



STAFF REPORT - TOWN OF NORTH CASTLE PLANNING DEPARTMENT

August 8, 2022

APPLICATION NUMBER - NAME
#2022-022 – 33 Woodland Road
Site Plan, Tree Removal Permit and Wetlands
Permit Approvals

SBL
95.04-1-3

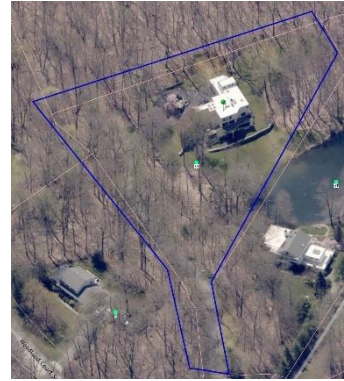
MEETING DATE
September 12, 2022

PROPERTY ADDRESS/LOCATION
33 Woodland Road

BRIEF SUMMARY OF REQUEST

Construction of a swimming pool, retaining walls, patio, steps and related items within a buffer of a regulated inland wetland.

This project was referred for Planning Board site plan approval by the RPRC.



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)	Existing Single-family home	Residential	Pool and Patio	2.169 acres

PROPERTY HISTORY

Existing Single Family Home – CO issued
6/14/92

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 & PLANNING BOARD POLICY DECISIONS

1. The Planning Board will need to determine whether it would be appropriate to permit a pool entirely within the Town-regulated wetland buffer.
2. The Planning Board will need to determine whether the project is compatible with the Comprehensive Plan.

<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 proposed wetland permit 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. 	
<p><u>General Comments</u></p> <ol style="list-style-type: none"> 1. The site plan depicts Town-regulated wetland buffer disturbance for the construction of a proposed pool and patio. The site plan depicts 10,255 square feet of Town-regulated wetland buffer disturbance. A 20,800 square foot mitigation has been submitted for review. <p>Section 340-8.C of the Town Code states the following:</p> <p>Consideration of relationship of activity to wetland site. The approving agency shall give consideration to the necessity for a proposed activity to have a water or wetland location in order to function and that will have as little impact as possible upon the wetland buffer. In general, permission will not be granted for dredging or ditching solely for the purpose of draining wetlands, controlling mosquitoes, lagooning, creating ponds or stormwater detention basins, constructing residences or commercial buildings, providing spoil and dump sites, or building roadways that may be located elsewhere. The regulated activity must, to the extent feasible, be confined to the portion of a lot outside of a wetland and wetland buffer. All reasonable measures must be taken to minimize impact upon the wetland and wetland buffer.</p> <ol style="list-style-type: none"> 2. The site plan depicts the removal of 6 Town-regulated trees. The trees are also located within the Town-regulated wetland and wetland buffer. 3. It is recommended that the site plan depict a physical demarcation between naturalized areas and maintained lawn area. 4. It is noted that the pool is located in the front yard (between front lot line and house). Pursuant to Section 355-15.L of the Town Code, swimming pools, if located in the front yard shall be set back at least three times the distance required for a principal building. The proposed pool is approximately 390 feet from the front yard and meets the setback requirement. However, Section 355-15.L also requires that a lot be three times the minimum lot size for a pool to be located in the front yard. This lot does not meet the minimum 6 acre lot size requirement for a pool to be located in the front yard. The Applicant will need to obtain a variance from the Zoning Board of Appeals. 	<p><u>Staff Notes</u></p> <p>Typically, the Planning Board would not approve a recreation feature entirely in the buffer and located in such close proximity to a wetland.</p> <p>The Applicant may wish to consider submitting a wetland functional analysis to the Planning Board for review.</p> <p>The Planning Board will need to determine whether the proposed buffer disturbance is acceptable.</p>