

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

October 29, 2020



APPLICATION NUMBER - NAME  
 #2020-028 – 8 Cole Dr/24 Davis Dr  
 Subdivision, Site Plan, Wetlands Permit,  
 Steep Slope Permit and Tree Removal Permit

SBL  
 94.01-1-8 & 94.02-1-9

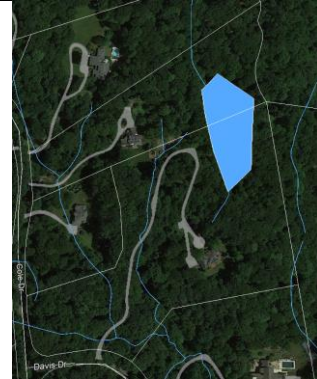
MEETING DATE  
 November 9, 2020

PROPERTY ADDRESS/LOCATION  
 8 Cole Drive & 24 Davis Drive

**BRIEF SUMMARY OF REQUEST**

Proposed lot line realignment that would alter the existing common lot line between the two lots by transferring 126,880 s.f. from 24 Davis Drive to 8 Cole Drive, resulting in 8 Cole Drive increasing in size to approximately 8.8 acres and 24 Davis Drive decreasing in size to approximately 7.8 acres.

In addition, the Applicant is proposing a new driveway for 24 Davis Drive that is proposed to directly impact the Town-regulated wetland and Town-regulated wetland buffer. Furthermore, the proposed new driveway would require the issuance of a steep slope permit and tree removal permit.



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	New Driveway for 24 Davis Drive	8 Cole - 5.9 acres 24 Davis Drive - 10.7 acres

**PROPERTY HISTORY**

The subject lots are 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 subdivision and new driveway would create.
3. The Planning Board will need to determine whether the subdivision and new driveway 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.

### Procedural Comments

1. A public hearing for the proposed subdivision and wetlands permit is required.
2. The Proposed Action would be classified as an Unlisted Action pursuant to the State Environmental Quality Review Act (SEQRA).
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.

### General Comments

1. The Proposed Action consists of lot line adjustments between lots and does not result in the creation of any new building lots.

At the September 14, 2020 meeting, the Planning Board directed the Applicant to investigate alternative plans since the Planning Board felt that impacts associated with proposal are significant.

The proposed new driveway for 24 Davis Drive appears to be very impactful, even when impacts are reduced under the most recent plan.

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 new driveway would still necessitate impacts to the Town-regulated wetland buffer, require a significant amount of regrading, the disturbance to steep slopes and require the removal of trees. The proposed disturbance does not appear to be necessary since access to the existing home currently exists.

As requested, the Applicant prepared a sketch of the location of a future house addition, pool and cabana.



### Staff Notes

The Planning Board should determine whether it wishes to coordinate the environmental review with other Involved Agencies.

The Applicant should investigate whether there are alternatives that would substantially reduce impacts, including keeping the existing driveway and accessing 24 Davis Drive house via an easement over 8 Cole Drive.

As proposed, the Planning Board will need to determine whether the subdivision and new driveway would be consistent with the Comprehensive Plan goal of protecting wetlands, steep slopes and other environmentally sensitive land.

While the sketch is useful in providing the Planning Board with a sense of what the Applicant would like to develop, the plan does not address the impacts associated with the proposed development. Of particular importance is understanding existing topography and proposed grading. A grading plan and tree removal plan along with quantification of proposed steep slope disturbance and tree removal would be helpful.

2. As requested, the Applicant has provided an impact analysis chart for Planning Board review.

INITIAL SUBMISSION DISTURBANCE CHART	
CATEGORY	LOT 9
WETLAND	4,102 SF
WETLAND BUFFER	24,417 SF
>25% SLOPE	18,839 SF
TOTAL DISTURBANCE	60,544 SF
TREE REMOVAL	60
IMPORTED FILL VOLUME =	5,314 CY

CURRENT LAYOUT DISTURBANCE CHART	
CATEGORY	LOT 9
WETLAND	1,325 SF
WETLAND BUFFER	20,734 SF
>25% SLOPE	11,716 SF
TOTAL DISTURBANCE	44,377 SF
TREE REMOVAL	53
IMPORTED FILL VOLUME =	5,101 CY

PREFERRED LAYOUT DISTURBANCE CHART	
CATEGORY	LOT 9
WETLAND	0 SF
WETLAND BUFFER	16,410 SF
>25% SLOPE	10,337 SF
TOTAL DISTURBANCE	42,378 SF
TREE REMOVAL	59
IMPORTED FILL VOLUME =	2,079 CY

3. The Applicant should submit gross land coverage and gross floor area calculation worksheets for both modified lots for review.
4. The plat map should be revised to depict the existing easements (three) on the subject property.

