

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

March 16, 2022



APPLICATION NUMBER - NAME  
#2022-007 – 84 Round Hill Road - RPRC Appeal

SBL  
102.03-1-39

MEETING DATE  
March 28, 2022

PROPERTY ADDRESS/LOCATION  
84 Round Hill Road

**BRIEF SUMMARY OF REQUEST**

**Owner requested appeal of RPRC decision requiring Planning Board and Conservation Board review of State and Local wetland buffer disturbance at the subject property.**

**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.**



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	COMPATIBILITY with the COMPREHENSIVE PLAN
2021 – Permit for Pergola/Fence/Patio/Driveway 2020- Permit for generator 2019 – Permit for House	<ul style="list-style-type: none"> <li>• Continue to take neighborhood context into account in approving new single-family homes.</li> <li>• 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.</li> <li>• Continue strong protection of tree cover through the tree removal permitting process.</li> <li>• 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.</li> <li>• Maintain the quality-of-life created by physical and natural attributes, by structuring development that promotes sound conservation measures.</li> <li>• The Town should encourage residential development that is compatible in scale, density, and character with its neighborhood and natural environment.</li> </ul>

**STAFF RECOMMENDATIONS**

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

Procedural Comments

1. Pursuant to Section 12-23 of the Town Code, any person aggrieved by an action of the RPRC may take an appeal, in writing, therefrom to the Planning Board of the Town of North Castle within 30 days of an RPRC decision. The Planning Board, after proceeding in the same manner as is provided for other applications before it and with the same power and authority now vested in it under the provisions of law, may affirm, modify or reverse an appealed action of the RPRC.

General Comments

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.

However, an existing naturalized 100-foot deep wetland buffer has been cleared and converted to grass.

Given that this is a legalization and the Planning Board is not aware of previous site conditions (prior to the illegal work), the Planning Board should determine whether the permit should be reviewed by the Planning Board and Conservation Board and whether a more significant mitigation plan should be implemented.

2. Additional retaining walls beyond what is depicted on the plan have been installed within the front yard without prior approval. The plan shall be revised to include the location of the constructed retaining walls based upon an As-Built Survey. If found to be installed within the Town right-of-way, the walls must be removed and relocated. The plan shall be updated accordingly.
3. The site detail sheet illustrates a patio section that is unlabeled. If not required, this detail should be removed from the plan.
4. The Landscaping Plan shall be revised to coordinate with the Site Civil Plans.

Staff Notes

The Planning Board will need to determine whether it would be appropriate to affirm, modify or reverse the RPRC decision.