

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

April 6, 2021



APPLICATION NUMBER - NAME  
 #2020-028 – 8 Cole Dr/24 Davis Dr  
 Subdivision, Site Plan, Wetlands Permit,  
 Steep Slope Permit and Tree Removal Permit

SBL  
 94.01-1-8 & 94.02-1-9

MEETING DATE  
 April 12, 2021

PROPERTY ADDRESS/LOCATION  
 8 Cole Drive & 24 Davis Drive

**BRIEF SUMMARY OF REQUEST**

Proposed lot line realignment that would alter the existing common lot line between the two lots by transferring 126,880 s.f. from 24 Davis Drive to 8 Cole Drive, resulting in 8 Cole Drive increasing in size to approximately 8.8 acres and 24 Davis Drive decreasing in size to approximately 7.8 acres.

In addition, the Applicant is proposing a new driveway for 24 Davis Drive that is proposed to directly impact the Town-regulated wetland and Town-regulated wetland buffer. Furthermore, the proposed new driveway would require the issuance of a steep slope permit and tree removal permit.

Furthermore, the Applicant has revised the plan to now include a proposed 4,510 square foot addition to the existing single family home.



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 Zoning District	Existing Single Family Lots	Residential	New Driveway for 24 Davis Drive	8 Cole - 5.9 acres 24 Davis Drive - 10.7 acres

**PROPERTY HISTORY**

The subject lots are part of the Cohomong Woods subdivision approved by the Planning Board in 1981.

**COMPATIBILITY with the COMPREHENSIVE PLAN**

- Open space such as wetlands, steep slopes, hilltops, ridgelines and other scenic resources should be set aside or kept as open space in the event of new subdivisions.
- The Town should continue to encourage protection of environmentally sensitive, scenic and aesthetic resources through Section 278 of the Town Law.

**STAFF RECOMMENDATIONS & PLANNING BOARD POLICY DECISIONS**

1. The Planning Board should determine whether it wishes to coordinate the environmental review with other Involved Agencies.
2. The Planning Department has substantive concerns relating to the impacts the proposed subdivision and new driveway would create.
3. The Planning Board will need to determine whether the subdivision and new driveway would be consistent with the Comprehensive Plan goal of protecting wetlands, steep slopes and other environmentally sensitive land.
4. The Applicant should be directed to address all outstanding staff and consultant's comments.

Procedural Comments

1. A public hearing for the proposed subdivision and wetlands permit is required.
2. The Proposed Action would be classified as an Unlisted Action pursuant to the State Environmental Quality Review Act (SEQRA).
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.

General Comments

1. The Applicant has submitted plans for a 4,510 square foot two-story addition to the existing home. However, it is not clear from the plans whether the project is an addition to the home or an accessory structure (it appears there is no integration with the existing home). The Applicant should submit floor plans and elevations of the entire house that also includes the proposed house addition. If the addition is an accessory structure, the Applicant will need to obtain a special use permit from the Planning Board and meet all of the special permit requirements (height, no more than 25% of the floor area of the principal structure, not located in front yard, etc). If the addition is considered an accessory structure, it appears that the project would not meet some of the zoning requirements.
2. The Proposed Action consists of lot line adjustments between lots and does not result in the creation of any new building lots.

At the February 8, 2021 meeting, the Planning Board expressed concern with the proposed level of disturbance associated with the project. The Board also noted that it wished to better understand the mitigation proposed by the Applicant.

The Planning Department continues to note that the proposed new driveway for 24 Davis Drive appears to be very impactful, even when impacts are reduced under the most recent plan.

The proposed disturbance would significantly alter the existing environment and does not appear consistent with the Comprehensive Plan goals of protecting wetlands, steep slopes, hilltops, ridgelines and other scenic resources. The proposed new driveway would still necessitate impacts to the Town-regulated wetland buffer, require a significant amount of regrading, the disturbance to steep slopes and require the removal of trees. The proposed disturbance does not appear to be necessary since access to the existing home currently exists.

3. The Applicant has provided an impact analysis chart for Planning Board review.

PROPOSED DRIVEWAY EARTHWORK VOLUME CALCULATIONS		
ITEM	DESCRIPTION	
1	CUT VOLUME (CY) =	2,100
2	FILL VOLUME (CY) =	3,820
3	COMPACTION FACTOR =	15%
4	FILL VOLUME ADJUSTMENT (CY) =	543
5	TOTAL FILL VOLUME (CY) =	4,183
6	IMPORT VOLUME (CY) =	2,063

DISTURBANCE CHART		
CATEGORY	LOT 8	LOT 9
WETLAND	0 SF	0 SF
WETLAND BUFFER	2,753 SF	18,584 SF
>25% SLOPE	0 SF	10,848 SF

4. The Applicant should quantify proposed Town-regulated tree removal under the most recent project.
5. The Applicant should submit gross land coverage and gross floor area calculation worksheets for both modified lots for review.
6. The plat map should be revised to depict the existing easements (three) on the subject property.

Staff Notes

The Planning Board should determine whether it wishes to coordinate the environmental review with other Involved Agencies.

The Applicant has appeared before the Conservation Board; however, the CB has not yet provided a report to the Planning Board.

As proposed, the Planning Board will need to determine whether the subdivision and new driveway would be consistent with the Comprehensive Plan goal of protecting wetlands, steep slopes and other environmentally sensitive land.