

STAFF REPORT - TOWN OF NORTH CASTLE PLANNING DEPARTMENT

June 29, 2020



APPLICATION NUMBER - NAME
 #2020-025 – 6 Sterling Road S.
 Accessory Apartment Special Permit and Site
 Plan Approvals

SBL
 108.02-1-30

MEETING DATE
 July 13, 2020

PROPERTY ADDRESS/LOCATION
 6 Sterling Road S

BRIEF SUMMARY OF REQUEST

3 acre lot in the R-2A Zoning District with an existing single family residence, swimming pool, tennis court and detached accessory garage.

Conversion of an existing four car garage building into a guest cottage with two garage bays in the lower level and the construction of a new sports court.



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 home | Residential | Garage/Accessory Apartment and Sports Court | 3 acres |

PROPERTY HISTORY

Existing Single Family Home with in-ground pool, tennis court and detached garage

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.
2. The Planning Board will need to determine whether the project is compatible with the Comprehensive Plan.

| Procedural Comments | Staff Notes |
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| <ol style="list-style-type: none"> 1. The Proposed Action would be classified as a Type II Action pursuant to the State Environmental Quality Review Act (SEQRA). 2. A public hearing regarding the proposed special permit will need to be scheduled. 3. Pursuant to Section 12-18.A 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. 4. The application for special permit approval requires referral to the Westchester County Planning Board pursuant to § 239-m of New York State General Municipal Law (GML) since a special permit is being requested. | |
| <p><u>General Comments</u></p> <ol style="list-style-type: none"> 1. The submitted letter to the Planning Board states that the existing detached garage is proposed to be renovated. However, the submitted EAF states that the garage is proposed to be demolished and rebuilt. The Applicant should clarify this issue and provide additional information to the Planning Board and Building Department. If the existing structure is demolished, the accessory apartment would not be permitted to be located in an accessory structure. However, accessory apartments are permitted in accessory structures constructed prior to October 11, 1984. 2. The Applicant is proposing an accessory apartment in an existing private garage. Section 355-21 of the Town Code – Note 7 states that no living quarters shall be permitted in a private garage. 3. The Applicant shall submit an exhibit (or plan note/calculation) demonstrating that the proposed accessory building does not exceed 25% of the floor area (not coverage) of the main building. 4. The Applicant shall submit the gross floor area calculations backup and gross floor area calculations backup data and summary tables for review. 5. The proposed amount of gross land coverage (25,775 s.f.) exceeds the maximum permitted amount by 8,560.5 square feet. The Applicant will need to secure a gross land coverage variance from the Zoning Board of Appeals. 6. The site plan should be revised to indicate whether any Town-regulated tree removal is proposed. If no tree removal is proposed, a note stating such should be added to the plan. 7. Pursuant to Section 355-21 of the Town Code, accessory structures are limited to 1 story, 15 feet in height and 800 square feet in area. However, the Planning Board may, by special permit, authorize taller and larger structures. 8. Pursuant to Section 355-40.K(4)(a) of the Town Code, the Applicant should provide documentation demonstrating that the accessory building existed prior to October 11, 1984. 9. Pursuant to Section 355-40.K(4)(b) of the Town Code, the Applicant should provide documentation that the principal dwelling CO was issued more than four years ago and that the Applicant has owned the property for two years. 10. The site plan should be revised to depict the location of off-street parking for the principal dwelling (2 spaces) and for the accessory apartment (2 spaces). | <p>The Building Department should opine whether the accessory apartment would be permitted as proposed.</p> <p>The Building Department should opine whether the accessory apartment would be permitted as proposed.</p> <p>The accessory structure could be modified to remove the proposed garages and satisfy Section 355-21 – Note 7.</p> <p>The Planning Board will need to determine whether the proposed 20' garage/apartment is acceptable.</p> |

11. Pursuant to Section 355-40.K(12) of the Town Code, within 30 days of receipt of a completed application which indicates conformance to all dimensional standards, the Building Inspector and the Fire Inspector shall conduct an on-site inspection of the residence and shall report on such inspection to the Planning Board and shall include in these reports the compliance of the proposed accessory unit with the requirements of this subsection, as well as building and fire codes, and other information as may be requested by the Planning Board.
12. Pursuant to Section 355-40.K(14) of the Town Code, prior to the issuance of a building permit for the establishment of an accessory apartment, the existing septic disposal system shall be reviewed by the Westchester County Department of Health, except where public sewer is provided. The Building Inspector shall reject all applications for building permits for accessory apartments in those cases where the Health Department report indicates that the septic system is inadequate for the requested use, or contains recommendations for improvements to the system until such time as such recommended improvements are installed. The applicant shall demonstrate to the Building Inspector that the septic disposal system has been cleaned within one year of the date of application. For properties provided with water supply from an on-site well, the applicant shall also collect a sample of well water for microbiological analysis to determine the presence of the coliform group. Such sample shall be analyzed by a state-approved laboratory, and the results shall be reported to the Building Inspector and Health Department.
13. Pursuant to Section 355-40.K(15) of the Town Code, accessory apartments which have been approved by the Planning Board, following due notice and public hearing, shall be reinspected by the Building Inspector every three years. The purpose of such continuing reinspection of the accessory unit shall be to determine if all required conditions of approval continue to be complied with, and report on such findings to the Planning Board. At the same time of such inspection, the Building Inspector shall also review and report on compliance with off-street parking requirements. If the Building Inspector finds that additional parking is necessary for the lot, he shall report such finding to the Planning Board and recommend the number of additional spaces to be provided. On the recommendation of the Building Inspector, the Planning Board may make a finding that the original conditions of special permit approval continue to be complied with, modify the conditions of special permit approval in accordance with the Building Inspector's recommendations or revoke the accessory apartment special permit approval.
14. Pursuant to Section 355-40.K(16) of the Town Code, a special permit uses for accessory apartments shall terminate upon change of ownership.
15. Pursuant to Section 355-37 of the Town Code, the Planning Board must determine that:
 - The location and size of the use, the nature and intensity of the operations involved in it or conducted in connection with it, the size of the site in relation to it and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
 - The location, nature and height of buildings, walls, fences and the nature and extent of existing or proposed plantings on the site are such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings.
 - Operations in connection with any special use will not be more objectionable to nearby properties by reason of noise, fumes, vibration or other characteristics than would be the operations of any permitted uses not requiring a special permit.
 - Parking areas will be of adequate size for the particular use, properly located and suitably screened from adjoining residential uses, and the entrance and exit drives shall be laid out so as to achieve maximum convenience and safety.
 - Where required, the provisions of the Town Flood Hazard Ordinance.
 - The Board finds that the proposed special permit use will not have a significant adverse effect on the environment.