

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

June 3, 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  
 June 14, 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 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<br>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.
4. The Applicant received approval from the Architectural Review Board on May 19, 2021 for the proposed house addition.

General Comments

1. The Applicant has submitted plans for a 4,510 square foot two-story addition to the existing home.

The Applicant should submit the gross floor area calculations worksheet and backup data for proposed reconfigured Lot 8.

The Applicant should submit the gross floor area calculations worksheet and backup data for proposed reconfigured Lot 9.

The Applicant should submit the gross land coverage calculations worksheet and backup data for proposed reconfigured Lot 9.

The site plan for the proposed house addition on proposed reconfigured Lot 8 should be revised to depict the distance from the addition to the front yard. It appears that the addition does not meet the minimum required front yard setback.

The submitted elevations should be revised to depict a building height exhibit and a maximum exterior wall height exhibit.

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 |                               | COMPARATIVE ANALYSIS CHART |   |
|---|-------------------------------|----------------------------|---|
| ITEM  | DESCRIPTION                   |                            |   |
| 1   | CUT VOLUME (CY) =             | 2,100                      | 1 TOTAL AREA OF DISTURBANCE ASSOCIATED WITH DRIVEWAY RELOCATION 47,755 S.F.                   |
| 2   | FILL VOLUME (CY) =            | 3,620                      | 2 TOTAL AREA OF EXISTING ASPHALT DRIVEWAY 19,940 S.F.   |
| 3   | COMPACTION FACTOR =           | 15%                        | TOTAL AREA OF PROPOSED RELOCATED DRIVEWAY 13,940 S.F.   |
| 4   | FILL VOLUME ADJUSTMENT (CY) = | 543                        | NET REDUCTION IN DRIVEWAY IMPERVIOUS SURFACE 6,000 S.F.                                       |
| 5   | TOTAL FILL VOLUME (CY) =      | 4,163                      | 3 AREA OF WETLAND BUFFER DISTURBANCE FOR PURPOSE OF QUANTIFYING MITIGATION AREA 24,900 S.F.   |
| 6   | IMPORT VOLUME (CY) =          | 2,063                      | 4 TOTAL AREA OF LANDSCAPE MITIGATION PROVIDED 49,950 S.F.                                     |
|   |                               |                            | 5 NET VOLUME OF FILL MATERIAL REQUIRED FOR PROPOSED CONSTRUCTION OF PROP. DRIVEWAY 2,063 C.Y. |
|   |                               |                            | AMOUNT OF EXCAVATED MATERIAL ANTICIPATED TO BE GENERATED FROM B COLE DR. ADDITION 964 C.Y.    |
|   |                               |                            | REMAINING VOLUME OF FILL MATERIAL TO BE IMPORTED TO SITE 1,079 C.Y.                           |
|   |                               |                            | ASSUMING 18 CY PER TRUCK DELIVERED REQUIRED NO. OF TRUCKS 60 Truck Trips                      |

Staff Notes

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

The Conservation Board at its May 26, 2021 meeting recommended issuance of the requested wetlands permit.

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.

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| <p>4. The integrated plot plan depicts 24,900 square feet of Town-regulated wetland buffer disturbance. The Applicant has prepared a mitigation plan that is twice the size of the proposed disturbance.</p> | <p>It is noted that the Planning Board has the ability to deny the proposed requested wetlands permit pursuant to Section 340-8.B(4) of the Town Code since proposed Lot 9 is currently served by an existing driveway and a new modified driveway is not required.</p> <p>Section 340-8.B – Basis for denial. The approval authority shall deny a permit if:</p> <p>(4) There is a viable alternative to the proposed activity's placement in or encroachment upon the wetland or wetland buffer area.</p> <p>The Planning Board will need to determine whether the proposed amount of Town-regulated wetland buffer disturbance is acceptable.</p>   |
| <p>5. The integrated plot plan should be revised to depict proposed Town-regulated steep slope disturbance and quantify that disturbance in square feet.</p>   | <p>It is noted that the Planning Board has the ability to deny the proposed requested steep slope permit pursuant to Section 355-18.B of the Town Code since proposed Lot 9 is currently served by an existing driveway and a new modified driveway is not required.</p> <p>355-18.B... The approval authority shall not grant the necessary permit or approval if there is another alternative which, in the sole opinion of the approval authority, is reasonable and practical and would help to preserve the steep slope, hilltop or ridgeline.</p> <p>The Planning Board will need to determine whether the proposed amount of Town-regulated steep slope disturbance is acceptable.</p>  |
| <p>6. The plans depict the removal of 67 Town-regulated trees. The Applicant has prepared a mitigation planting plan that includes the planting of 97 trees.</p>   | <p>It is noted that the Planning Board has the ability to deny the proposed requested tree removal pursuant to Section 308-16.A(2) of the Town Code since proposed Lot 9 is currently served by an existing driveway and a new modified driveway is not required.</p> <p>308-16 Determination by the Approving Authority</p> <p>(2) The possible or practicable alternatives to the proposed tree removal using tree protective methods such as temporary fencing during construction, minimizing grading, and tunneling to reduce trenching across tree roots.</p> <p>The Planning Board will need to determine whether the proposed amount of Town-regulated tree removal is acceptable.</p> |
| <p>7. The plat map should be revised to depict the existing easements (three) on the subject property.</p>   |  |