

STAFF REPORT - TOWN OF NORTH CASTLE PLANNING DEPARTMENT

September 23, 2021



APPLICATION NUMBER - NAME
 #2021-030 – 50 E. Middle Patent Subdivision -
 Lot 1, Site Plan and Tree Removal Permit
 Applications

SBL
 103.01-1-18

MEETING DATE
 September 27, 2021

PROPERTY ADDRESS/LOCATION
 50 E. Middle Patent Road

BRIEF SUMMARY OF REQUEST

Application for a new dwelling, detached garage and pool on Lot 1 of the 50 E. Middle Patent Road Subdivision [2021-028].



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)	Vacant Lot	Residential	House, detached garage and pool	5.28 acres (net)

PROPERTY HISTORY

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

1. The Applicant should be directed to address all outstanding staff and consultant’s comments.

Procedural Comments

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 scenic road application and site plan will need to be scheduled.

General Comments

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.

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.
2. The Applicant is proposing to construct a new home on Lot 1 at this time. However, the Lot 1 contains an existing tennis court.
 3. The development of this lot will necessitate the removal of Town-regulated trees, as depicted on the submitted site plan. The tree removal plan should be updated with a tree removal inventory so the Planning Board can quantify the proposed amount and type of tree removal.
 4. Pursuant to Section 308-13.A(11) of the Town Code, the Applicant should prepare a tree removal mitigation plan detailing the replacement trees proposed to mitigate impacts from the proposed tree removal.
 5. The Applicant should submit a proposed landscape plan for review.
 6. The site plan should be revised to depict the proposed location of any mechanical equipment for the house and pool.
 7. The site plan should be revised to depict a pool enclosure fence and detail for review.
 8. 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) for both the house and detached garage.
 9. The submitted site plan 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.
 10. All submitted architectural plans should contain the seal and signature of the professional preparing the plans.

Staff Notes

The Planning Board previously stated that the proposed new house location is compatible with the surrounding neighborhood.

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.

The Planning Board will need to determine whether the proposed amount of Town-regulated tree removal is acceptable.