

TOWN OF NORTH CASTLE

WESTCHESTER COUNTY 17 Bedford Road Armonk, New York 10504-1898

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

RESOLUTION

Action: Final Subdivision Plat Approval

Application Name: 21 Whippoorwill Road Two Lot Subdivision [2023-037]

Owner/Applicant: Amin Majidi & Michelle Falkenstein

Designation: 107.04-1-11

Zone: R-2A (Residential, 2 Acre Minimum Lot Size) District

Acreage: 6.07 acres

Location: 21 Whippoorwill Road

Date of Approval: January 8, 2024

Expiration Date: July 6, 2024 (180 Days)

WHEREAS, an application dated October 6, 2023for 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 labeled "C-000," entitled "Cover Sheet," dated October 6, 2023, last revised December 22, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled "C-010," entitled "Existing Conditions Map," dated October 6, 2023, last revised December 22, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled "C-020," entitled "Environmental Constraints Map," dated October 6, 2023, last revised December 22, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled "C-100," entitled "Integrated Plot Plan," dated October 6, 2023, last revised December 22, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled "C-110," entitled "Preliminary Subdivision Plat," dated October 6, 2023, last revised December 22, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled "C-120," entitled "Gross Land Coverage Calculation Plan," dated November 27, 2023, last revised December 22, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled "C-200," entitled "Conceptual Grading and Utilities Plan," dated November 27, 2023, last revised December 22, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled "C-300," entitled "Conceptual Sediment & Erosion Control Plan," dated October 6, 2023, last revised December 22, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.

Final Subdivision Plat Approval 21 Whippoorwill Road Two Lot Subdivision [2023-037] January 8, 2024 2 of 7

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

WHEREAS, the site is currently a 6.07 acre lot developed with a single family home; and

WHEREAS, the subdivision will create Lot 1 of approximately 4.00 net acres, Lot 2 of approximately 2.00; and

WHEREAS, Lot 2 will be accessed off of Whippoorwill Road and Lot 1 will continue to be accessed via Whippoorwill Road; 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 site plan was forwarded to the Sewer and Water Department so that they may make any pertinent recommendations to the Planning Board including, but not limited to, the ability to provide water for the proposed lot; and

WHEREAS, the Sewer and Water Department has reviewed the site plan and notes that an easement will need to be created for the water service; and

WHEREAS, the plans depict the location of a Town-regulated wetland, which has been verified by the Town Wetland Consultant; and

WHEREAS, the property is located within the New York City Department of Environmental Protection (NYCDEP) Kensico Watershed.

WHEREAS, the Applicant has solicited comments from the NYCDEP regarding whether the proposal complies with the NYCDEP Watershed regulations; and

WHEREAS, the Applicant has provided documentation from NYCDEP indicating that a SPPP would not be required by NYCDEP; and

WHEREAS, a future driveway, electric service and sight line clearing may be located within the wetland buffer and would require the issuance of a wetlands permit at the time of proposed house construction; and

WHEREAS, the applicant submitted a Short Environmental Assessment Form (EAF) in connection with the application dated October 6, 2023; 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

Final Subdivision Plat Approval 21 Whippoorwill Road Two Lot Subdivision [2023-037] January 8, 2024 3 of 7

WHEREAS, the Planning Board adopted a Negative Declaration on December 8, 2024; and

WHEREAS, a duly advertised public hearing on the preliminary subdivision plat 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, 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 January 8, 2024;

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 December 8, 2024; 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

Final Subdivision Plat Approval 21 Whippoorwill Road Two Lot Subdivision [2023-037] January 8, 2024 4 of 7

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

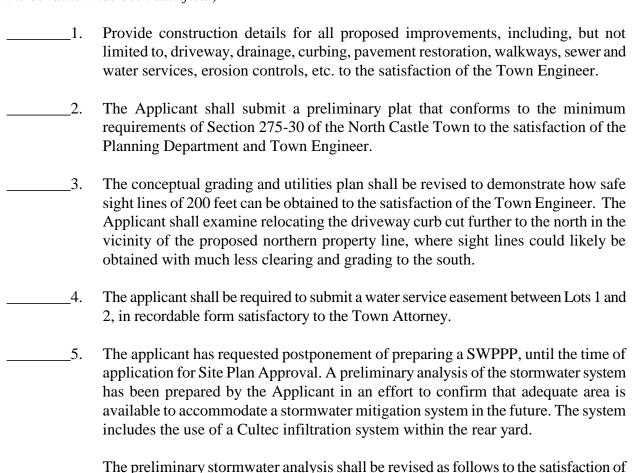
BE IT FURTHER RESOLVED, that this final subdivision plat approval shall expire 180 days from the date of this resolution unless a written request for an extension of final subdivision plat is granted by the Planning Board; and

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 Town Engineer:

(The Planning Board Secretary's initial and date shall be placed in the space below to indicate that the condition has been satisfied.)



• The stormwater analysis evaluated a 25-year storm event. The applicant shall revise the analysis to address a 100-year storm event.

Final Subdivision Plat Approval 21 Whippoorwill Road Two Lot Subdivision [2023-037] January 8, 2024 5 of 7

The applicant states that the system was amended to address the 100-year storm event, however, calculations were not provided and the size of the system appears unchanged.

• The proposed drainage area is stated as 0.21 acres in area, while the existing drainage area is 0.11 acres. The applicant shall explain this difference.

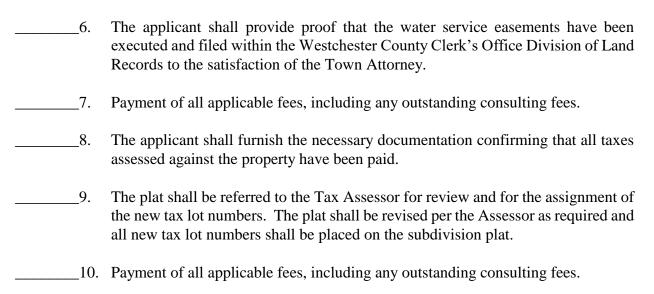
The applicant states that the calculations were amended, however, the amended calculations were not submitted.

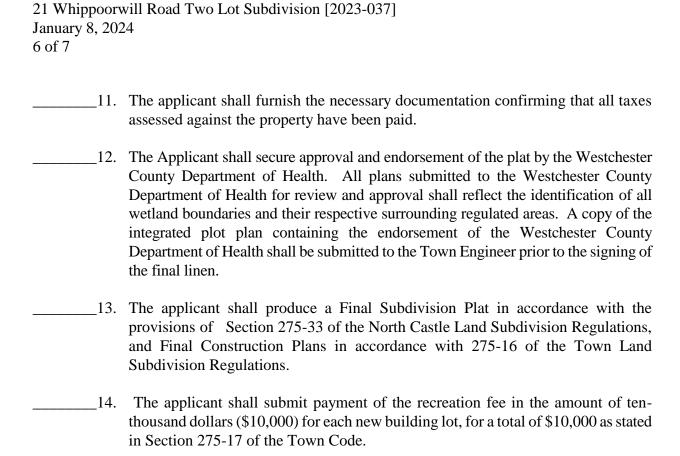
• The proposed stormwater treatment system will be installed at a depth of eight (8) feet below grade. Such conditions will require soils with no bedrock or groundwater down to a depth eleven (11) feet below existing grade. The applicant shall perform soil testing within the area of the proposed stormwater treatment system to verify that adequate soil conditions exist to mitigate the stormwater.

The applicant requests performing soil testing at a later date. Testing is necessary to confirm that mitigation can be provided as proposed, and therefore should be performed prior to subdivision approval.

 Stormwater discharge from the treatment system is directed towards the neighboring residence to the west. Stormwater discharge shall be dispersed in a direction which will not impact neighboring homes.

The applicant notes that discharge from the site will be reduced upon installation of the stormwater mitigation. Discharge in the proposed condition, however, will be a concentrated point discharge which is directed at the neighboring home. The point discharge should be dispersed in a direction which will not impact neighboring homes.





Other Conditions:

Final Subdivision Plat Approval

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

impediments to the filing of the Plat with the County Clerk.

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.

_15. 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

3. The Applicant shall obtain curb cut permits for any work on a Town Road.

Final Subdivision Plat Approval 21 Whippoorwill Road Two Lot Subdivision [2023-037] January 8, 2024

7 of 7

	Applicant, agreed and understood as to contents and conditions, including expiration, contained herein
Date	Amin Majidi
Date	Michelle Falkenstein

	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