



STAFF REPORT - TOWN OF NORTH CASTLE PLANNING DEPARTMENT

September 19, 2023

APPLICATION NUMBER - NAME
#2020-042 – 4 Tripp Lane
Site Development Plan, Wetlands Permit and Tree Removal Permit Approvals

SBL
108.02-1-10

MEETING DATE
September 28, 2023

PROPERTY ADDRESS/LOCATION
4 Tripp Lane

BRIEF SUMMARY OF REQUEST

The Applicant has received several Notices of Violations and Stop Work Orders from the Building Department for the following site issues:

Fence installed w/o permit	Driveway gates installed w/o permit
Cabana constructed w/o permit	Rear Addition constructed w/o permit
Driveway constructed w/o permit	Shed constructed w/o permit
¼ acre of trees removed w/o permit	Retaining walls constructed w/o permit
Fill brought to site w/o permit	Basketball court constructed w/o permit



The site plan application is seeking approval to legalize the activities described above with the Town of North Castle.

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	Single Family Residential	Residential & Institutional (School)	Legalization	2.06 acres

PROPERTY HISTORY

1965 – House Approved
1983 – In-ground pool approved

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 should direct the Applicant to address the comments contained in this memo and resubmit to the Planning Board for further discussion.

<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. A neighbor notification meeting regarding the proposed amendment will need to be scheduled. 3. Pursuant to Section 12-18.A 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. 4. Pursuant to Section 340-5.B 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. 	<p>Construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds or other buildings not changing land use or density.</p>
<p><u>General Comments</u></p> <ol style="list-style-type: none"> 1. At the May 22, 2023 meeting, the Planning Board determined that best course of action would be for the Applicant to remove the fill from property. The Planning Board directed the Applicant to return to Planning Board for further discussion. 2. At the February 13, 2023 Planning Board meeting, Bill Canavan of HES, was present and discussed the project with the Planning Board. After discussion, the Planning Board determined that best course of action would be to remove the fill from property. The Applicant was directed to return to Planning Board for further discussion. 3. The Applicant has determined that approximately 171 trees were removed from the site. The plans have been revised to depict an approximately 16,000 square foot wetland buffer mitigation area; however, it is recommended that the site plan be revised to further replant new trees in the 1.15 acre area of previous tree removal. 4. The site plan has been revised to depict the location of the Town-regulated wetland buffer. The plans depict 7,775 square feet of Town-regulated wetland buffer disturbance. The Applicant has prepared a 15,550 square foot mitigation plan for review. 5. The Planning Board previously determined that the Applicant brought 4,210 c.y. of fill onto the site without the benefit of a fill permit issued by the Building Department. However, plan F-1 depicts only 700 c.y. of fill brought onto the site. The Applicant should explain the methodology used to determine that the 700 c.y. plan is accurate. <p>HydroEnvironmental Solutions, Inc. (HES) has reviewed the fill soil samples and notes that lead, copper, 4,4"-DDE and Dieldrin at concentrations that exceed Unrestricted Use Soil Cleanup Objectives (UUSCOs). HES recommends adding a demarcation layer and capping the fill with soil.</p>	<p>The Applicant should explain the differing data presented in plan C-410 and plan F-1. Plan F-1 appears to depict a much smaller area of imported fill as compared to plan C-410.</p> <p>The Applicant previously stated that they do not intend to remove the imported soil and instead will add an additional two feet of clean material and add the requested covenant to the deed.</p> <p>However, plan F-1 depicts the removal of approximately 700 c.y. of fill along the western property line.</p> <p>The Planning Department recommends that the 1.15 acres of tree removal be re-vegetated with native deciduous trees so that the area can be returned to its previous naturalized state.</p> <p>The Conservation Board will need to comment on the proposed disturbance and mitigation plan.</p> <p>The Applicant will need to obtain a fill permit pursuant to Chapter 161 of the Town Code.</p>

- 6. The 9 foot driveway piers with light fixture exceeds the maximum permitted height of 8 feet. The Applicant will need to seek a variance from the Zoning Board of Appeals.
- 7. The proposed (legalization) driveway gates are located on the property line. Driveway gates should be located a minimum of 20 feet from the front property line to permit adequate vehicular pull off from the right-of-way should Tripp Lane ever be expanded to the edge of the right-of-way.
- 8. An updated gross land coverage calculations worksheet should be submitted for review.
- 9. The submitted gross floor area calculations worksheet does not include the floor area of the garage or basement. Garage space is required to be counted as part of gross floor area. The Applicant shall also provide an exhibit demonstrating that the basement level would be excluded pursuant to the definition of gross floor area.

The Applicant has asked for permission to keep the entry piers in the existing location with the understanding that the piers would need to be relocated should Tripp Ln be widened. If acceptable to the Planning Board, a covenant memorializing such an arrangement should be provided.

FLOOR AREA, GROSS

The sum of the horizontal areas of the several stories of the building or buildings, **excluding any floor area used for off-street parking or loading purposes (except for residential buildings)**, measured from the exterior walls or, in the case of a common wall separating two buildings, from the center line of such a common wall, and including any two-story or any enclosed porch, or one having a roof and capable of being enclosed. See the definition of "basement" for exclusion of basement/mechanical areas in nonresidential buildings from "floor area, gross." For residential buildings, any attic space with a floor-to-ceiling height of 7.5 feet or greater shall be included as part of gross floor area, as shall those portions of any basement with a floor-to-ceiling height of 7.5 feet or greater if the basement is considered a "story" in accordance with one of the following three alternative measurements:

A. Where the finished surface of the floor above the basement is more than six feet above average grade.

B. 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.

C. 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.