



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

March 12, 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  
March 22, 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.

<p><u>Procedural Comments</u></p> <ol style="list-style-type: none"> <li>1. The Proposed Action would be classified as a Type II Action pursuant to the State Environmental Quality Review Act (SEQRA).</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>5. The Applicant will be required to obtain a curbcut permit from the North Castle Highway Department.</li> <li>6. A neighbor notification meeting regarding the proposed site plan will need to be scheduled.</li> <li>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.</li> <li>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.</li> </ol>	<p><u>Staff Notes</u></p> <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"> <li>1. The lot is highly constrained by steep slopes and lot depth.</li> </ol> <p>While a landscape plan is referenced in the cover letter, it was not submitted for review. 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 located 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> <ol style="list-style-type: none"> <li>2. 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.</li> </ol>	

<p>3. The site plan depicts the removal of 31 (all but one) Town-regulated trees.</p> <p>4. The site plan depicts 3,631 square feet of Town-regulated steep slopes.</p> <p>5. The Applicant should provide a maximum exterior wall height exhibit for review.</p> <p>6. The proposed covered porch should be included in the gross floor area of the house pursuant to the definition of Gross Floor Area in Section 355-4 of the Town Code.</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 may be considered a story. Provide calculations and exhibits demonstrating that basement would not be considered a story. If the basement is a story it must be counted in gross floor area. In addition, if the basement is a story, it would appear that the proposed building would exceed the maximum number of stories (2.5)</p> <p>Definition of Gross Floor Area: ... "basement is considered a "story" in accordance with one of the following three alternative measurements:</p> <ul style="list-style-type: none"> <li>○ Where the finished surface of the floor above the basement is more than six feet above average grade.</li> <li>○ Where the finished surface of the floor above the basement is more than six feet above the finished ground level for more than 50% of the total building perimeter.</li> <li>○ Where the finished surface of the floor above the basement is more than 12 feet above the finished ground level at any point along the building perimeter."</li> </ul>	<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>
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