

STAFF REPORT - TOWN OF NORTH CASTLE PLANNING DEPARTMENT

June 29, 2022



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

SBL
102.03-1-1

MEETING DATE
July 11, 2022

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

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.

<p><u>Procedural Comments</u></p> <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><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 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>The Applicant has revised the plan to eliminate a proposed garage bay, which reduces Town-regulated steep slopes to an extent.</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 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. 3. The site plan depicts 10,204 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 (20,480 square feet). 5. The site plan depicts the removal of 20 Town-regulated trees. It is recommended that a tree removal mitigation plan/landscape plan be provided to the Planning Board for review. 6. The Applicant should submit Gross Land Coverage and Gross Floor Area backup data exhibits for review. 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). 	<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>

8. The property is located in a floodplain. A floodplain development permit will be required from the Building Department.
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.
10. The Planning Board at the June 13, 2022 meeting directed the Applicant to submit screening/landscape plan. The requested plan should be submitted for review.
11. The Planning Board at the June 13, 2022 meeting suggested that the Applicant revise the site plan to reduce size of rear yard in an effort to reduce the height of retaining walls in rear.