

STAFF REPORT - TOWN OF NORTH CASTLE PLANNING DEPARTMENT

June 1, 2022



APPLICATION NUMBER - NAME
#2022-011 – 47 Windmill Road

SBL
102.03-1-1

MEETING DATE
June 13, 2022

PROPERTY ADDRESS/LOCATION
47 Windmill Road

BRIEF SUMMARY OF REQUEST

House addition, retaining walls in excess of 6 feet in height, a driveway courtyard in the front yard and a second curbcut.



PENDING ACTION: Plan Review Town Board Referral Preliminary Discussion

EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING & LAND USE	SITE IMPROVEMENTS	SIZE OF PROPERTY
R-1.5A One-Family Residence District (1.5 acre)	Residential Lot	Residential	Addition, driveway, retaining walls, and second curbcut	1.9 acres

PROPERTY HISTORY

1960 – Building Permit for house
1970 – CO issued for house addition

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.

<u>Procedural Comments</u>	<u>Staff Notes</u>
<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>(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>The Applicant will need to submit an application to the Conservation Board.</p> <p>The Applicant will need to submit an application to the ARB.</p>
<p><u>General Comments</u></p> <ol style="list-style-type: none"> 1. The site plan depicts the construction of retaining walls in excess of 6 feet in height. All walls in excess of 6 feet in height require approval of the Planning Board pursuant to Section 355-15.G of the Town Code. <p>Based upon the site walk, in addition to the visual impacts of the walls as viewed from Long Pond Park, it was apparent that the proposed retaining walls required for the proposed addition and driveway would have a significant negative impact upon 45 Windmill Drive. The Applicant has revised the plan to rotate the addition which results in a single 9.5 foot retaining wall as compared to the previously proposed 7 foot retaining wall and second 7 foot retaining wall in this area.</p> <p>While the proposed modified plan reduces impacts, the Applicant and the Planning Board should give consideration to further modifying the plan to eliminate impacts to the adjacent steep slope and limit the area of disturbance to the top of the existing slope. This will require a reconfigured and smaller house addition.</p> <ol style="list-style-type: none"> 2. The site plan should be revised to depict and quantify Town-regulated steep slope disturbance. 3. The site plan depicts 12,191 square feet of Town-regulated wetland buffer disturbance. The Planning Board and Conservation Board will need to determine whether the proposed amount of disturbance is appropriate. 4. If the wetlands disturbance is deemed appropriate, the Applicant will need to prepare a mitigation plan that is twice the area of proposed Town-regulated wetland buffer disturbance (24,382 square feet). A significant amount of disturbance can be eliminated if the proposed motorcourt is removed from the plan. 	<p>The proposed site plan creates significant visual impacts, wetland buffer impacts and steep slope impacts. It appears that disturbances can be significantly reduced if the project is revised to take proposed impacts into further consideration. Specifically, the plan could be revised to eliminate the motorcourt and second curbcut, the addition can be reconfigured to minimize steep slope disturbance and wetland buffer and visual impacts can be reduced by relocating the proposed rear retaining walls further from Long Pond.</p> <p>Pursuant to Section 355-18.B of the Town Code, the Planning Board shall not grant the necessary permit or approval if there is another alternative which, in the sole opinion of the approval authority, is reasonable and practical and would help to preserve the steep slope, hilltop or ridgeline.</p> <p>In this case, a smaller and reconfigured house addition that does not impact the adjacent steep slope appears to be a reasonable and practical way to eliminate steep slope disturbance and visual impacts.</p>

<p>5. The site plan has been revised to reduce the size of the proposed motorcourt and add a second curbcut. However, the proposed modified plan still depicts a driveway courtyard that does not meet the minimum front yard setback required pursuant to Section 355-59.F of the Town Code. In addition, a small portion of the courtyard is located in a Town-regulated wetland buffer. Driveway courtyards are not permitted within wetlands or wetland buffers. Furthermore, the proposed second curbcut is located entirely in a Town-regulated wetland buffer. Second curbcuts are not permitted within wetlands or wetland buffers.</p> <p>6. The site plan depicts the removal of 18 Town-regulated trees. It is recommended that a tree removal mitigation plan/landscape plan be provided to the Planning Board for review.</p> <p>7. The Applicant should submit an updated Gross Land Coverage Calculations Worksheet and backup data. The previously submitted Gross Land Coverage Calculations Worksheet was not correct. The maximum permitted amount of GLC on a 1.86 acre lot is 9,821 square feet. The proposed GLC of 12,418 for the previously submitted plan, exceeded the maximum permitted amount of GLC and a variance from the Zoning Board of Appeals would have been required.</p> <p>8. The Applicant should submit updated elevations and should depict Building Height (average grade to weighted roof midpoint) and Maximum Exterior Wall Height (lowest grade to weighted roof midpoint).</p> <p>9. The property is located in a floodplain. A floodplain development permit will be required from the Building Department.</p> <p>10. The Applicant will need to demonstrate that the Westchester County Health Department has approved the use of the existing septic system with the proposed house modifications.</p>	<p>The proposed location appears inappropriate and would create a significant negative visual impact as viewed from Windmill Road. It is recommended that the Planning Board consider providing a negative recommendation to the Zoning Board of Appeals.</p> <p>Given that a portion of the new GLC is located in a Town-regulated wetland buffer, it is recommended that the Planning Board consider providing a negative recommendation to the Zoning Board of Appeals.</p>
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