



STAFF REPORT - TOWN OF NORTH CASTLE PLANNING DEPARTMENT

October 31, 2023

APPLICATION NUMBER - NAME
#2023-023 – 11 Whipoorwill Lane
Site Plan, Steep Slope and Tree Removal
Permit Approvals

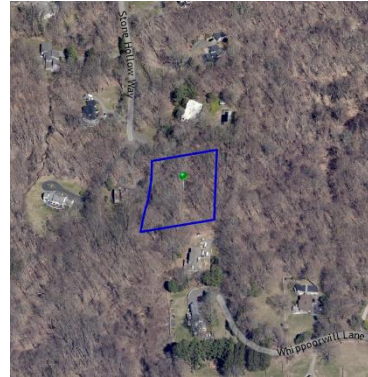
SBL
107.04-1-5

MEETING DATE
November 13, 2023

PROPERTY ADDRESS/LOCATION
11 Whipoorwill Lane

BRIEF SUMMARY OF REQUEST

Proposed new 7,385 square foot home on an existing vacant lot.



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 acres)	Existing Vacant Lot	Residential	House, driveway and yard areas.	1.28 acres

PROPERTY HISTORY

Existing Vacant Lot

2020- RPRC sent new house construction to the Building Department.

June 2023 – RPRC sent new home request to Planning Board.

June 2023 – Planning Board remanded application back to RPRC.

July 2023- RPRC sent new home request back to Planning Board based upon information submitted by adjacent homeowners.

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. The Applicant should be directed to address all outstanding staff and consultant’s comments.

Procedural Comments

1. The Proposed Action would be classified as a Type II Action pursuant to the State Environmental Quality Review Act (SEQRA).
2. Pursuant to Section 12-18(1) 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.
3. The site plan should be forwarded to the Chief of Police, Fire Inspector and the Armonk Fire Chief so that they may make any pertinent recommendations to the Planning Board including, but not limited to, the designation of no-parking zones, emergency vehicle access or any other issued deemed important to providing emergency services.
4. A neighbor notification meeting regarding the proposed site plan will need to be scheduled.
5. The project should be referred to the Water Department for review and comment.

General Comments

1. The Planning Board engaged Special Counsel to address the legal issues regarding development of the vacant lot. [Special Counsel prepared a report](#) that concluded the following:
 - The Lot has frontage on a street on a filed map, and the requirements of Town Law Section 280-a are satisfied, provided the Planning Board finds the Stone Hollow Strip to be suitably improved.
 - The Lot has a right of access over the Stone Hollow Strip and the right to improve same to provide such access by virtue of the Lot being shown on a filed plat fronting on the mapped street which includes the Stone Hollow Strip.
 - It is clear that the Lot has a right of access over Whippoorwill Lane to the Stone Hollow Strip.
2. Pursuant to Section 355-14.G of the Town Code, no building permit shall be issued for any structure unless the lot upon which that structure is to be built has at least the amount of frontage required in the district in which the lot is located on a street which has been suitably improved to Town road or private road standards, or a bond posted therefor, all in accordance with the provisions of § 280-a of the Town Law.
3. The site plan depicts the removal of approximately 30 Town-regulated trees. The Applicant shall prepare a landscaping plan for review. Trees removed from the landscape buffer zone adjacent to property lines should be replaced with new native trees.
4. The Applicant should provide a gross floor area backup exhibit for review.

Staff Notes

Whippoorwill Lane does not appear to meet the minimum road standards. In particular, Whippoorwill Lane appears to be too narrow and does not contain a vehicle turn around at the road terminus.

The Town Engineer and Emergency Service Providers will need to look into whether improvements will be required to Whippoorwill Lane prior to the issuance of approvals.

Whippoorwill Lane does not have fire hydrants and the existing water main is located at the rear of the property. The Planning Board and Town Engineer should discuss whether the water main should be extended to the street so that fire protection can be provided.

5. The Applicant should specifically address whether rock will need to be removed in order to develop the site. If so, chipping or blasting may impact surrounding properties. If blasting, the Applicant should provide a blasting plan for review pursuant to Article I of Chapter 122 of the Town Code. If Chipping is proposed, the Applicant should provide a chipping plan for review pursuant to Article II (recently adopted) of Chapter 122 of the Town Code.
6. It is recommended that the septic expansion area not be constructed at this time. If approved by the Health Department, several Town-regulated trees can remain.