

STAFF REPORT - TOWN OF NORTH CASTLE PLANNING DEPARTMENT

December 3, 2020



APPLICATION NUMBER - NAME
#2020-050 – 8 Beal Place Accessory Apt.
Accessory Apartment Special Permit Approval

SBL
122.16-3-61

MEETING DATE
December 14, 2020

PROPERTY ADDRESS/LOCATION
8 Beal Place

BRIEF SUMMARY OF REQUEST

Legalization of a 1-bedroom accessory apartment attached to the existing single family home.



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 with accessory apartment	Residential	Legalization of Existing Accessory Apartment	2.41 acres

PROPERTY HISTORY


Existing Single Family Home

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 & PLANNING BOARD POLICY DECISIONS

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

Procedural Comments	Staff Notes
<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. 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. Pursuant to Section 355-40.K(3) of the Town Code, the owner of the lot on which the accessory apartment is located shall occupy either of the dwelling units on the premises. Owner occupancy of one of the units shall continue for the duration of the special permit. 2. Pursuant to Section 355-40.K(4(b) of the Town Code, the Applicant should provide documentation that the Applicant has owned the property for two years. 3. 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 (1 space). 	
	<p>The Applicant has asked for a site plan waiver; however, without a site plan it is not clear whether the three required off-street parking spaces can be provided. Three unimpeded parking spaces (with an access aisle) will need to be provided (no tandem parking) and the spaces must be located on the subject lot (not in the right-of-way).</p>
<ol style="list-style-type: none"> 4. Pursuant to Section 355-40.K(11) of the Town Code, the minimum size of an accessory apartment within a principal dwelling shall be 300 square feet. Where the gross floor area of the dwelling is less than or equal to 2,000 square feet, the accessory apartment shall in no case exceed 33% of such area. Where the gross floor area of the dwelling is greater than 2,000 square feet, the permitted maximum size of the accessory apartment may be increased by 25% of the gross floor area in excess of 2,000 square feet. 5. 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. 6. 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. 	<p>The Applicant should submit calculations and floor area exhibits demonstrating compliance with this section of the Town Code.</p>

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| <p>7. Pursuant to Section 355-40.K(16) of the Town Code, special permit uses for accessory apartments shall terminate upon change of ownership.</p> <p>8. Pursuant to Section 355-37 of the Town Code, the Planning Board must determine that:</p> <ul style="list-style-type: none">• 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. | |
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