



STAFF REPORT - TOWN OF NORTH CASTLE PLANNING DEPARTMENT

February 16, 2023

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

SBL
108.02-1-58

MEETING DATE
February 27, 2023

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 determine whether an additional site visit should be conducted given the length of time that has elapsed since this project was last discussed. 	
<p><u>General Comments</u></p> <ol style="list-style-type: none"> 1. The Planning Board last discussed this application on October 25, 2021. At that point, the Planning Board discussed the Conservation Board's negative recommendation with respect to the issuance of the requested wetlands permit. The Board asked that the Town's wetlands consultant be present the next time this item appears before the Planning Board to discuss the wetlands functional analysis. In addition, the Planning Board directed the Applicant to incorporate all of the recommendations from the Applicant's soil scientist. 2. The site plan depicts 20,300 square feet of Town-regulated wetland buffer disturbance and 20,000 square feet of mitigation area. The Town Code requires a mitigation area that is two times the area of disturbance. The Applicant should indicate why the mitigation plan does not meet this requirement. The site plan references a mitigation plan prepared by Yost Design; however, this plan was not submitted to the Planning Board for review. 3. The site plan should depict proposed Town-regulated tree removal. 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. 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. 6. The submitted site plan should be revised to depict the proposed pool, pool fence and equipment locations. 	<p><u>Staff Notes</u></p> <p>Dave Sessions will join the Planning Board meeting via zoom.</p> <p>The Applicant has prepared a mitigation plan that removed invasive species and the planting of new material by hand.</p> <p>The Planning Board and Conservation Board will need to determine whether the requested wetlands permit is acceptable.</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>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>