

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

October 11, 2023



APPLICATION NUMBER - NAME  
#2023-037 – 21 Whipoorwill Road  
Subdivision Approval

SBL  
107.04-1-11

MEETING DATE  
October 23, 2023

PROPERTY ADDRESS/LOCATION  
21 Whipoorwill Road

**BRIEF SUMMARY OF REQUEST**

The property owner is seeking to subdivide Lot 1 of the Bruno Subdivision into two lots; one of which will be a 4.17 acre lot containing an existing house and the other a newly created 2.03 acre 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 acre)	Existing Single Family Lot	Residential	Subdivision with New Building Lot	6.07 acres

**PROPERTY HISTORY**

3/27/12 – 4 Lot Subdivision Proposed  
7/11/12 – Revised to 2 Lot Subdivision  
8/6/12 – 2 Lot Subdivision Approved

**COMPATIBILITY with the COMPREHENSIVE PLAN**

- 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 to protect areas of environmental sensitivity or historical significance.

**STAFF RECOMMENDATIONS**

1. The Applicant should be directed to address all outstanding staff and consultant’s comments.
2. The Planning Board will need to determine whether the project is compatible with the Comprehensive Plan.

Procedural Comments

1. The Proposed Action would be classified as an Unlisted Action pursuant to the State Environmental Quality Review Act (SEQRA).
2. A public hearing regarding the proposed subdivision will need to be scheduled.
3. Pursuant to Section 275-14.F of the Town Code, where parcels are 10 acres in area or greater or where such parcels are designated on the town's Open Space Inventory Map, or where activities are shown occurring in or adjacent to any controlled areas as defined in the Town Wetlands and Drainage Law, the Planning Board may refer a sketch plat to the Conservation Board for its review and comment.
4. Pursuant to Section 275-14.G of the Town Code, the Planning Board may refer a proposed subdivision to the Architectural Board of Review, which shall, within the powers of its mandate, review a proposed subdivision plan to identify scenic views, important natural features, significant land forms, potential for solar energy exposures and potential building sites.
5. The property is located within the New York City Department of Environmental Protection (NYCDEP) Kensico Watershed. The Applicant should solicit comments from the NYCDEP regarding whether the proposal complies with the NYCDEP Watershed regulations. In addition, the Applicant should indicate whether a Stormwater Pollution Prevention Plan (SPPP) would be required to be approved by the NYCDEP.
6. 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.
7. The site plan should be forwarded to the Sewer and Water Department so that they may make any pertinent recommendations to the Planning Board including, but not limited to, the ability to provide water for the proposed lot.

General Comments

1. The Applicant has submitted an Integrated Plot Plan (IPP) that depicts a potential house location, driveway and utilities. The IPP should be revised to depict a Clearing and Grading Limit Line and sight distance from a proposed driveway curbcut for proposed Lot 2.
2. Proposed Lot 2 contains a significant number of mature trees on the lot and within the regulated "landscape buffer zone" as defined in Chapter 308 of the Town Code. The submitted IPP depicts the removal of 9 Town-regulated trees. The plan should be revised to depict a Clearing and Grading Limit Line and depict the preservation of the trees along Whippoorwill Road.
3. The Applicant should submit a gross land coverage calculations worksheet and backup data for proposed Lot 1 for review.

Based upon the submitted information, it appears that that the proposed amount of gross land coverage would be in excess of the maximum permitted amount.

4. The Applicant should submit a gross floor area calculations worksheet and backup data for review.
5. The net and gross lot area on the Table of Land Use don't match the information on Plan C-020. The data should be corrected and coordinated.
6. The submitted plat should be revised to depict the areas previously approved for road widening purposes on the Bruno Subdivision plat map.

Staff Notes

The Planning Board should declare its intent to act as Lead Agency.

It is recommended that the IPP depict a Clearing and Grading Limit Line that will adequately protect existing trees on the lot and within the landscape buffer zone to the maximum extent practicable.

The proposed lot should be increased in size to accommodate the existing amount of gross land coverage or existing land coverage should be removed to comply with the Town Code.

Since this is a proposed subdivision, the Planning Board should not support a variance request that is associated with the creation of a new lot that does not comply with the Town Code.

7. The plat should be revised to demonstrate the average Lot Width and Lot Depth for all proposed lots.
8. Pursuant to Section 275-25.E(6) of the Town Code, the Planning Board may require that the subdivider reserve, clear, grade, pave and otherwise improve an area of such size and location as will provide a safe and suitable place for the use of children awaiting school buses.
9. The applicant will need to submit payment of the recreation fee in the amount of 10,000-thousand dollars (\$10,000) for each new building lot, for a total of \$10,000 as stated in Section 275-27 of the Town Code.
10. Pursuant to Section 275-30 of the Town Code, the preliminary plat shall be revised as follows:
  - The names of owners of record or properties adjoining and directly across the street from the proposed subdivision
  - Identification of the size and configuration of the buildable portion on each lot, including limits of clearing and grading.

