



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

RESOLUTION

Action: Final Subdivision Plat Approval
Application Name: 23 Whipoorwill Road East - Two Lot Subdivision [2023-041]
Owner: Verizon New York Inc
Applicant: Town of North Castle
Designation: 108.01-6-51 | Proposed Lot 1 - 108.01-6-51.1 | Proposed Lot 2 - 108.01-6-51.2
Zone: R-3/4A (Residential, 3/4 Acre Minimum Lot Size) District
Acreage: 1.966 acres
Location: 23 Whipoorwill Road East
Date of Approval: March 25, 2024
Expiration Date: September 21, 2024 (180 Days)

WHEREAS, an application dated November 13, 2023 for preliminary subdivision plat approval was submitted to the Planning Board; and

WHEREAS, the application entails the subdivision of the existing Verizon parcel (108.01-6-51); and

WHEREAS, Lot 1 (108.01-6-51.1) is proposed to contain a reduced size Verizon building and reconfigured parking area; and

WHEREAS, the lot is proposed to be reduced from 1.996 acers to 0.942 acres; and

WHEREAS, Lot 2 (108.01-6-51.2) is proposed to be sold to the Town of North Castle for a new 49 space public parking lot with centralized refuse enclosure for Main Street businesses; and

WHEREAS, the application consists of the following drawings:

- Plan labeled "T-01," entitled "Title Sheet," dated November 13, 2023, prepared by KSCJ Consulting.
- Plan labeled "G-01," entitled "General Notes & Legend," dated November 13, 2023, prepared by KSCJ Consulting.
- Plan labeled "G-02," entitled "General Notes," dated November 13, 2023, prepared by KSCJ Consulting.
- Plan labeled "C-100," entitled "Existing Conditions & Removals Plan," dated November 13, 2023, prepared by KSCJ Consulting.
- Plan labeled "C-101," entitled "Parking Improvement Plan," dated November 13, 2023, prepared by KSCJ Consulting.
- Plan labeled "C-102," entitled "Grading Plan," dated November 13, 2023, prepared by KSCJ Consulting.
- Plan labeled "C-103," entitled "Utility Plan," dated November 13, 2023, prepared by KSCJ Consulting.

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- Plan labeled “C-104,” entitled “Erosion & Sediment Control Plan,” dated November 13, 2023, prepared by KSCJ Consulting.
- Plan labeled “C-200,” entitled “Wetland Mitigation & Landscape Plan,” dated November 13, 2023, prepared by KSCJ Consulting.
- Plan labeled “C-300,” entitled “Sewer Profile,” dated November 13, 2023, prepared by KSCJ Consulting.
- Plan labeled “C-500,” entitled “Site Details,” dated November 13, 2023, prepared by KSCJ Consulting.
- Plan labeled “C-501,” entitled “Pavement & Signage Details,” dated November 13, 2023, prepared by KSCJ Consulting.
- Plan labeled “C-502,” entitled “Drainage Details,” dated November 13, 2023, prepared by KSCJ Consulting.
- Plan labeled “C-503,” entitled “Sewer, Water & Planting Details,” dated November 13, 2023, prepared by KSCJ Consulting.
- Plan labeled “C-504,” entitled “Erosion & Sediment Control Details,” dated November 13, 2023, prepared by KSCJ Consulting.
- Plan labeled “E0.1,” entitled “Electrical Symbols, Abbreviations and General Notes,” dated March 31, 2023, last revised, September 29, 2023, prepared by OLA Consulting Engineers.
- Plan labeled “E0.2,” entitled “Electrical Specifications,” dated March 31, 2023, last revised, September 29, 2023, prepared by OLA Consulting Engineers.
- Plan labeled “E0.3,” entitled “Electrical Specifications and Details, Abbreviations and General Notes,” dated March 31, 2023, last revised, September 29, 2023, prepared by OLA Consulting Engineers.
- Plan labeled “E1.0,” entitled “Electrical Site Demolition Part Plan,” dated March 31, 2023, last revised, September 29, 2023, prepared by OLA Consulting Engineers.
- Plan labeled “E1.1,” entitled “Electrical Site Lighting Part Plan,” dated March 31, 2023, last revised, September 29, 2023, prepared by OLA Consulting Engineers.
- Plan labeled “E1.2,” entitled “Electrical Site Power Part Plan,” dated March 31, 2023, last revised, September 29, 2023, prepared by OLA Consulting Engineers.
- Plan labeled “E6.1,” entitled “Electrical Schedules,” dated March 31, 2023, last revised, September 29, 2023, prepared by OLA Consulting Engineers.
- Plan entitled “Preliminary Subdivision Plat,” dated February 11, 2022, prepared by TC Merritts Land Surveyors.
- Plan entitled “Topography of Property,” dated April 24, 2020, last revised February 9, 2023, prepared by TC Merritts Land Surveyors.
- Document entitled “Stormwater Pollution Prevention Plan (SWPPP),” dated November, 2023, prepared by KSCJ Consulting.

WHEREAS, the site is currently a 1.966 acre lot developed with a Verizon Central Office; and

WHEREAS, the subdivision will create Lot 1 of approximately 0.942 acres and Lot 2 of approximately 1.054 acres; and

WHEREAS, both Lots will be accessed off of Kent Place; and

WHEREAS, the subdivision will be served by municipal water; and

WHEREAS, Lot 1 will be provided with a new sewer connection; and

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

WHEREAS, the Town 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 elected to conduct an uncoordinated SEQRA review; and

WHEREAS, the Planning Board adopted a Negative Declaration on March 25, 2024; and

WHEREAS, a duly advertised public hearing on the preliminary subdivision plat application was opened on March 25, 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 received and considered comments from the public, Town Attorney, Town Engineer and Town Planner; and

WHEREAS, the Comprehensive Plan contemplated the proposed plan and noted that "...one aspect of the previous parking plans in the Kent Place area involved the creation of approximately 40 new parking spaces in the area south of the library and behind the Verizon facility. This scenario would also create dedicated, secure parking spaces for Verizon. The new public parking could be targeted to business owners and employees, to free up on-street and other parking closer to the stores for use by patrons. The Town should continue seeking agreement with Verizon to implement this additional parking... In addition, having a new supply of parking in this area could provide the opportunity for phased improvements to future parking and streetscaping improvements along Kent Place..." 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 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;

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 275-15.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 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 Planning Board Secretary's initial and date shall be placed in the space below to indicate that the condition has been satisfied.)

- _____1. 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.

- _____2. The Town 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.

- _____3. The Town shall be required to submit a sewer service easement between Lots 1 and 2, in recordable form satisfactory to the Town Attorney. Meets & Bounds of the easement shall be illustrated on the subdivision plat to the satisfaction of the Town Engineer.

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- _____4. The Town shall be required to submit an access easement between Lots 1 and Kent Place in recordable form satisfactory to the Town Attorney.
- _____4. The Town shall provide approvals from the WCHD for the proposed Verizon water and sewer service to the satisfaction of the Town Engineer
- _____5. The Town shall provide proof that the sewer service easements have been executed and filed within the Westchester County Clerk's Office Division of Land Records to the satisfaction of the Town Attorney.
- _____6. 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.
- _____7. 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.
- _____8. 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.
- _____9. 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.

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

Date Verizon New York Inc, Owner

Date Town of North Castle, 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