



**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: Preliminary 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 22, 2020 (6 Months)

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

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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 preliminary 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;

NOW THEREFORE BE IT RESOLVED, that 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 adopts a Negative Declaration pursuant to the requirements of Article 8 of the New York State Environmental Quality Review Law and 6 NYCRR Part 617; and

BE IT FURTHER RESOLVED, that the preliminary subdivision plat, as described herein, is conditionally approved, subject to compliance with the following conditions and modifications; and

BE IT FURTHER RESOLVED, that this preliminary subdivision plat approval shall expire six months from the date of this resolution unless an application for final subdivision plat approval is submitted to the Planning Board prior to the end of such time period or unless a written request for an extension of preliminary subdivision plat is granted by the Planning Board.

Conditions to be Completed Before the Final Plat is Submitted

(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. Payment of all applicable fees, including any outstanding consulting fees.
- _____ 4. The applicant shall furnish the necessary documentation confirming that all taxes assessed against the property have been paid.

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 final plat should be revised to reference the data the ZBA issued the side yard setback variance.
2. The Town Attorney shall review the proposed easement agreement.
3. 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.
4. 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.

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

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