



**STAFF REPORT - TOWN OF NORTH CASTLE PLANNING DEPARTMENT**

April 29, 2022

APPLICATION NUMBER - NAME  
#2021-044 – 35 Edgar Road  
Site Development Plan, Wetlands Permit and Tree Removal Permit Approvals

SBL  
109.01-1-15

MEETING DATE  
May 9, 2022

PROPERTY ADDRESS/LOCATION  
35 Edgar Road

**BRIEF SUMMARY OF REQUEST**

RPRC referral to the Planning Board and Conservation Board for the construction of a new pool and an associated patio and cabana



PENDING ACTION:       Plan Review       Town Board Referral       Preliminary Discussion

EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING & LAND USE	SITE IMPROVEMENTS	SIZE OF PROPERTY
R-2A Zoning District	Single-family home	Residential	Pool and pool house	0.6 acres

**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 & PLANNING BOARD POLICY DECISIONS**

1. The Planning Board should direct the Applicant to address the comments contained in this memo and resubmit to the Planning Board for further discussion.

<u>Procedural Comments</u>	<u>Staff Notes</u>
<ol style="list-style-type: none"> <li>1. The Proposed Action would be classified as a Type II Action pursuant to the State Environmental Quality Review Act (SEQRA).</li> <li>2. A public hearing regarding the wetlands permit and site plan will need to be scheduled.</li> <li>3. 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.</li> <li>4. 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.</li> </ol>	<p>(11) construction or expansion of a single-family, a two-family or a three-family residence on an approved lot including provision of necessary utility connections...</p>
<p><u>General Comments</u></p> <ol style="list-style-type: none"> <li>1. This project was reviewed by the RPRC and sent to the Planning Board &amp; Conservation Board for review.</li> <li>2. The proposed pool, patio and pool house are located in a Town-regulated wetland buffer. The Planning Board and Conservation Board will need to determine whether the pool complex should be permitted in the wetland buffer.  Section 340-8.C of the Town Code states the following:  Consideration of relationship of activity to wetland site. The approving agency shall give consideration to the necessity for a proposed activity to have a water or wetland location in order to function and that will have as little impact as possible upon the wetland buffer. In general, permission will not be granted for dredging or ditching solely for the purpose of draining wetlands, controlling mosquitoes, lagooning, creating ponds or stormwater detention basins, constructing residences or commercial buildings, providing spoil and dump sites, or building roadways that may be located elsewhere. The regulated activity must, to the extent feasible, be confined to the portion of a lot outside of a wetland and wetland buffer. All reasonable measures must be taken to minimize impact upon the wetland and wetland buffer.</li> <li>3. The site plan depicts 2,143 square feet of Town-regulated wetland buffer disturbance. The Applicant has submitted a 4,432 square foot mitigation plan for consideration.</li> <li>4. The proposed pool complex is 6.6 feet from the property line and does not meet the minimum required side yard setback of 30 feet.</li> <li>5. The submitted zoning conformance chart indicates that the cabana requires a 15 foot side yard setback. It is noted that pools and appurtenances require the full 30 foot setback.</li> <li>6. The gross land coverage information on plan ZSP should be provided.</li> <li>7. The proposed development results in gross land coverage that exceeds the maximum permitted by the Town Code by 152 square feet.</li> </ol>	<p>The Planning Board should review this area during their site walk and determine whether the proposed construction should be permitted in this area.</p> <p>The Applicant should give consideration to limiting the proposed disturbance in the Town-regulated wetland by the maximum extent practicable.</p> <p>The proposed pool complex requires that a variance be issued by the Zoning Board of Appeals.</p> <p>The Applicant will need to obtain a gross land coverage variance from the Zoning Board of Appeals. Given the environmental constraints of this lot, the Planning Board should give consideration to providing a negative recommendation to the ZBA.</p>

8. The Applicant should provide a gross floor area calculations worksheet and backup data that evaluates existing and proposed conditions for review.
9. The site plan depicts the removal of 1 Town-regulated tree.
10. The applicant shall illustrate the NYSDEC wetland boundary and regulated 100-foot buffer on the plan.
11. The submitted pool house elevations should be revised to depict Building Height (average grade to roof midpoint). The building height should not exceed 15 feet in height.