



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

**R E S O L U T I O N**

**Action:** Final Subdivision Plat Approval  
**Application Name:** Motland Subdivision [2020-013]  
**Owner/Applicant:** Kent Motland and Nikki Elkins  
**Designation:** 102.03-1-54 & 102.03-1-55  
**Zone:** R-2A  
**Acreage:** 6.6 acres  
**Location:** 55 & 57 Banksville Road  
**Date of Approval:** June 22, 2020  
**Expiration Date:** December 19, 2020 (180 Days)

WHEREAS, application dated March 5, 2020 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 "Existing Conditions," dated March 9, 2020, last revised May 26, 2020, prepared by Provident Design Engineering.
- Plan entitled "Preliminary Plat," dated March 9, 2020, last revised May 26, 2020, prepared by Provident Design Engineering.

WHEREAS, the Applicant is seeking approval of a proposed lot line realignment that would alter the existing common lot line and would result in Lot 54 being 3.621 acres and Lot 55 being 2.982 acres; and

WHEREAS, a portion of the pool equipment serving Lot 55 encroaches onto Lot 54 and a portion of Lot 55's septic field also encroaches onto Lot 54; and

WHEREAS, the project would shift the existing common lot line between the Subject Properties so that both the pool equipment and the septic field serving Lot 55 remain entirely on that property, while also keeping both properties compliant with the minimum lot size in the R-2A zoning district; and

WHEREAS, Lot 54 will remain compliant with the existing zoning regulations; however, Lot 55 would not comply with the minimum side yard setback; and

WHEREAS, the required variance of 16.2 feet has been obtained from the Zoning Board of Appeals on June 4, 2020; 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 dated March 5, 2020; 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, a duly advertised public hearing on said application was conducted on June 22, 2020 at which time all those wishing to be heard were given the 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 June 22, 2020; 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 June 22, 2020; 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 preliminary plat should be revised to reference the date the ZBA issued the side yard setback variance.
- \_\_\_\_\_ 2. The Applicant shall confirm the depicted wetland boundary with the Town Engineer.
- \_\_\_\_\_ 3. The final plat should be revised to reference the date the ZBA issued the side yard setback variance.
- \_\_\_\_\_ 4. The Town Attorney shall review the proposed easement agreement.
- \_\_\_\_\_ 5. 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.
- \_\_\_\_\_ 6. 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.
- \_\_\_\_\_ 7. Payment of all applicable fees, including any outstanding consulting fees.
- \_\_\_\_\_ 8. The applicant shall furnish the necessary documentation confirming that all taxes assessed against the property have been paid.

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- \_\_\_\_\_9. 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.

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

\_\_\_\_\_  
Date Kent Motland

\_\_\_\_\_  
Date Nikki Elkins

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

\_\_\_\_\_  
Date Valerie Desimone, Planning Board Secretary

Certified as Approved by the North Castle Planning Board

KELLARD SESSIONS 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