



APPLICATION NUMBER - NAME  
 #2022-007 – 84 Round Hill Road – Wetlands  
 Permit

SBL  
 102.03-1-39

MEETING DATE  
 November 14, 2022

PROPERTY ADDRESS/LOCATION  
 84 Round Hill Road

**BRIEF SUMMARY OF REQUEST**

The Applicant has disturbed the Town-regulated wetland buffer without a permit. In addition, the Applicant is seeking to legalize construction of retaining walls in the front yard, a new fence, driveway extension and pergola.

The RPRC determined that given the environmental constraints of the property and the amount of disturbance, a detailed review by the Planning Board and Conservation Board is warranted.

It is also noted that the RPRC on April 20, 2021 approved the requested pergola, fence, patio and driveway.



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 One-Family Residence District (2 acre)	Residential Lot	Residential	Disturbance	2.28 acres

**PROPERTY HISTORY**

2021 – Permit for Pergola/Fence/Patio/Driveway  
 2020- Permit for generator  
 2019 – Permit for House

**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. It is recommended that the Planning Board and Conservation Board review the required wetlands permit.

<p><u>Procedural Comments</u></p> <ol style="list-style-type: none"> <li>1. The Proposed Action would be classified as an Unlisted Action pursuant to the State Environmental Quality Review Act (SEQRA).</li> <li>2. A public hearing regarding the proposed wetlands permit 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> </ol>	<p><u>Staff Notes</u></p> <p>The Conservation Board recommended approval of the wetlands permit and mitigation plan in an October 20, 2022 letter to the Planning Board.</p>
<p><u>General Comments</u></p> <ol style="list-style-type: none"> <li>1. The Applicant received a NYSDEC Notice of Violation for disturbing a NYS wetland without a permit. The Applicant has received approval from NYS for a wetland permit and mitigation plan. The Applicant has proposed to mitigate twice the area of original disturbance.</li> </ol> <p>However, an existing naturalized 100-foot deep wetland buffer has been cleared and converted to grass.</p> <ol style="list-style-type: none"> <li>2. The Conservation Board recommends approval of the requested wetlands permit and mitigation plan. However, the Conservation Board recommends that page 2 of the plan be omitted and that a note stating that “the Town of North Castle Wetland Permit Approval supersedes NYSDEC Approval, as long as the approval does not conflict with NYSDEC. The Town of North Castle reserves the right to enforce local laws regarding maintenance, installation, and bonding of the wetland mitigation plan.” In addition, the Conservation Board recommends that the Applicant be subject to a long-term monitoring plan.</li> <li>3. The site plan depicts 9,849square feet of Town-regulated wetland buffer disturbance. The Applicant has submitted a 21,551 square foot mitigation plan for consideration.</li> <li>4. The Applicant should depict and quantify any Town-regulated tree removal on the property.</li> </ol> <p>It appears that trees have been removed from the Town-regulated wetland buffer.</p>	