

STAFF REPORT - TOWN OF NORTH CASTLE PLANNING DEPARTMENT

June 5, 2020



APPLICATION NUMBER - NAME
#2020-023 – 9 Upland Ln. New House and
Detached Accessory Structure Site Plan,
Special Permit

SBL
101.04-2-4

MEETING DATE
June 8, 2020

PROPERTY ADDRESS/LOCATION
9 Upland Ln.

BRIEF SUMMARY OF REQUEST

Proposed new 8,410 square foot new residence and the conversion of the existing principal residence into a 1,050 square foot 1-story game room.

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

R-2A
One-Family Residence
District (2 acre)

EXISTING LAND USE

Existing single family
home

**SURROUNDING
ZONING & LAND USE**

Residential

**SITE
IMPROVEMENTS**

New home and
appurtenances

SIZE OF PROPERTY

1.93 acres

PROPERTY HISTORY**COMPATIBILITY with the COMPREHENSIVE PLAN**

- 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.

STAFF RECOMMENDATIONS & PLANNING BOARD POLICY DECISIONS

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.

<u>Procedural Comments</u>	<u>Staff Notes</u>
<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 use 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 will need to be referred to the Westchester County Planning Board pursuant to § 239-m of New York State General Municipal Law (GML). This referral is required because the Planning Board must issue a special use permit. 	
<p><u>General Comments</u></p> <ol style="list-style-type: none"> 1. Section 355-21 of the Town Code states that detached accessory buildings shall not be over 1 story and 15 feet in height and limited to 800 square feet in area, except that the Planning Board may, by special permit, authorize the construction of accessory buildings not over 2 stories or 22 feet in height, provided that any such individual accessory building does not exceed 25% of the floor area of the main building, and further provided that all such accessory buildings meet all required setbacks for main buildings in the district in which they are located and are not located within any front yard. 2. The site plan should be revised to include a zoning conformance chart. 3. The Applicant should submit a survey of the property for review. The Tax Assessor records indicate the lot is 1.93 acres while the documentation submitted to the Planning Board indicates a lot size of 2.31 acres. 4. The site plan should be revised to depict the proposed septic system. 5. The site plan should be revised to depict existing topography and proposed grading. 6. The Applicant should submit a landscaping plan for review. 7. The proposed driveway courtyard does not meet the minimum setback required for a principal structure. The motor court will need to be relocated to meet the minimum setback requirement. 8. The Applicant should submit a building height exhibit and maximum exterior wall height exhibit for review. 	<p>The Applicant shall submit an exhibit demonstrating the height of the accessory building.</p> <p>The Applicant shall submit an exhibit demonstrating the size of the accessory building in square feet.</p> <p>The Applicant shall submit an exhibit demonstrating that the proposed detached garage does not exceed 25% of the floor area of the main building.</p> <p>The Applicant shall revise the site plan to demonstrate that the accessory building is not located in the front yard.</p> <p>The Westchester County Department of Health will need to approve the proposed septic system for the new house.</p> <p>Section 355-59.F of the Town Code states:</p> <p>Where a driveway courtyard is proposed on a lot containing a one-family dwelling, the nearest edge of such driveway courtyard shall not be located in a front yard unless it is set back from the front lot line a distance equal to that required for a principal building in the district in which such lot is located.</p> <p>See Section 355-26.D of the Town Code for additional information regarding maximum exterior wall height.</p>

<p>9. Full size plans for the proposed accessory structure should be submitted. The plans should include the floor plan and elevations of all sides of the structure.</p> <p>10. The Applicant shall provide gross floor area backup information for review.</p> <p>11. The submitted gross land coverage worksheet (12,132 square feet) is not the same as the submitted gross land coverage backup data (6,890 square feet).</p> <p>12. The site plan should be revised to include a note stating that disturbance to Town-regulated wetlands or wetlands buffers is not proposed.</p> <p>13. The site plan should be revised to depict Town-regulated tree removal.</p> <p>14. The Applicant should indicate whether they are seeking to utilize the existing house during construction.</p> <p>15. The Planning Board should require a bond, or other security, in an amount to be determined acceptable to the Town of North Castle, to provide the necessary funding for the demolition of the existing house in the event the existing house is not converted to an accessory structure to the satisfaction of the Building Department.</p> <p>16. 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. 	<p>The plans should contain adequate information for the Town to come to the conclusion that the accessory structure could not be considered a dwelling.</p> <p>The Applicant should address this discrepancy and revised the data as necessary.</p> <p>If tree removal is not proposed, a note stating such should be added to the site plan.</p>
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