



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

July 25, 2022

APPLICATION NUMBER - NAME  
#19-017 – Harris  
Site Plan and Wetlands Permit Approvals

SBL  
108.02-1-58

MEETING DATE  
September 12, 2022

PROPERTY ADDRESS/LOCATION  
9 Sterling Road N

**BRIEF SUMMARY OF REQUEST**

Proposed new pool and patio located in the Town-regulated wetland buffer.

This property was previously referred for Planning Board site plan approval by the RPRC.



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)	Existing Single-family home	Residential	Pool and Patio	2 acres

**PROPERTY HISTORY**

Existing Single Family Home  
  
2018 – Approval for entry porch and deck expansion

**COMPATIBILITY with the COMPREHENSIVE PLAN**

- Continue to take neighborhood context into account in approving new single-family homes.
- Continue to protect natural resources and environmentally sensitive areas such as rivers, streams, lakes, ponds, wetlands, flood plains, aquifers, wildlife habitats, steep slopes and forested areas, significant trees, and woodlands, among others, from unnecessary and avoidable impacts.
- Continue strong protection of tree cover through the tree removal permitting process.
- Preserve the current overall development pattern of North Castle and its neighborhoods. Be sure new development responds to environmental constraints, particularly for preservation of the New York City watershed.
- Maintain the quality-of-life created by physical and natural attributes, by structuring development that promotes sound conservation measures.
- The Town should encourage residential development that is compatible in scale, density, and character with its neighborhood and natural environment.

**STAFF RECOMMENDATIONS & PLANNING BOARD POLICY DECISIONS**

1. The Planning Board will need to determine whether it would be appropriate to permit a pool entirely within the Town-regulated wetland buffer.
2. The Planning Board will need to determine whether the project is compatible with the Comprehensive Plan.

<p><u>Procedural Comments</u></p> <ol style="list-style-type: none"> <li>1. The Proposed Action would be classified as a Type II Action pursuant to the State Environmental Quality Review Act (SEQRA).</li> <li>2. A public hearing regarding the proposed wetland permit will need to be scheduled.</li> <li>3. Pursuant to Section 340-5.B(1) of the Town Code, the Conservation Board is required to review the proposed wetland application and, within 45 days of receipt thereof, file a written report and its recommendation concerning the application with the Planning Board. Such report is required to evaluate the proposed regulated activity in terms of the findings, intent and standards of Chapter 340.</li> </ol>	<p>The Conservation Board in a June 24, 2021 memorandum to the Planning Board recommended that the wetlands permit be <u>denied</u>.</p> <p>Pursuant to Section 340-8.E of the Town Code, if the Conservation Board recommends disapproval of an application, the Planning Board shall not act contrary to such recommendation except by a vote of a majority plus one of the whole number of the Planning Board.</p>
<p><u>General Comments</u></p> <ol style="list-style-type: none"> <li>1. The Applicant last appeared before the Planning Board on October 25, 2021. At that time, the Planning Board received a negative recommendation from the Conservation Board with respect to the requested wetlands permit. In addition, the Planning Board asked that the Town Wetland Consultant be present the next time this item appeared in front of the Planning Board to discuss the wetland functional analysis. The Applicant stated that they will re-work the mitigation plan to incorporate recommendations from the Jahnig report.</li> <li>2. The site plan depicts Town-regulated wetland buffer disturbance for the construction of a proposed pool and patio. The site plan depicts 15,193 square feet of Town-regulated wetland buffer disturbance. A 33,379 square foot mitigation has been submitted for review.  Section 340-8.C of the Town Code states the following:  Consideration of relationship of activity to wetland site. The approving agency shall give consideration to the necessity for a proposed activity to have a water or wetland location in order to function and that will have as little impact as possible upon the wetland buffer. In general, permission will not be granted for dredging or ditching solely for the purpose of draining wetlands, controlling mosquitoes, lagooning, creating ponds or stormwater detention basins, constructing residences or commercial buildings, providing spoil and dump sites, or building roadways that may be located elsewhere. The regulated activity must, to the extent feasible, be confined to the portion of a lot outside of a wetland and wetland buffer. All reasonable measures must be taken to minimize impact upon the wetland and wetland buffer.</li> <li>3. The site plan should depict proposed Town-regulated tree removal.</li> <li>4. The previously proposed amount of gross land coverage (15,981 square feet) exceeds the maximum amount permitted by the Town Code (13,435 square feet). The site plan shall be revised to comply with the Town Code or the Applicant will need to seek a variance from the Zoning Board of Appeals.</li> <li>5. The site plan shall be revised to depict the removal of the existing retaining wall located in the Seymour Place West right-of-way.</li> </ol>	<p><u>Staff Notes</u></p> <p>Typically, the Planning Board would not approve a recreation feature entirely in the buffer and located in such close proximity to a wetland.</p> <p>The Conservation Board provided a negative recommendation to the Planning Board with respect to issuing the requested wetlands permit.</p> <p>The Applicant has submitted a wetland functional analysis to the Planning Board for review.</p> <p>The Planning Board will need to determine whether the proposed buffer disturbance is acceptable.</p> <p>If no Town-regulated tree removal is proposed, the site plan should be revised to include a note stating such.</p> <p>Given that the proposed new gross land coverage is located in an environmentally sensitive Town-regulated wetland buffer, it is recommended that the Planning Board not support the required gross land coverage variance.</p> <p>The gross land coverage calculations worksheet and backup data should be updated to reflect the most recent submission.</p>

