

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

December 14, 2023



APPLICATION NUMBER - NAME  
 #2023-047 – 8 Cole Dr Site Plan, Wetlands  
 Permit, Steep Slope Permit and Tree Removal  
 Permits

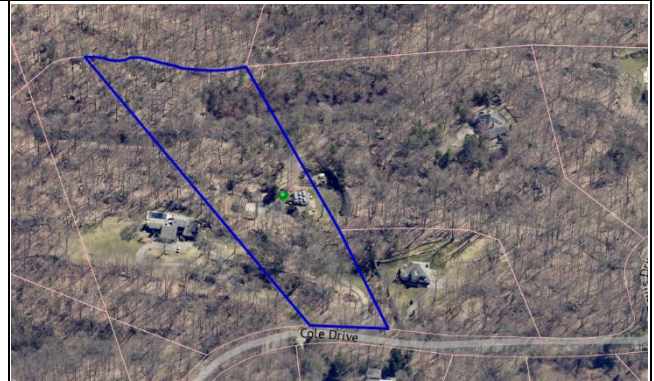
SBL  
 94.01-1-8

MEETING DATE  
 January 8, 2024

PROPERTY ADDRESS/LOCATION  
 8 Cole Drive

**BRIEF SUMMARY OF REQUEST**

The Applicant is proposing to fill in a Town-regulated wetland, create a new wetland, regrade an existing steep slope and remove Town-regulated trees.



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 Zoning District	Existing Single Family Lots	Residential	Filling in of Town-regulated wetland, steep slope disturbance and Town-regulated tree removal	8 Cole – 8.84 acres

**PROPERTY HISTORY**

The subject lot is part of the Cohomong Woods subdivision approved by the Planning Board in 1981.

**COMPATIBILITY with the COMPREHENSIVE PLAN**

- Open space such as wetlands, steep slopes, hilltops, ridgelines and other scenic resources should be set aside or kept as open space in the event of new subdivisions.
- The Town should continue to encourage protection of environmentally sensitive, scenic and aesthetic resources through Section 278 of the Town Law.

**STAFF RECOMMENDATIONS & PLANNING BOARD POLICY DECISIONS**

1. The Planning Board should determine whether it wishes to coordinate the environmental review with other Involved Agencies.
2. The Planning Department has substantive concerns relating to the impacts the proposed project would create.
3. The Planning Board will need to determine whether the project would be consistent with the Comprehensive Plan goal of protecting wetlands, steep slopes and other environmentally sensitive land.
4. The Applicant should be directed to address all outstanding staff and consultant's comments.

<p><u>Procedural Comments</u></p> <ol style="list-style-type: none"> <li>1. A public hearing for the proposed subdivision and wetlands permit is required.</li> <li>2. The Proposed Action would be classified as an Unlisted Action pursuant to the State Environmental Quality Review Act (SEQRA).</li> <li>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.</li> </ol>	<p><u>Staff Notes</u></p> <p>The Planning Board should determine whether it wishes to coordinate the environmental review with other Involved Agencies.</p>
<p><u>General Comments</u></p> <ol style="list-style-type: none"> <li>1. The Applicant should provide a narrative explaining the necessity/reasons for the proposed project.</li> <li>2. The Planning Department has concern with respect to the proposed level of disturbance associated with the project. The Planning Department notes that the proposed project appears to be very impactful. Specifically, the proposed disturbance would significantly alter the existing environment and does not appear consistent with the Comprehensive Plan goals of protecting wetlands, steep slopes, hilltops, ridgelines and other scenic resources. The proposed disturbance does not appear to be necessary as the regraded area will be steeply sloped and not conducive to future development. It is recommended that existing conditions remain.</li> <li>3. The Applicant is proposing to fill in a Town-regulated wetland and regrade within the Town-regulated wetland buffer. The Additional Impact Analysis Table should be revised to quantify proposed Town-regulated wetland and Town-regulated wetland buffer disturbance. <p>Disturbance to the wetland and buffer appears to be avoidable and, therefore, does not comply with <a href="#">Section 340-8 of the Town Code</a>.</p> <p>The proposed disturbance does not appear to be necessary as the regraded area will be steeply sloped and not conducive to future development. It is recommended that existing conditions remain.</p> </li> <li>4. The plan depicts 6,495 square feet of Town-regulated steep slope disturbance. The proposed disturbance does not appear to be necessary as the regraded area will be steeply sloped and not conducive to future development. It is recommended that existing conditions remain.</li> <li>5. The plans depict the removal of 21 Town-regulated trees. <p>The proposed disturbance does not appear to be necessary as the regraded area will be steeply sloped and not conducive to future development. It is recommended that existing conditions remain.</p> </li> <li>6. The Applicant should submit a site development plan application form to the Planning Board.</li> </ol>	<p>The Planning Board will need to determine whether the project would be consistent with the Comprehensive Plan goal of protecting wetlands, steep slopes and other environmentally sensitive land.</p> <p>Section 355-18.B of the Town Code states that... the approval authority 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>Section 308-16.A(2) of the Town Code states that... the possible or practicable alternatives to the proposed tree removal using tree protective methods such as temporary fencing during construction, minimizing grading, and tunneling to reduce trenching across tree roots.</p>