

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

June 5, 2020



APPLICATION NUMBER - NAME  
 #2020-016 – 100 Business Park Drive  
 Amended Site Development Plan Approval

SBL  
 108.03-1-51

MEETING DATE  
 June 8, 2020

PROPERTY ADDRESS/LOCATION  
 100 Business Park Drive

**BRIEF SUMMARY OF REQUEST**

The Applicant is seeking site plan approval to store 5,000 cubic yards of fill from an offsite construction project on the site that would be utilized later on the subject site if Planning Board approval is granted in the future.

The property is approximately 11.3 acres in size and lies within the PLI zoning district. The site is currently developed with a 62,782 square foot office/light industrial building with associated off-street parking.



PENDING ACTION: ☐ Plan Review ☐ Town Board Referral ☒ Preliminary Discussion

EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING & LAND USE	SITE IMPROVEMENTS	SIZE OF PROPERTY
PLI Planned Light Industry District	Office/Warehouse/Recreation Center	Office and Industrial Uses	Temporary Storage of 5,000 cubic yard of fill	11.27 acres

**PROPERTY HISTORY**

1975 – Building Permit issued to HO Penn for office and warehouse building

**COMPATIBILITY with the COMPREHENSIVE PLAN**

Avoid expansion of the existing retail areas in Town, focusing on enhancing them through transportation improvements, landscaping and beautification, strong site design and targeted infill housing as appropriate.

Explore adjusting the PLI and DOB-20A zoning to facilitate the location of a modern hotel with amenities and entertainment/cultural or ancillary education uses.

**STAFF RECOMMENDATIONS & PLANNING BOARD POLICY DECISIONS**

1. It is recommended that any temporary fill be placed in a location that is not environmentally impactful and would not create visual impacts. Specifically, it is recommended that the fill be located outside of any wetland or wetland buffer area, outside of a flood plain and not require the removal of existing vegetation.
2. The Planning Board would need to determine whether the temporary storage of fill would be a permitted accessory use in the PLI Zoning District.
3. The Planning Board should discuss the maximum duration of the fill storage on the property and discuss if/when the fill would be required to be used or removed from the site.
4. The Planning Board will need to determine whether to coordinate the environmental review of this project.
5. The Applicant should be directed to address all outstanding staff and consultant's comments.

<u>Procedural Comments</u>	<u>Staff Notes</u>
<ol style="list-style-type: none"> <li>1. The Proposed Action would be classified as an Unlisted Action pursuant to the State Environmental Quality Review Act (SEQRA).</li> <li>2. A Public Hearing for the proposed site plan and wetlands permit application will need to be scheduled.</li> <li>3. The application for site plan approval requires referral to the Westchester County Planning Board pursuant to § 239-m of New York State General Municipal Law (GML). This referral is required because the subject site is located within 500 feet of I-684.</li> <li>4. The Applicant will need to obtain a County Stream Control Permit from the Westchester County Department of Public Works.</li> <li>5. Pursuant to Section 340-5.B 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> <li>6. The Applicant will need to obtain a fill permit pursuant to Chapter 161 of the Town Code.</li> <li>7. If fill is proposed in the floodplain, the Applicant will need to obtain a floodplain development permit from the Building Department pursuant to Chapter 177 of the Town Code.</li> </ol>	<p>The Planning Board will need to determine whether to coordinate the environmental review of this project.</p>
<p><u>General Comments</u></p> <ol style="list-style-type: none"> <li>1. The Applicant should submit a plan depicting the location of the proposed fill. 5,000 cubic yards is a large amount of fill that may create adverse impacts. It is recommended that any temporary fill be placed in a location that is not environmentally impactful and would not create visual impacts.</li> </ol> <p>Specifically, it is recommended that the fill be located outside of any wetland or wetland buffer area, outside of a flood plain and not require the removal of existing vegetation.</p> <p>In addition, it is recommended that the fill be placed in a location that would not impact views from the street or surrounding properties.</p> <ol style="list-style-type: none"> <li>2. It is not clear whether the temporary storage of fill on the site is a permitted use in the PLI Zoning District. The only use that may cover this temporary requested use would be:</li> </ol> <p>“Any accessory buildings or uses customarily incident to a permitted use”</p> <ol style="list-style-type: none"> <li>3. The site plan should be revised to indicate whether any of the fill is proposed to be located in the wetland or wetland buffer. If so, the Applicant should prepare a mitigation plan.</li> <li>4. The site plan should be revised to depict any proposed Town-regulated tree removal.</li> <li>5. The Applicant should confirm that the proposed fill plan would not reduce the existing off-street parking plan. If not, the plans should be revised to demonstrate that the site would still provide the minimum number of off-street parking spaces required by the Town Code.</li> <li>6. The site plan should depict the location of the proposed fill. It is recommended that the fill be placed in a location that minimizing visual impacts as viewed from the street and surrounding properties.</li> </ol>	<p>The Planning Board would need to determine whether the temporary storage of fill would be a permitted accessory use in the PLI Zoning District.</p> <p>It is recommended that the fill be located in an area outside of any regulated wetland or wetland buffer.</p> <p>It is recommended that the fill be located in an area that would not require the removal of any trees.</p>

7. The Planning Board should discuss the maximum duration of the fill storage on the property and discuss if/when the fill would be required to be used or removed from the site.