

STAFF REPORT - TOWN OF NORTH CASTLE PLANNING DEPARTMENT

April 29, 2021



APPLICATION NAME & NUMBER
1503 Old Orchard Street [2021-011] – Special
Use Permit for Accessory Structure Over 800 sf

SBL
123.05-1-64

MEETING DATE
May 10, 2021

PROPERTY ADDRESS/LOCATION
1503 Old Orchard Street, Quarry Heights

BRIEF SUMMARY OF REQUEST

Special Use Permit application to reapprove the expired Special Use Permit and Wetland Permit previously granted by the Planning Board to construct the lakeside cabin.



PENDING ACTION: Plan Review Town Board Referral Preliminary Discussion

EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING & LAND USE	SITE IMPROVEMENTS	SIZE OF PROPERTY
R-1A	Abandoned Estate Property	Residential	Lakeside Cabin	7.92 acres

PROPERTY HISTORY

The property was originally part of the 43-acre country estate of the Straus family, the former owners of Macy's department stores. The main house, which has eight bedrooms and 10 bathrooms, was built in 1931.

The property was later owned by the Hearst family, which established the newspaper and media giant Hearst Communications.

COMPATIBILITY with the COMPREHENSIVE PLAN

The proposed development is consistent with the Comprehensive Plan.

STAFF RECOMMENDATIONS

1. It is recommended that the Planning Board reapprove the requested special permit.
2. The project is compatible with the Comprehensive Plan.

<u>Procedural Comments</u>	<u>Staff Notes</u>
<ol style="list-style-type: none"> 1. 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. 2. Pursuant to Section 340-5.B(1) 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. 3. The application for special permit approval requires referral to the Westchester County Planning Board pursuant to § 239-m of New York State General Municipal Law (GML). This referral is required because the Planning Board must issue a special use permit. 4. The Proposed Action would be classified as a Type II Action pursuant to the State Environmental Quality Review Act (SEQRA). 5. The Sewer and Water Department and the Westchester County Health Department will need to review and approval of the proposed sewer connection. 6. A Public Hearing for the proposed wetlands permit and accessory structure over 800 square feet special permit applications will need to be scheduled. 7. 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. 	<p>The Conservation Board recommended approval of the wetlands permit in a May 5, 2021 memorandum to the Planning Board.</p>
<p><u>General Comments</u></p> <ol style="list-style-type: none"> 1. Section 355-21 of the Town Code permits private gardenhouses, toolhouses, greenhouses, gatehouses, garages or similar private accessory uses not over 1 story and 15 feet in height and limited to 800 square feet in area, except that the Planning Board may, by special permit, authorize the construction of accessory buildings not over 2 stories or 22 feet in height, provided that any such individual accessory building does not exceed 25% of the floor area of the main building, and further provided that all such accessory buildings meet all required setbacks for main buildings in the district in which they are located and are not located within any front yard. <p>The Applicant shall submit an exhibit demonstrating that the proposed height of the accessory structure does not exceed 22 feet in height.</p> <ol style="list-style-type: none"> 2. The Applicant shall submit floor plans for the proposed accessory structure. 3. The Applicant shall submit elevations of the proposed accessory structure. 4. The Applicant shall submit a Gross Floor Area Calculations Worksheet and backup information. 5. The Applicant shall submit a Gross Land Coverage Calculations Worksheet and backup information. 6. The site plan should be revised to depict the proposed amount of Town-regulated wetland disturbance. The Applicant has prepared a mitigation plan that will need to be reviewed by the Conservation Board. 7. The site plan should depict any proposed Town-regulated tree removal. If no tree removal is proposed, a note stating such should be added to the plan. 8. The proposed lakeside cabin should be designed with a heat pump and non-full sized appliances in an effort to prevent the categorization of the bath house as a dwelling unit. 	<p>The Planning Department has no objection to the reapproval request and recommends that the Planning Board reapprove the special use permit.</p> <p>As discussed with the Building Department, since there is not a principal use currently on the property, a Certificate of Occupancy for the lakeside cabin can't be issued until a Certificate of Occupancy is issued for the main house.</p> <p>The Applicant should coordinate with the Building Department directly regarding this issue.</p>

9. Pursuant to Section 355-37 of the Town Code, the Planning Board must determine that:

- a. The location and size of the use, the nature and intensity of the operations involved in it or conducted in connection with it, the size of the site in relation to it and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
- b. The location, nature and height of buildings, walls, fences and the nature and extent of existing or proposed plantings on the site are such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings.
- c. Operations in connection with any special use will not be more objectionable to nearby properties by reason of noise, fumes, vibration or other characteristics than would be the operations of any permitted uses not requiring a special permit.
- d. Parking areas will be of adequate size for the particular use, properly located and suitably screened from adjoining residential uses, and the entrance and exit drives shall be laid out so as to achieve maximum convenience and safety.
- e. Where required, the provisions of the Town Flood Hazard Ordinance.
- f. The Board finds that the proposed special permit use will not have a significant adverse effect on the environment.