

# TOWN OF NORTH CASTLE

## Local Law No. 7 For the Year 2008 (Adopted May 14, 2008)

**A Local Law** to amend various sections of the Town Code to implement recommendations of the Approvals Review Task Force.

**Section 1.** Create the following new Chapter 6 in the Town Code in its proper numerical order:

Residential Project Review Committee

§ 6-1. Creation of Committee; purpose.

The Town Board of the Town of North Castle hereby finds that it is in the best interests of the citizens of the Town of North Castle and protective of their health, safety and economic and general welfare to enact this chapter for the creation of a Residential Project Review Committee (hereinafter referred to as "RPRC") to review all applications for any residential permit (including, but not limited to, buildings permits, steep slope permits, wetlands permits and pool permits), but excluding permits only relating to interior alterations/renovations to determine whether a permit application should require Planning Board and/or Archliberal Review Board approval.

It is the intent of the Town Board to streamline the residential review process by having the RPRC quickly review incoming residential projects and permit projects determined to have no impact to proceed and to direct more complicated projects to the appropriate review board.

§ 6-2. Membership and organization.

- A. The RPRC shall consist of the North Castle Building Inspector (or his designee), North Castle Director of Planning, North Castle Town Engineer, a Planning Board member and an Architectural Review Board member (each to be assigned by their respective Board Chair).
- B. One member of the RPRC shall be designated by the Town Board as Chairman of the RPRC and shall serve as Chairman at the pleasure of the Town Board.
- C. The Town Board shall provide a recording and administrative secretary of the RPRC. The RPRC shall keep a record of all proceedings. The record shall be typewritten. The record shall show the vote of each member on every question. If a member is absent or fails to vote upon a motion, the record shall indicate that fact. Records of proceedings shall be approved by the RPRC and initialed by the Chairman of the RPRC at the next regularly scheduled meeting of the RPRC and shall be submitted to the Town Clerk within five business days of that approval. Thereafter, records of the RPRC proceedings shall be available for public inspection.
- D. Three members of the RPRC shall constitute a quorum for the transaction of business. The RPRC shall operate under such rules and regulations as it may adopt insofar as they do not supersede any requirements of this chapter and insofar as they guarantee due process to any applicant. The RPRC shall schedule meetings at regular intervals no less

frequently than once weekly. The meetings do not need to comply with the provisions of the New York State Open Meetings Law.

- E. The Chairman or Acting Chairman of the RPRC shall have the authority to convene special sessions of the RPRC. All RPRC proceedings may be closed to the public.
- F. The Chairman of the RPRC may appoint any member of the RPRC to be Acting Chairman for any meeting which may be held during the temporary absence or temporary incapacity of the Chairman. Should the Chairman fail to make this designation, the position of Acting Chairman shall be assumed by the most senior member of the RPRC in terms of service on that Committee.

§ 6-3. Jurisdiction and submission requirements.

- A. The Committee shall have the authority to suggest amendments to any submitted plan that would address the concerns of the RPRC in an effort to prevent the project from requiring Planning Board and/or Architectural Review Board approval.
- B. All projects that require the issuance of a gross land coverage special use permit, gross floor area special use permit or any other Planning Board special use permit shall not require RPRC review and shall proceed directly to the Planning Board for approval.

§ 6-4. Recommendation.

- A. The RPRC shall have the authority to suggest amendments to submitted plans that would address the concerns of the RPRC in an effort to prevent the project from requiring Planning Board and/or Architectural Review Board approval.
- B. If the RPRC determines that a project will not have an environmental, aesthetic or any other impact, a majority vote of RPRC members shall exempt an application from having to appear before the Planning Board and/or the Architectural Review Board approval.
- C. Subsequent to the determination of the RPRC an Applicant may meet with a representative(s) of the RPRC to discuss the findings of the RPRC.

§ 6-5. Appeals.

Any person aggrieved by an action of the RPRC may take an appeal, in writing, therefrom to the Planning Board of the Town of North Castle within 30 days of an RPRC decision. The Planning Board, after proceeding in the same manner as is provided for other applications before it and with the same power and authority now vested in it under the provisions of law, may affirm, modify or reverse an appealed action of the RPRC.

**Section 2.** Amend Section 213-22.2.G of the Town Code as follows:

- G. Residential Projects. All residential projects not requiring a special use permit from the Planning Board shall be first reviewed by the Residential Project Review Committee (RPRC) pursuant to Section 6-3 of the Town Code. The RPRC shall determine whether a project shall be exempt from Planning Board and/or Architectural Review Board Approval pursuant to Section 6-4 of the Town Code.

If any project requires the issuance of a special use permit or is referred to the Planning Board by the RPRC, then Planning Board approval pursuant to § 213-22.2H below shall be required. All gross floor area measurements shall be subject to verification by the Town Building Inspector. Any expansion involving an increase in the number of bedrooms or any new dwelling construction or teardown shall be subject to Westchester County Health Department approval.

**Section 3.** Amend Section 213-3 of the Town Code to delete the definition of MAJOR EXPANSION

**Section 4.** Amend Section 213-22.2.B of the Town Code as follows:

- B. Maximum gross floor area. The following table establishes both the basic and the maximum permitted gross floor area for one- and two-family dwellings on lots of the sizes indicated, irrespective of zoning district. The basic permitted gross floor area is allowed subject only to obtaining a building permit unless the Residential Project Review Committee determines that a project requires approval by the Planning Board or a special use permit is required to be issued by the Planning Board. In such case, Planning Board residential development plan approval must be obtained. Any proposed development in excess of the basic permitted gross floor area shall require Planning Board special permit approval and shall be subject to the standards as set forth in § 213-22.2H below. In any event, the maximum permitted gross floor area shall not be exceeded.

**Section 5.** Delete Section 213-22.B(5) of the Town Code.

**Section 6.** Amend Section 213-22.H(1) of the Town Code as follows:

- H. Residential Development Plan Standards and procedures.
- (1) Application. Each applicant seeking residential development plan approval, pursuant to the requirements of this section, shall submit to the Architectural Review Board essential plans and information as specified in § 7-3 of the Town Code and shall simultaneously submit to the Planning Board and to the Architectural Review Board site and building plans, prepared and sealed by a properly qualified professional, accurately depicting the location of the proposed new, expanded or reconstructed dwelling and any other existing or proposed buildings, structures and accessory uses (including subsurface sewage disposal and stormwater drainage systems) on the site, including all of the following information, unless waived by the Planning Board:

**Section 7.** Create new Section 213-22.H(6) of the Town Code as follows:

- (6) Amendments. Amendments to Residential Development Plans (formerly known as Residential Site Plans) that do not require the issuance or modification of a special use permit shall be reviewed by the Residential Project Review Committee pursuant to Section 6-3 of the Town Code.

**Section 8.** Amend the definition of COVERAGE, GROSS LAND in Section 213-3 of the Town Code as follows:

COVERAGE, GROSS LAND – That percentage of the land area covered by the combined area of all buildings, structures and paved, gravel and semi-pervious paver areas on a lot. Walls under four feet in height and all fences shall not be considered gross land coverage.

**Section 9.** Create the following new Section 213-47.F in the Town Code:

- F. Multiple driveway curbcuts and driveway courtyards. No more than one curb cut providing driveway access to a lot containing a one-family dwelling shall be permitted unless the Planning Board determines that more than one curb cut is appropriate. 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. Such driveway courtyard or second curb cut shall also be located wholly outside any wetlands or adjacent area as defined in the Town Code.

**Section 10.** Revise Section 213-17.B of the Town Code as follows:

- B. Approval required. In any zoning district, no steep slope area, as defined herein, hilltop or ridgeline shall be disturbed in any manner, except as may be necessary to protect life or property in the event of an emergency, unless a disturbance permit shall have been granted by the Building Department or unless such disturbance permit is granted by the Planning Board pursuant to a request by the Residential Project Review Committee (RPRC) or an approved site plan, special permit, subdivision or variance. In connection with an application for such a permit, or in connection with any application for a building permit, site plan, subdivision, special use permit or variance, the applicant shall submit information indicating the location of any areas of steep slope on the subject property and any hilltop or ridgeline which is visible from any public street or other public property. The approval authority shall not grant the necessary permit or approval if there is another alternative which, in the sole opinion of the approval authority, is reasonable and practical and would help to preserve the steep slope, hilltop or ridgeline. If, however, the approval authority determines that some disturbance of such feature is necessary or appropriate, said authority may permit such disturbance, provided that the nature and extent of the disturbance is limited to the minimum amount practicable, consistent with the legislative intent of this section and further provided that appropriate design and engineering techniques are employed which serve to minimize any potential environmental impacts. Any existing development which is located on a steep slope, hilltop or ridgeline is hereby determined to be conforming and to have the required permit, provided it is otherwise lawfully in existence on the effective date of this section.

**Section 11.** Section 213-22.2H(1) of the Town Code shall be revised to state the following:

- (1) Application. Each applicant seeking Planning Board approval, pursuant to the requirements of this section, shall first submit to the Planning Board site and building plans, prepared and sealed by a properly qualified professional, accurately depicting the location of the proposed new, expanded or reconstructed dwelling and any other existing or proposed buildings, structures and accessory uses (including subsurface sewage disposal and stormwater drainage systems) on the site, including all of the information identified below, unless waived by the Planning Board. When determined appropriate by the Planning Board, the Applicant shall submit to the Architectural Review Board essential plans and

information, including, but not limited to, floor plans and building elevations, as specified in § 7-3 of the Town Code:

**Section 12.** Section 7-2.C of the Town Code shall be revised to state the following:

- C. At least one member of the ARB shall be an architect registered in the State of New York. The other members shall be chosen for qualification and training in the fields of landscape architecture, interior or exterior design, municipal planning, municipal government, other professionally or aesthetically related disciplines or civic interest.

**Section 13.** Section 7-3.D(1)(c) and section 7-3.D(4)(c) shall be revised to state the following:

- (c) Landscape plan, unless waived by the Architectural Review Board

**Section 14.** Section 7-3.E(3)(d) shall be revised to state the following:

The landscape plan shall be prepared by and bear the seal and signature of a licensed and registered New York State architect or landscape architect.

**Section 15.** Section 7-3.A of the Town Code shall be revised as follows:

- A. Projects subject to review and approval of the ARB. The following projects which require a permit (permit types may vary) issued by the Building Department are, prior to issuance of such a permit, subject to review and approval of the ARB:
  - (1) All new residential construction projects reviewed by the Planning Board or sent to the ARB by the Residential Project Review Committee.
  - (2) All residential renovation or alteration construction projects reviewed by the Planning Board or sent to the ARB by the Residential Project Review Committee.
  - (3) All new commercial, religious, municipal, institutional, public use/benefit or similar building type projects.
  - (4) All exterior alterations or renovation projects of commercial, religious, municipal, institutional, public use/benefit, special district or similar building type projects that alter the exterior appearance of the existing structure.
  - (5) All new or altered building-mounted or freestanding signs.
  - (6) All other projects as the Building Inspector or Planning Board or Town Board may designate.
  - (7) Please note that review and approval of the Town of North Castle Planning Board may also be required, subject to its specific review procedures.

**Section 16.** Revise Section 213-68.E of the Town Code as follows:

- E. Notice.

- (1) Notice of any hearings before the Town Board to consider an amendment pursuant to Town Law § 265 shall be published in a newspaper circulating within the Town of North Castle at least 10 days prior to the date of said hearing. The mailing of notices as required by the Town Board shall be at least 10 days before such hearing. The preparation and cost of publication and mailing of any notice required for such hearing shall be at the cost and expense of the petitioner, if one exists.
- (2) If a petitioner exists, notice of the hearing shall be sent by certified mail, return receipt requested, to all property owners within a distance of 250 feet of the property lines on both sides of the street on which the property fronts, and to adjoining property owners or owners to the rear of the property affected. In those instances where the Town Board is acting on its own motion and without petition and the proposed action is in accord with the town's adopted Comprehensive Plan, the Town Board shall determine whether the mailing of notices shall be required.

**Section 17.** Revise Section 5-2.A of the Town Code as follows:

- A. Building Inspector, Assistant Building Inspector, Code Enforcement Officer, Town Engineer and Police Officers: building, zoning and planning.

**Section 18.** Conflicting Standards.

Where the requirements of this Local Law impose a different restriction or requirement than imposed by other sections of the Code of the Town of North Castle, the Town Law of the State of New York or other applicable rules or regulations, the requirements of this Local Law shall prevail.

**Section 19.** Severability.

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this local law shall not affect the validity of any other part of this local law that can be given effect without such invalid part or parts.

**Section 20.** Effective Date.

This Local Law shall take effect immediately upon its adoption and filing with the Secretary of State or June 1, 2008, whichever is later.

Dated: May 14, 2008