



STAFF REPORT - TOWN OF NORTH CASTLE PLANNING DEPARTMENT

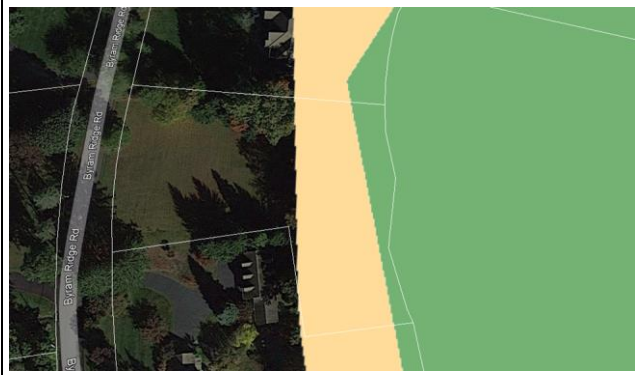
February 15, 2022

APPLICATION NUMBER - NAME #2022-004 – Byram Ridge Road Site Development Plan, Wetlands Permit and Tree Removal Permit Approvals	SBL 101.01-2-65
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MEETING DATE February 28, 2022	PROPERTY ADDRESS/LOCATION Byram Ridge Road
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BRIEF SUMMARY OF REQUEST

Site plan approval of a new 4 bedroom single family on a vacant 1.003 acre lot. A Town-regulated wetland is located at the rear of the property & a NYSDEC Wetland (lake) is also located at the rear of the property. Site work is proposed to include a rear deck with swimming pool, new driveway and a covered entrance.



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 Zoning District	Vacant Land	Residential	New House Construction	1 acre

PROPERTY HISTORY

1989 –Planning Board modified lot line.

1996 – Planning Board further modified lot line.

- 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.

<p><u>Procedural Comments</u></p> <ol style="list-style-type: none"> 1. The Proposed Action would be classified as a Type II Action pursuant to the State Environmental Quality Review Act (SEQRA). 2. A public hearing regarding the wetlands permit and site plan will need to be scheduled. 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. 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. 	<p><u>Staff Notes</u></p> <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"> 1. This project was reviewed by the RPRC and sent to the Planning Board & Conservation Board for review. Based upon the RPRC feedback, the plans have been revised to: <ul style="list-style-type: none"> • shift house 8' further away from the wetland, toward the front yard and street. The point of nearest distance from proposed disturbance to the wetland has increased from 1' to 17'. • shift disturbance to be located outside the FEMA Zone A to the rear of the property. • eliminate the pool cabana. • reduce house footprint size from 3,102 SF to 2,920 SF. The gross floor area of the house has been reduced from 5,980 SF to 5,684 SF. • reduced size of deck, pool and walkway to reduce gross land coverage from 7,615 SF to 6,218 SF. • increased size of driveway back-up apron at the garage entry. 2. The proposed house, pool and deck are located in a Town-regulated wetland buffer. While it appears necessary to permit the house and driveway in the Town-regulated buffer, the Planning Board and Conservation Board will need to determine whether the deck and pool should also be permitted in the wetland buffer in such close proximity to the wetland (17 feet). Typically, the Planning Board would not approve a recreation feature entirely in the buffer and located in such close proximity to a wetland. <p>Section 340-8.C of the Town Code states the following:</p> <p>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.</p> 3. The site plan depicts 5,224 square feet of Town-regulated wetland buffer disturbance. It is noted that the Applicant has not yet identified the proposed method of wetland buffer mitigation. 	<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>

4. The site plan should be revised to demonstrate how the NYSDEC and Town-regulated wetland would be protected. It is recommended that a physical demarcation of the maintained lawn area/activity area and the protected wetland and wetland buffer be proposed.
5. The site plan notes that four trees within the wetland buffer are proposed to be removed. The Applicant has not submitted a landscaping/mitigation plan for review.
6. The submitted house elevations should be revised to depict Building Height (average grade to roof midpoint) as well as Maximum Exterior Wall Height (lowest elevation to roof midpoint). The building height should not exceed 30 feet in height.

The Planning Board should review this area during their site walk and determine whether additional planting is warranted.