



STAFF REPORT - TOWN OF NORTH CASTLE PLANNING DEPARTMENT

October 28, 2021

APPLICATION NUMBER - NAME
#2020-039 – 21 Nethermont Ave
Site Plan, Steep Slope and Tree Removal
Permit Approvals

SBL
122.16-4-41

MEETING DATE
November 8, 2021

PROPERTY ADDRESS/LOCATION
21 Nethermont Ave

BRIEF SUMMARY OF REQUEST

Proposed new four bedroom 3,125 square foot home, driveway and yard areas.

This property was 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-5 One-Family Residence District (5,000 square feet)	Existing Vacant Lot	Residential	House, driveway and yard areas.	7,546 square feet

PROPERTY HISTORY

Existing Vacant Lot

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

1. The Applicant should be directed to address all outstanding staff and consultant's comments.
2. The Planning Board will need to determine whether the project is compatible with the Comprehensive Plan.

<u>Procedural Comments</u>	<u>Staff Notes</u>
<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. Pursuant to Section 12-18(1) of the Town Code, all site development plans submitted to the Planning Board are required to be referred to the Architectural Review Board (ARB) for review and comment. 3. The site plan should be forwarded to the Chief of Police, Fire Inspector and the North White Plains Fire Chief so that they may make any pertinent recommendations to the Planning Board including, but not limited to, the designation of no-parking zones, emergency vehicle access or any other issued deemed important to providing emergency services. 4. The site plan should be forwarded to the Sewer and Water Department so that they may make any pertinent recommendations to the Planning Board including, but not limited to, the ability to provide water and sewer capacity for the proposed house. 5. The Applicant will be required to obtain a curbcut permit from the North Castle Highway Department. 6. A neighbor notification meeting regarding the proposed site plan will need to be scheduled. 7. The site plan application will need to be referred to the Westchester County Planning Board pursuant to § 239-m of New York State General Municipal Law (GML) since the site is within 500 feet of the City of White Plains. 8. The neighbor notification notice will need to be sent to the City of White Plains City Clerk pursuant to § 239-nn of New York State General Municipal Law (GML). This referral is required because the subject site is located within 500 feet of the City of White Plains. 	<p>The referral was made on January 26, 2021. The Police Department expressed concern with the proposed driveway location and sight distance.</p> <p>The referral was made on January 26, 2021.</p> <p>The referral was made on January 26, 2021.</p>
<p><u>General Comments</u></p> <ol style="list-style-type: none"> 1. At the May 24th meeting the Planning Board referred the depicted deficient driveway sight lines to the Zoning Board of Appeals. The referral was made with the condition that the Applicant relocate the driveway from the northern portion of the Property's frontage on Nethermont Avenue, as originally proposed, to the southern portion of the frontage on Nethermont Avenue. <p>Subsequent to the last Planning Board meeting, the Applicant retained a traffic engineer who studied the issue and is now recommending a new driveway in the middle of the property.</p> <ol style="list-style-type: none"> 2. The lot is highly constrained by steep slopes and lot depth. <p>The previously submitted landscape plan on plan T-100.00 should be revised to include a plant schedule that includes plant name, quantity and size. It is recommended that adequate screening be proposed along both side lot lines and the rear property line where adjoining properties are located in close proximity. In addition, it is recommended that the proposed retaining walls be relocated so that adequate screening/landscaping can be proposed at the bottom and between proposed walls. The development of this lot will create adverse visual impacts upon neighboring properties and mitigation should be provided to the maximum extent practicable.</p> <p>The Applicant should give consideration to keeping as much of the site undisturbed as possible. This can be accomplished by reconsidering the proposed grading plan. As an example, the proposed wall adjacent to the northern property line can be brought closer to the driveway and relocated further from the side lot line, and with some grading changes, the side lot retaining wall can tie into the rear retaining wall thereby eliminating the retaining wall on the rear property line adjacent to the existing house at the rear.</p> <p>In general, it appears that impacts can be further minimized if the plans were revised.</p>	<p>The Applicant is seeking an updated variance referral to the ZBA that references the Applicant's current driveway design.</p> <p>The previously submitted landscape plan does not reflect the currently submitted site plan and should be revised. In addition, the Planning Board at the January 25, 2021 meeting requested that the Applicant demonstrate how plantings will be maintained without permission from neighboring properties.</p> <p>The Planning Board at the January 25, 2021 meeting requested that the site plan be revised to relocate the proposed retaining walls adjacent to property lines.</p>

<p>3. The site contains a significant amount of rock that will need to be removed in order to develop the site. The development of this lot will require a substantial amount of rock chipping or blasting that may significantly impact surrounding properties. The Applicant should indicate the proposed method of rock removal. If blasting, the Applicant should provide a blasting plan for review pursuant to Article I of Chapter 122 of the Town Code. If Chipping is proposed, the Applicant should provide a chipping plan for review pursuant to Article II (recently adopted) of Chapter 122 of the Town Code.</p> <p>4. The site plan depicts the removal of 34 Town-regulated trees.</p> <p>5. The site plan depicts 3,631 square feet of Town-regulated steep slopes.</p> <p>6. The Applicant should provide a maximum exterior wall height exhibit for review.</p> <p>7. The site plan should be revised to dimension the deck to the rear property line. The deck can't be closer than 30 feet to the rear lot line.</p> <p>8. Given the amount of exposed foundation, the basement is considered a story and must be counted as gross floor area.</p> <p>In addition, since the basement is a story, the proposed building exceeds the maximum number of stories (2.5).</p> <p>9. The Planning Board at the January 15, 2021 meeting stated that rock crushing shall be prohibited on this site.</p>	<p>Pursuant to Section 308-15 of the Town Code, the Applicant should provide a plan that details the replacement proposed to mitigate the impacts from the proposed tree removal.</p> <p>It is recommended that additional planting be provided along the side lot and rear lot lines.</p> <p>The Planning Board will need to determine whether the proposed amount of Town-regulated steep slope disturbance is acceptable.</p> <p>The Applicant will need to obtain a variance from the Zoning Board of Appeals.</p>
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