

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

March 18, 2022



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

SBL  
102.03-1-1

MEETING DATE  
March 28, 2022

PROPERTY ADDRESS/LOCATION  
47 Windmill Road

**BRIEF SUMMARY OF REQUEST**

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



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	Retaining walls & Motorcourt	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.

Procedural Comments

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.

General Comments

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.
2. 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.
3. 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.
4. The proposed addition does not meet the minimum required front yard setback. A variance from the Zoning Board of Appeals is required.
5. The proposed driveway courtyard does not meet the minimum front yard setback required pursuant to Section 355-59.F of the Town Code. In addition, a portion of the courtyard is located in a Town-regulated wetland buffer. Driveway courtyards are not permitted within wetlands or wetland buffers.



Staff Notes

(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...

The site plan depicts dry laid stone walls. The Planning Board should determine whether the design of the stone walls is acceptable as viewed from Long Pond Park.

It is recommended that consideration be given to reducing the height of the walls and constructing multi-tiered walls with planting in between. If this option is preferred, wetlands buffer disturbance should not be increased.

It is recommended that the mitigation plan incorporate a physical demarcation (stones, fence, etc.) at the edge of the undisturbed portion of the Town-regulated wetland buffer.

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.

6. Plan 2 of 6 should quantify proposed Town-regulated tree removal. It is recommended that a tree removal mitigation plan/landscape plan be provided to the Planning Board for review.
7. The submitted Gross Land Coverage Calculations Worksheet is 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 exceeds the maximum permitted amount of GLC. The worksheet should be corrected. A GLC variance from the Zoning Board of Appeals would be required.
8. The submitted elevations should be revised to depict Building Height (average grade to weighted roof midpoint) and Maximum Exterior Wall Height (lowest grade to weighted roof midpoint).
9. The property is located in a floodplain. A floodplain development permit will be required from the Building Department.
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.

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.