

STAFF REPORT - TOWN OF NORTH CASTLE PLANNING DEPARTMENT

February 1, 2021

APPLICATION NUMBER - NAME
#2021-004 – Madonna SubdivisionSBL
108.01-1-20MEETING DATE
February 8, 2021PROPERTY ADDRESS/LOCATION
124 and 124A Old Mount Kisco Road**BRIEF SUMMARY OF REQUEST**

Subdivision of an existing lot with one existing home and one damaged home into two lots located in the R-10 (10,000 s.f. lots) Zoning District. Lot 1 is proposed to be 8,616 s.f. and Lot 2 is proposed to be 7,577 s.f. Both new lots are not zoning compliant and will require the issuance of several variances.



PENDING ACTION:

☒ Plan Review☐ Town Board Referral☐ Preliminary Discussion**EXISTING ZONING**R-10
One-Family
Residence District
(10,000 sq. ft.)**EXISTING LAND
USE**Existing non-
conforming lot with
one home and one
damaged home**SURROUNDING
ZONING & LAND USE**

Residential

**SITE
IMPROVEMENTS**Removal of damaged
home and new home
to be constructed**SIZE OF PROPERTY**

17,233 sq. ft.

PROPERTY HISTORY124 Old Mt. Kisco Rd House constructed in
1925.124A Old Mt. Kisco Road – considered pre-
existing non-conforming structure**COMPATIBILITY with the COMPREHENSIVE PLAN**

- Subdividing parcels for residential use should encourage a cohesive community. Wherever possible, new lots should have internal roadway access in order to promote safety and encourage efficient traffic-flow while protecting the Town's aesthetic character.

STAFF RECOMMENDATIONS

- The Applicant should be directed to address all outstanding staff and consultant's comments.
- It is recommended that the Planning Board transmit a negative recommendation to the Zoning Board with respect to the requested variances.
- It is recommended that the Applicant proceed to the ZBA for approval of the reconstruction of a non-conforming structure damaged between 50% and 75% rather than obtaining a subdivision that does not comply with almost all of the minimum zoning requirements for lots in the R-10 Zoning District.

<u>Procedural Comments</u>	<u>Staff Notes</u>
<ol style="list-style-type: none"> 1. The Proposed Action would be classified as an Unlisted Action pursuant to the State Environmental Quality Review Act (SEQRA). 2. A public hearing regarding the proposed subdivision will need to be scheduled. 	<p>The Planning Board should determine whether it wishes to coordinate the environmental review with other Involved Agencies.</p>
<u>General Comments</u>	
<ol style="list-style-type: none"> 1. The property contains two principal dwellings that have been deemed pre-existing non-conforming uses (built prior to zoning). Unfortunately, one of the structures was damaged in a recent fire. The Town Code permits the reconstruction of a 50% - 75% damaged home with approval of the ZBA. In general, Zoning permits the continuation of non-conforming uses, but the law aims to eventually bring non-conforming uses into conformity with the Zoning District. In this case, the damage to the second dwelling is an opportunity to bring this property into grater conformance with the R-10 Zoning District. The Applicant has elected to not proceed with the ZBA approval for reconstruction, but rather apply to the Planning Board for a subdivision. However, given that the proposed lots do not meet the minimum requirements of the R-10 Zoning District with respect to Lot Area, Frontage, Lot Width and Minimum Contiguous Buildable Area, it is recommended that the Planning Board provide a negative recommendation to the Zoning Board of Appeals when the variances are referred to the ZBA. 2. Proposed Lot 1 requires a minimum lot area of 10,000 square feet. Proposed Lot 1 has a net lot area of 8,616 square feet. 3. Proposed Lot 2 requires a minimum lot area of 10,000 square feet. Proposed Lot 2 has a net lot area of 7,577 square feet. 4. Proposed Lot 1 requires a minimum of 100 feet of frontage. Proposed Lot 1 has 75.35 feet of frontage. 5. Proposed Lot 2 requires a minimum of 100 feet of frontage. Proposed Lot 2 has 81.36 feet of frontage. 6. Proposed Lot 1 requires a minimum lot width of 100 feet. Proposed Lot 1 has a lot width of 81.02 feet. 7. Proposed Lot 2 requires a minimum lot width of 100 feet. Proposed Lot 2 has a lot width of 75.67 feet. 8. Proposed Lot 1 requires a minimum contiguous buildable area of 9,000 square feet. Proposed Lot 1 has a minimum contiguous buildable area of 8,616 square feet. 9. Proposed Lot 2 requires a minimum contiguous buildable area of 9,000 square feet. Proposed Lot 2 has a minimum contiguous buildable area of 8,107 square feet. 10. The IPP depicts a house on proposed lot 1 that does not meet the minimum front setback requirement. The IPP should be revised to depict a compliant structure. 11. The Applicant should submit a preliminary plat that conforms to the minimum requirements of Section 275-30 of the North Castle Town Code for review. 	<p>It is recommended that the Applicant proceed to the ZBA for approval of the reconstruction of a non-conforming structure damaged between 50% and 75% rather than obtaining a subdivision that does not comply with almost all of the minimum zoning requirements for lots in the R-10 Zoning District.</p> <p>The Applicant will need to secure a variance from the Zoning Board of Appeals.</p> <p>The Applicant will need to secure a variance from the Zoning Board of Appeals.</p> <p>The Applicant will need to secure a variance from the Zoning Board of Appeals.</p> <p>The Applicant will need to secure a variance from the Zoning Board of Appeals.</p> <p>The Applicant will need to secure a variance from the Zoning Board of Appeals.</p> <p>The Applicant will need to secure a variance from the Zoning Board of Appeals.</p> <p>The Applicant will need to secure a variance from the Zoning Board of Appeals.</p> <p>The Applicant may seek a front yard variance from the Zoning Board of Appeals for any future structure that does not comply wit the font yard setback.</p>

12. The Applicant is proposing an easement over the property to the north in an effort to "add" additional land to the proposed lots. It is not clear what the Applicant is intending to accomplish. If additional land is needed for the proposed lots, the Applicant should transfer, via subdivision, the land area from the lot to the north to the proposed lots. As proposed, it appears that the Applicant is attempting to count the same land area twice – one for the existing lot and then again for the proposed lots.

13. The plat should include the dimensions from the pool patio edge to property lines.

14. The Applicant shall submit a final plat conforming to the standards set forth in Section 275-33 of the North Castle Town Code.