

**STAFF REPORT - TOWN OF NORTH CASTLE PLANNING DEPARTMENT**

April 10, 2020



APPLICATION NUMBER - NAME  
#2020-014 – Hidden Oak Conservation  
Subdivision

SBL  
107.01-1-32

MEETING DATE  
April 13, 2020

PROPERTY ADDRESS/LOCATION  
13 Hidden Oak Road

**BRIEF SUMMARY OF REQUEST**

Subdivision application for a three lot residential subdivision in the R-2A Zoning District. The site is currently a 7.5-acre vacant property.

It is noted that the Planning Board previously granted subdivision approval for this property; however, that approval has lapsed.



PENDING ACTION: ☒ Plan Review ☐ Town Board Referral ☐ Preliminary Discussion

EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING & LAND USE	SITE IMPROVEMENTS	SIZE OF PROPERTY
R-2A One-Family Residence District (2 acre)	Vacant Single Family Lot	Residential	Subdivision infrastructure	7.69 acres

**PROPERTY HISTORY**

The Planning Board granted Preliminary Conservation Subdivision Approval, as well as Steep Slope Permit and Tree Removal Permit approvals on February 9, 2015.

Final Conservation Subdivision Approval, Steep Slope Permit and Tree Removal Permit approvals were granted by the Planning Board on December 12, 2016.

**COMPATIBILITY with the COMPREHENSIVE PLAN**

- Subdividing parcels for residential use should encourage a cohesive community. Wherever possible, new lots should have internal roadway access in order to promote safety and encourage efficient traffic-flow while protecting the Town's aesthetic character.

**STAFF RECOMMENDATIONS**

- The Applicant should be directed to address all outstanding staff and consultant's comments.
- The project is compatible with the Comprehensive Plan.
- Once all staff and consultant's comments are addressed, the Planning Board should give consideration to approving the requested project.

<u>Procedural Comments</u>	<u>Staff Notes</u>
<ol style="list-style-type: none"> <li>1. The Proposed Action would be classified as an Unlisted Action pursuant to the State Environmental Quality Review Act (SEQRA).</li> <li>2. A public hearing regarding the proposed subdivision will need to be scheduled.</li> <li>3. The site plan was forwarded to the Chief of Police, Fire Inspector and the Armonk Fire Chief so that they may make any pertinent recommendations to the Planning Board including, but not limited to, emergency vehicle access or any other issued deemed important to providing emergency services on September 9, 2014.</li> <li>4. The site plan was forwarded to the Water and Sewer Department so that they may make any pertinent recommendations to the Planning Board including, but not limited to, the proposed water district extension on September 9, 2014 (as part of the Lead Agency notice).</li> <li>5. The plans will need to be approved by the New York City Department of Environmental Protection since this property is located within the Kensico Watershed.</li> </ol>	<p>The Planning Board should determine whether it wishes to coordinate the environmental review with other Involved Agencies.</p>
<u>General Comments</u>	
<ol style="list-style-type: none"> <li>1. The preliminary plat and Campbell Engineering plans shall be revised to depict the signature and seal of a licensed professional.</li> <li>2. The applicant shall be required to submit a conservation easement, in recordable form satisfactory to the Town Attorney and meeting the requirements of Section 213-25.F(1)&amp;(2) and of the Town Code, concerning the preservation of the land within the proposed conservation easement and uses permitted within the conserved land area.</li> <li>3. The applicant shall be required to submit an agreement, in recordable form satisfactory to the Town Attorney, concerning the construction, maintenance and inspection of the features of the stormwater management plan. Such agreement shall specify that a homeowners association (or the individual property owners) shall be responsible in perpetuity for maintenance of the stormwater management and conveyance system to the satisfaction of the Town Engineer. Such responsibility shall be shared equally by the homeowners in the subdivision.</li> <li>4. The applicant shall submit permanent utility easements, in recordable form satisfactory to the Town Attorney, for the common stormwater management systems and pipe conveyances for the following: <ol style="list-style-type: none"> <li>a. The facilities on the small parcel belonging to Lot 1 (SWMF-1.1 and the level spreader) that collects/treats runoff from the road;</li> <li>b. The facility and piping on Lot 3 (SWMF-1.2) that collects/treats runoff from the road;</li> <li>c. The stormwater basin on Lot 3;</li> <li>d. The pipe connection across Lot 3 serving the stormwater facilities on Lot 2.</li> </ol> </li> <li>5. The applicant shall submit a permanent easement agreement, in recordable form satisfactory to the Town Attorney, providing for access by a homeowner's association (or the individual property owners) and/or the Town of North Castle, if necessary, to perform maintenance of the features of the stormwater management system and conveyance.</li> <li>6. 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.</li> <li>7. The applicant shall provide approvals from the WCHD for the subdivision, proposed on-site wastewater treatment systems and extension of the public water main to the satisfaction of the Town Engineer.</li> </ol>	

8. The applicant shall produce a Final Subdivision Plat in accordance with the provisions of Section A216-32 of the North Castle Land Subdivision Regulations, and Final Construction Plans in accordance with A216-16 of the Town Land Subdivision Regulations.
9. Submission to the Planning Board of a suitable legal agreement, in form satisfactory to the Town Attorney, assuring the Town that the applicant will deposit cash or file a surety bond or other security acceptable to the Town Board (such as a Letter of Credit) for construction and maintenance of the road until such time as the road is dedicated to the Town of North Castle, the amount of said bond or other security to be determined by the Town Board. Such bond shall be released after dedication of the road to the satisfaction of the Town.

In the event that the issuer of the bond or other security furnished to the Town hereunder becomes insolvent or, for any reason, disaffirms the validity of such security, the applicant shall notify the Town Board immediately and replace the invalid security with a new bond or other security acceptable to the Town Board within thirty (30) days thereafter. The existence of a valid bond, letter of credit or other security shall be a condition precedent to the validity of any permits issued or to be issued in connection with this subdivision.
10. Submission to the Planning Board of a suitable legal agreement, in form satisfactory to the Town Attorney, assuring the Town that the applicant will deposit cash or file a surety bond or other security acceptable to the Town Board (such as a Letter of Credit) for construction and maintenance of the common stormwater infrastructure, the amount of said bond or other security to be determined by the Town Board. Such bond shall be released after construction of the stormwater infrastructure to the satisfaction of the Town.

In the event that the issuer of the bond or other security furnished to the Town hereunder becomes insolvent or, for any reason, disaffirms the validity of such security, the applicant shall notify the Town Board immediately and replace the invalid security with a new bond or other security acceptable to the Town Board within thirty (30) days thereafter. The existence of a valid bond, letter of credit or other security shall be a condition precedent to the validity of any permits issued or to be issued in connection with this subdivision.
11. 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 \$20,000 as stated in Section A216-35 of the Town Code.
12. The final plat shall be accompanied by a detailed quantity cost estimate for all improvements proposed in the subdivision, including, but not limited to, the road and stormwater facilities, with the quantities certified to by the applicant's engineer.
13. The Applicant shall include a formal offer of cession to the public of all streets, parks, easements or recreation areas, as set forth in substance in Section 278 of the Town Law.

The deeds, easements, offer of dedication, and pre-paid title insurance policy naming the Town of North Castle as insured by an approved title company licensed to do business in the State of New York, of any and all lands reserved in fee for roads, drainage, flood control, park or recreational purposes shall be tendered to the Town. The form and content of all such documents, easements and instruments of conveyance shall be subject to the approval of the Town Attorney.
14. 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.
15. The Applicant shall submit documentation indicating that the New York City Department of Environmental Protection (NYCDEP) has issued all required permits to the satisfaction of the Town Engineer.

16.The applicant shall prepare Final Construction Plans to the satisfaction of the Town Engineer incorporating all previous comments and requirements addressing landscaping, grading, storm drainage, sediment and erosion controls, etc, which are also outlined within Section 275-34 of the Town of North Castle Land Subdivision Regulations.

17.The Applicant shall submit documentation demonstrating approval for all work within the Hidden Oak right-of-way from the North Castle Highway Department to the satisfaction of the, Town Engineer.