



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

## **RESOLUTION**

**Action:** Final 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:** March 25, 2024  
**Expiration Date:** September 21, 2024 (180 Days)

WHEREAS, application dated February 27, 2024 for preliminary subdivision plat approval was submitted to the Planning Board and the application fees were paid; and

WHEREAS, the project was previously approved on May 8, 2023, but has since expired; 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

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, conducted a public hearing which was conducted on March 25, 2024, 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 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 final 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 March 25, 2024; and

WHEREAS, pursuant to Section 275-16.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;

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 March 25, 2024; and

BE IT FURTHER RESOLVED, that pursuant to the authority granted by Section 275-16.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, 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 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 Applicant shall submit an updated subdivision landscaping plan to the satisfaction of the Planning Department.
- \_\_\_\_\_ 3. 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.

- \_\_\_\_\_4. Applicant should submit a common driveway agreement for Lots 1 and 3 for review by the Town Attorney.
- \_\_\_\_\_5. 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.
- \_\_\_\_\_6. 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.
- \_\_\_\_\_7. 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.
- \_\_\_\_\_8. 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.
- \_\_\_\_\_9. 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.
- \_\_\_\_\_10. 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.
- \_\_\_\_\_11. The applicant shall modify erosion and sediment controls and construction details, to the satisfaction of the Town Engineer.
- \_\_\_\_\_12. 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.
- \_\_\_\_\_13. 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.
- \_\_\_\_\_14. Payment of all applicable fees, including any outstanding consulting fees.

- \_\_\_\_\_ 15. The applicant shall furnish the necessary documentation confirming that all taxes assessed against the property have been paid.
- \_\_\_\_\_ 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 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.
- \_\_\_\_\_ 18. 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.
- \_\_\_\_\_ 19. 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.
- \_\_\_\_\_ 20. The Applicant shall furnish the necessary documentation confirming that the plat can be filed immediately, that there are no 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.

