



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

August 5, 2022

APPLICATION NUMBER - NAME  
 #2022-038 – 49 Sarles Street  
 Amended Subdivision Clearing and Grading Limit Line

SBL  
 94.03-1-7

MEETING DATE  
 September 12, 2022

PROPERTY ADDRESS/LOCATION  
 49 Sarles Street

**BRIEF SUMMARY OF REQUEST**

The Applicant is seeking approval to amend the previously approved C&GLL Line depicted on the Hammond Ridge subdivision plat to construct a new in-ground pool and appurtenances as well as permission to legalize a retaining wall and fence within the conservation easement. The plat contains a note stating that “The location of all residences and driveways and the extent of wetland or wetland buffer encroachment for each lot shall substantially conform to that shown on the subdivision plat and any related drawings. Any substantial modification, as determined by the Town Engineer, not consistent with such drawings shall require wetland permit or site plan approval, as appropriate, from the Planning Board.” Based upon the Town Engineer’s review, the Applicant is required to seek amended approval from the Planning Board.



PENDING ACTION:             Plan Review             Town Board Referral             Preliminary Discussion

| EXISTING ZONING      | EXISTING LAND USE         | SURROUNDING ZONING & LAND USE | SITE IMPROVEMENTS | SIZE OF PROPERTY |
|----------------------|---------------------------|-------------------------------|-------------------|------------------|
| R-1A Zoning District | Single Family Residential | Residential                   | Amended C&GLL     | 6.49 acres       |

**PROPERTY HISTORY**

2006 – House CO issued by Building Department

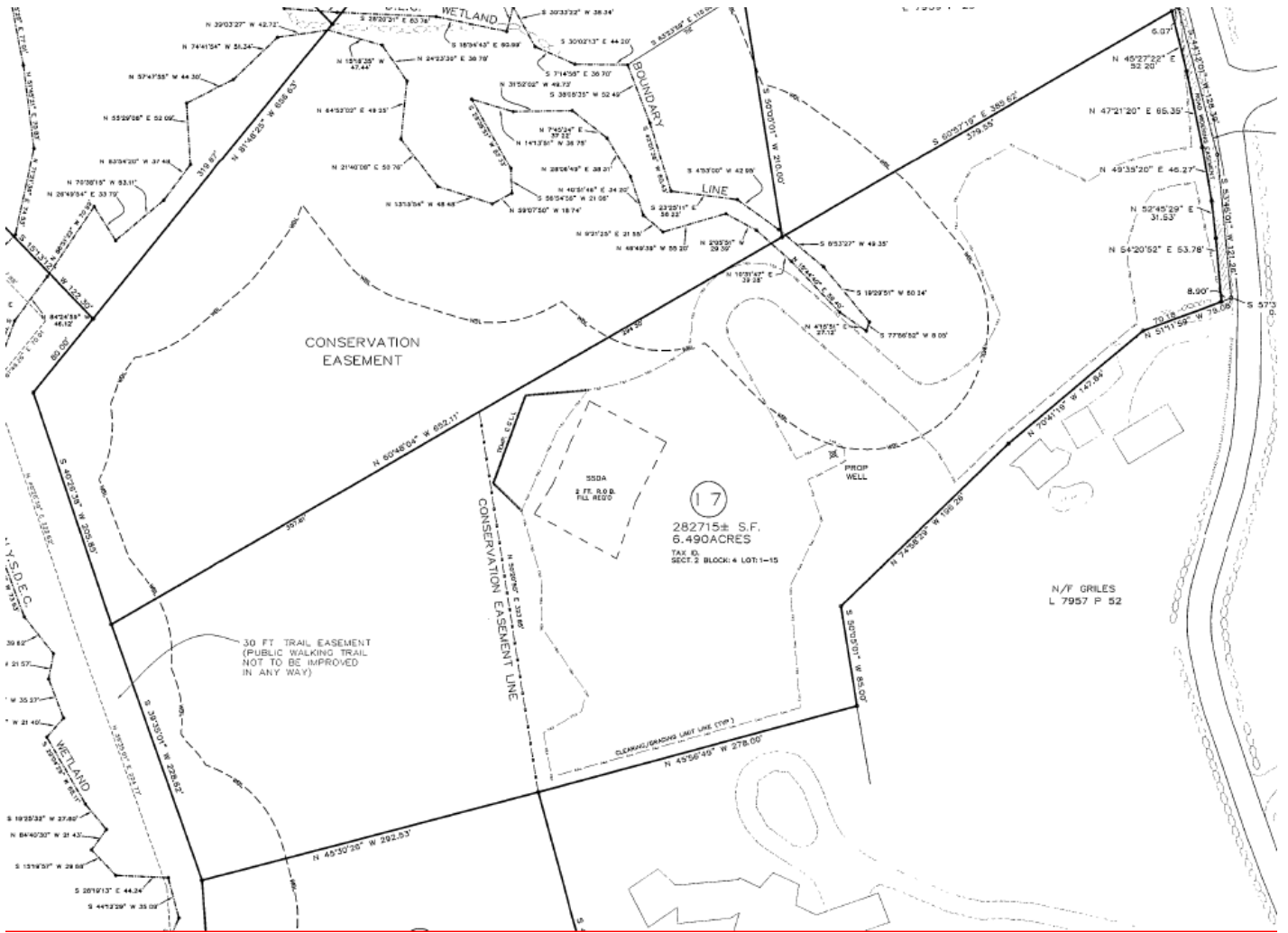
**COMPATIBILITY with the COMPREHENSIVE PLAN**

- 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 the Clearing and Grading Limit Line of the Hammond Ridge subdivision should be amended as proposed by the Applicant.

| <u>Procedural Comments</u>   | <u>Staff Notes</u>   |
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| <p>1. The Proposed Action would be classified as a Type II Action pursuant to the State Environmental Quality Review Act (SEQRA).</p> <p>2. A neighbor notification meeting regarding the proposed amendment will need to be scheduled.</p>  | <p>Construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds or other buildings not changing land use or density.</p>  |
| <p><u>General Comments</u></p> <p>1. The Application for the proposed pool was reviewed by the RPRC and sent to the Building Department on December 7, 2021. One of the RPRC conditions was to depict the Hammond Ridge subdivision Clearing and Grading Limit Line (C&amp;GLL) on the Plans. Once the C&amp;GLL was depicted on the plan, it was determined that the proposed stormwater system, an existing retaining wall and fence located outside of the C&amp;GLL.</p> <p>The Applicant is requesting revisions to the previously established C&amp;GLL depicted on the Hammond Ridge subdivision plat map to accommodate the above referenced elements.</p> <p>2. The existing retaining wall and portions of the chain link fence are located within a conservation easement.</p> <p>The Conservation Easement prohibits the construction of any structure (wall), removal of trees and the regrading of land. It appears that the disturbance within the Conservation Easement is prohibited.</p> <p>The Town Attorney should discuss whether the Town has the ability to approve the construction within the conservation easement and whether any mitigation should be provided by the Applicant if the disturbances/structures are permitted to remain.</p> <p>3. The proposed C&amp;GLL should be revised to be co-terminus with the existing retaining wall at the rear of the house.</p> <p>4. The Applicant is not proposing the removal of any trees.</p> <p>5. The Applicant is not proposing a screening plan. The Planning Board should determine whether additional screening is required.</p> <p>6. The Applicant shall submit a gross land coverage calculations worksheet and backup exhibit for review.</p> | <p>The Planning Board will need to determine whether the Clearing and Grading Limit Line of the Hammond Ridge subdivision should be amended as proposed by the Applicant.</p> <p>The Town Attorney will need to determine whether the retaining wall and chain link fence would be permitted within the Conservation Easement.</p> |



Portion of Hammond Ridge Subdivision Plat depicting subject lot.