westchester County Department of Health. All plans submitted to the Westchester County

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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.

- _____ 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 275-34 of the Town Land Subdivision Regulations.
- _____ 19. The Applicant shall demonstrate to the satisfaction of the Town Attorney that the driveway easement, utility easement and maintenance agreements have been filed with the Westchester County Clerk.
- _____ 20. The original Massaro Subdivision filed a Notice of Intent (NOI) with the New York State Department of Environmental Conservation (NYSDEC) regarding the Stormwater Pollution Prevention Plan (SWPPP) for the project. In late 2012 or early 2013, a request to temporarily shut down the project was filed. The Town does not have a record of a Notice of Termination (NOT) being filed. The applicant shall clarify the present status of the Permit, and confirmation that it can be re-activated prior to construction starting to the satisfaction of the Town Engineer.

Other Conditions:

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

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

5/10/2023

Date

DocuSigned by:
Bernardo Luciano

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Bernardo & Filomena Luciano

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

5/10/2023

Date

DocuSigned by:
Joseline Huerta

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

KELLARD SESSIONS CONSULTING
As to Drainage and Engineering Matters

5/17/2023

Date

DocuSigned by:
Joseph M. Cermele

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Joseph M. Cermele, P.E.
Consulting Town Engineer

STEPHENS BARONI REILLY & LEWIS LLP
As to Form and Sufficiency

5/10/2023

Date

DocuSigned by:
Roland A. Baroni, Jr.

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Roland A. Baroni, Jr. Esq., Town Counsel

NORTH CASTLE PLANNING BOARD

5/31/2023

Date

DocuSigned by:
Christopher Carthy

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Christopher Carthy, Chair