



STAFF REPORT - TOWN OF NORTH CASTLE PLANNING DEPARTMENT

May 28, 2021

APPLICATION NUMBER - NAME
#2020-044 – 250 E. Middle Patent Rd.
Site Plan Approval

SBL
95.02-2-10

MEETING DATE
June 14, 2021

PROPERTY ADDRESS/LOCATION
250 E. Middle Patent Rd.

BRIEF SUMMARY OF REQUEST

Proposed construction of a pool within the front yard setback along E. Middle Patent Road.



PENDING ACTION: Plan Review Town Board Referral Preliminary Discussion

EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING & LAND USE	SITE IMPROVEMENTS	SIZE OF PROPERTY
R-4A One-Family Residence District (4 acre)	Existing Single-family home	Residential	Pool and Stormwater System	3.33 acres

PROPERTY HISTORY

Existing Single Family Home

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 will need to determine whether the proposed pool location, given the zoning non-compliance combined with the scenic road designation, is appropriate.

<p><u>Procedural Comments</u></p> <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.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. 3. A public hearing regarding the proposed site plan will need to be scheduled. 	<p>This approval is required for the proposed new shed.</p>
<p><u>General Comments</u></p> <ol style="list-style-type: none"> 1. The project is located on E. Middle Patent Road, which is a designated Scenic Roadway. As such, Planning Board site plan approval is required for this project. <p>In reviewing the site plan the Planning Board shall take into consideration the following:</p> <ol style="list-style-type: none"> (1) Any necessary intrusions within the scenic roadscape area shall be reduced to the maximum extent practicable by such measures as common driveways, shared utility services or other such techniques. (2) The Planning Board is hereby encouraged to utilize its authority to approve conservation subdivisions pursuant to § 355-31 of this chapter where said Board determines that such is necessary or appropriate in order to help achieve the purposes of this section. (3) The Planning Board, in granting site plan approval along scenic roadways as identified herein, shall determine that the construction or site alteration approved will be compatible with the legislative intent of this section. (4) All other procedures and requirements for site plan approval along scenic roadways shall be as set forth in Article VIII of this chapter. <p>The Planning Board will need to determine whether the pool location is compatible with the surrounding neighborhood.</p> <p>The Applicant has prepared a sketch plan that moves the pool 10 feet further from the front lot line and lowers the pool three feet. In addition, the Applicant has prepared a sketch plan that depicts the pool in the rear yard. The Applicant has indicated that both proposed alternative plans are not acceptable.</p> <ol style="list-style-type: none"> 2. The proposed pool is located within the front yard of the property. Pursuant to Section 355-15.L of the Town Code, a swimming pool shall not be located in a front yard unless it is set back at least three times the distance required for a principal building and unless the lot area is equal to at least three times the minimum required. <p>Based upon the above, a front yard setback of 225 feet would be required. In addition, a minimum lot area of 12 acres would be required to place the pool in the proposed location.</p> <ol style="list-style-type: none"> 3. The site plan should be revised to include elevations and floor plans of the proposed shed. 4. The site plan should be revised to depict the distance from the pool/patio to adjacent property lines. 5. The site plan should be revised to depict the distance from the shed to adjacent property lines. 6. The site plan should be revised to include a zoning conformance chart. 7. The Applicant should submit a gross floor area calculations worksheet and backup data (to capture the new floor area proposed in the shed). 8. The Applicant should submit a gross land coverage calculations worksheet for review. 	<p><u>Staff Notes</u></p> <p>Portions of the pool area may be partially visible along the scenic road.</p> <p>The Planning Board will need to determine whether the proposed pool location, given the zoning non-compliance (see below) combined with the scenic road designation, is appropriate.</p> <p>If it is determined that the pool location is appropriate, it is recommended that the Applicant prepare a landscape screening plan to shield activity areas from the scenic road.</p> <p>At the December 14, 2020 Planning Board meeting the Applicant was directed to explore alternative pool sites at the side of the house which would lower the pool by six feet, move the rear retaining wall and provide naturalistic screening of the pool activity area in the front yard as well as explore relocating the pool to the rear yard in the Town-regulated wetland buffer.</p> <p>YARD, FRONT</p> <p>A yard extending across the full width of the lot and lying between the front line of the lot and the nearest line of the building.</p>

