



STAFF REPORT - TOWN OF NORTH CASTLE PLANNING DEPARTMENT

October 15, 2021

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

SBL
108.02-1-58

MEETING DATE
October 25, 2021

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"> 1. The Proposed Action would be classified as a Type II Action pursuant to the State Environmental Quality Review Act (SEQRA). 2. A public hearing regarding the proposed wetland permit will need to be scheduled. 3. The Planning Board and Conservation Board should schedule a site visit. 	
<p><u>General Comments</u></p> <ol style="list-style-type: none"> 1. The site plan depicts Town-regulated wetland buffer disturbance for the construction of a proposed pool and patio. The site plan should be revised to indicate the proposed amount of Town-regulated wetland and wetland buffer disturbance and the proposed amount of mitigation. At a minimum, the site plan should depict two square feet of mitigation for every square foot of disturbance. <p>In addition, the proposed mitigation plan depicts lawn over the septic system and behind the pool. It is not clear why mitigation planting is not proposed in these areas as additional mitigation, even if beyond the 2:1 requirement, would further improve wetland functions on this highly constrained lot.</p> <p>Section 340-8.C of the Town Code states the following:</p> <p>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.</p> <ol style="list-style-type: none"> 2. The site plan should depict proposed Town-regulated tree removal. 3. The previously proposed amount of gross land coverage (16,584 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. 4. The site plan shall be revised to depict the removal of the existing entry piers that are located within the Sterling Road and Seymour Place rights of way (both driveways). In addition, the site plan shall be revised to depict the removal of the existing retaining wall located in the Seymour Place West right-of-way. 5. The submitted constraints map (2/5) should be revised to depict the proposed pool, appurtenances and new septic system location. 	<p><u>Staff Notes</u></p> <p>Typically, the Planning Board would not approve a recreation feature entirely in the buffer and located in 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>