

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

February 16, 2023



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

SBL  
102.03-1-1

MEETING DATE  
February 27, 2023

PROPERTY ADDRESS/LOCATION  
47 Windmill Road

**BRIEF SUMMARY OF REQUEST**

House addition and retaining walls in excess of 6 feet in height, portions of which are located in a Town-regulated wetland buffer.



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	COMPATIBILITY with the COMPREHENSIVE PLAN
1960 – Building Permit for house  1970 – CO issued for house addition	<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.

<p><u>Procedural Comments</u></p> <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><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>The Planning Board stated that a public hearing should be conducted after the Conservation Board and ARB have completed their review.</p> <p>The Conservation Board in a January 26, 2023 memo to the Planning Board recommended approval of the requested wetlands permit</p> <p>The Applicant received ARB approval at the January 18, 2023 meeting.</p>
<p><u>General Comments</u></p> <ol style="list-style-type: none"> <li>1. The Planning Board at the July 11, 2022 meeting determined that the Application appeared to be satisfactory and directed the Applicant to the ARB and Conservation Board for review. The Board noted that a public hearing should be scheduled after CB and ARB review.</li> <li>2. 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.  The Applicant has revised the plan to eliminate a proposed garage bay, which reduces Town-regulated steep slope disturbance.</li> <li>3. The site plan depicts 4,356 square feet of Town-regulated steep slope disturbance. The Planning Board will need to determine whether the proposed amount of Town-regulated steep slope disturbance is acceptable.</li> <li>4. The site plan depicts 1969 square feet of new Town-regulated wetland buffer disturbance. The Applicant has prepared a 4,390 square foot mitigation plan. Conservation Board has recommended approval of the requested wetlands permit.</li> <li>5. The site plan depicts the removal of 20 Town-regulated trees. The mitigation plan includes the planting of a total of 17 new deciduous and evergreen trees.</li> <li>6. The Applicant should submit Gross Land Coverage and Gross Floor Area backup data exhibits for review.</li> <li>7. 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).</li> <li>8. The property is located in a floodplain. A floodplain development permit will be required from the Building Department.</li> <li>9. 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.</li> </ol>	