

STAFF REPORT - TOWN OF NORTH CASTLE PLANNING DEPARTMENT

July 6, 2021



APPLICATION NUMBER - NAME
 #2021-028 – 50 E. Middle Patent Subdivision,
 Site Plan, Special Use Permit and Tree
 Removal Permit Applications

SBL
 103.01-1-18

MEETING DATE
 July 12, 2021

PROPERTY ADDRESS/LOCATION
 50 E. Middle Patent Road

BRIEF SUMMARY OF REQUEST

Proposed three (3) lot subdivision (2 new building lots) in the R-4A zone. In addition, a detached garage, pool house and house addition is proposed on Lot 2. A new dwelling is proposed on Lot 1.



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 lot with home	Residential	3 Lot Subdivision	29.21 acres

PROPERTY HISTORY

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

1. The Planning Board will need to determine whether it is appropriate to approve the subdivision of the subject property.
2. The Planning Board will need to determine whether the proposed house addition and new proposed house, given the zoning non-compliance combined with the scenic road designation, is appropriate.

Procedural Comments

1. The Proposed Action would be classified as an Unlisted Action pursuant to the State Environmental Quality Review Act (SEQRA).

1. 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.

2. A public hearing regarding the proposed subdivision, site plan and special use permit will need to be scheduled.

General Comments

1. The Applicant is seeking a three lot subdivision approval from the Planning Board. Pursuant to Section 275-30 of the Town Code, the preliminary plat should be revised to include the following missing information:

- Total acreage of the subdivision.
- Names of owners of record or properties adjoining and directly across the street from the proposed subdivision
- Ensure that the area reserved for road widening purposes is not counted in gross or net lot area.

2. 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.

In reviewing the site plan the Planning Board shall take into consideration the following:

- (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.

The Planning Board will need to determine whether the house addition location is compatible with the surrounding neighborhood.

3. The Applicant is proposing to construct a new home on Lot 1 at this time. The Applicant should submit a site plan (and site plan application) for this lot for review. In addition, the Applicant should indicate the size of the proposed detached garage. If over 800 square feet or 15 feet in height, a special use permit will be required.

4. Proposed Lot 3 depicts a relocated shed/garage as the only use on the parcel. The shed/garage is not a permitted principal use. The plans shall be revised to remove this improvement or seek a use variance from the Zoning Board of Appeals.

5. The Applicant shall submit an exhibit demonstrating that adequate sight distance is proposed at the proposed driveway locations pursuant to Section 355-59.D of the Town Code.

6. The Applicant should submit exhibits depicting how average lot width and lot depth were calculated for Lots 1, 2 and 3.

Staff Notes

The Planning Board should determine whether it wishes to coordinate the environmental review with other Involved Agencies.

Section 275-27 of the Town Code:

Land reserved for road widening purposes may not be counted in satisfying yard or area requirements of Chapter 355, Zoning.

The Applicant should provide a plan/narrative that describes how the proposed plan is consistent with the goals of the scenic roadway protection law.

Rather than removing trees and constructing a new house in the scenic roadscape area, consideration should be given to constructing the new house in the location of the existing tennis court. By relocating the proposed house to this existing disturbed area, impacts to the scenic roadscape area would be eliminated.

The Planning Board will need to require that the proposed home be constructed within a reasonable amount of time so that a permitted principal use can be established on the property. Without a permitted principal use, the Applicant is required to remove the existing tennis court from the property.

7. The Applicant should quantify tree removal for a) the proposed site improvements on Lot 1 and Lot 2 and b) for the entire proposed subdivision (including future development).
8. Proposed Lot 2 depicts a house addition, detached garage, pool and pool house. The Applicant should submit a detailed site plan for Lot 2 that depicts the proposed improvements. It appears that the detached garage and pool house will both need a special use permit from the Planning Board (structures over 800 square feet and/or more than 1 story/15 feet in height).
9. The proposed house additions on Lot 2 do not meet the minimum required front yard setback, the Applicant will need to obtain a variance from the Zoning Board of Appeals.
10. The submitted elevations should be revised to depict proposed Building Height (average grade to roof midpoint) and Maximum Exterior Wall Height (lowest grade to roof midpoint).
11. The Applicant should submit a Gross Land Coverage Calculations Worksheet for proposed Lot 1 and Lot 2 (and Lot 3 if any proposed land coverage is to remain after the subdivision. A GLC backup exhibit should also be submitted for review.
12. The Applicant should submit Gross Floor Area Calculations Worksheet for proposed Lot 1 and Lot 2 (and Lot 3 if any proposed floor area is to remain after the subdivision. A GFA backup exhibit should also be submitted for review.
13. A minimum contiguous buildable area exhibit should be submitted for review.
14. The submitted plat depicts a connection between the driveways on proposed Lot 2 and Lot 1. The Applicant will need to record a cross access easement that would permit this connection to remain.
15. The Building Envelopes for the proposed Lots should begin at the edge of the "area reserved for road widening purposes," not the property line.
16. The applicant shall submit payment of the recreation fee in the amount of ten-thousand dollars (\$10,000) for each new building lot, for a total of \$20,000 as stated in Section 275-27 of the Town Code.
17. All submitted architectural plans should contain the seal and signature of the professional preparing the plans.
18. The Applicant is effectively combining a proposed subdivision and two separate site plan approvals. The presentation of documents and labeling of plans is very confusing. The Applicant should clearly label all plans associated with the subdivision and label plans associated with each site development plan (by lot). In addition, administratively, the Applicant should coordinate with the Planning Department to separate this project into three distinct applications – subdivision, Lot 1 site plan and Lot 2 site plan. Future submissions should be submitted separately according to respective application.

Section 275-27 of the Town Code:

Land reserved for road widening purposes may not be counted in satisfying yard or area requirements of Chapter 355, Zoning.