

STAFF REPORT - TOWN OF NORTH CASTLE PLANNING DEPARTMENT

November 23, 2021



APPLICATION NUMBER - NAME
 [#19-025] – Buck’s Flower Garden – Nursery
 Planning Board Site Plan

SBL
 102.02-1-23

MEETING DATE
 December 13, 2021

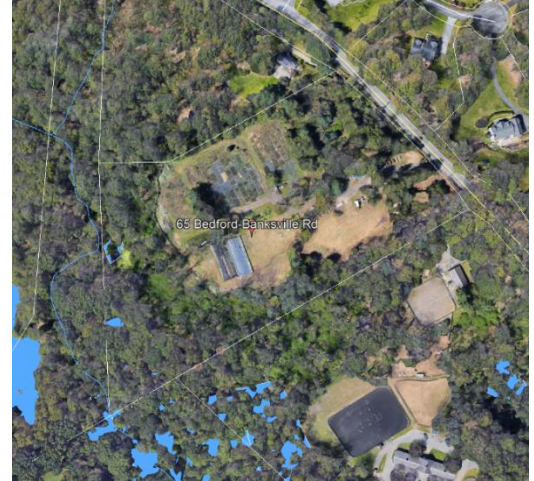
PROPERTY ADDRESS/LOCATION
 65 Bedford Banksville Road

BRIEF SUMMARY OF REQUEST

The Applicant is seeking amended Town Board special use permit and Planning Board site plan approval for an expanded nursery that includes the conversion of the previously approved commercial nursery into a proposed retail nursery.

Additionally, the Applicant is seeking approval to construct a retail farm stand, outdoor sales area, garage, office, barn, horse paddocks and a house.

Furthermore, the Applicant is seeking ‘after the fact’ approval to construct driveways and retaining walls.



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	Nursery	Residential & Horse Facility	New structures and driveways	10.46 acres

PROPERTY HISTORY

2016 – Planning Board approved freestanding sign. The Applicant has not met the conditions of that approval. The Approval has since lapsed.

COMPATIBILITY with the COMPREHENSIVE PLAN

The Comprehensive Plan does not specifically address nursery businesses, in general, or this property specifically. However, the plan does address the nearby Troy’s Nursery. The recommendation for that property would be reasonable to apply to the subject property:

- The Town should ensure that any future development at this site respects the environmental constraints and is consistent with the low-scale, rural residential land-use pattern present in Banksville.

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.

<p><u>Procedural Comments</u></p> <ol style="list-style-type: none"> 1. The Planning Board will need to schedule a Public Hearing regarding the proposed site plan. 2. The Proposed Action would be classified as an Unlisted Action pursuant to the State Environmental Quality Review Act (SEQRA). 3. Pursuant to Section 7-3.A(6) 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 site plan will need to be forwarded to the Chief of Police, Fire Inspector and the Banksville Fire Chief so that they may make any pertinent recommendations to the Planning Board including, but not limited to, the designation of no-parking zones, emergency vehicle access or any other issued deemed important to providing emergency services. 5. The application for site plan approval will need to be referred to the Westchester County Planning Board pursuant to § 239-m of New York State General Municipal Law (GML) on. 6. Since this lot is in excess of 10 acres, the project should be referred to the Conservation Board, pursuant to Section 239-y.3.a of NY General Municipal Law. 	<p><u>Staff Notes</u></p> <p>The Planning Board will need to determine whether it wishes to coordinate the environmental review of this project.</p>
<p><u>Special Use Permit Comments</u></p> <ol style="list-style-type: none"> 1. Pursuant to Section 355-40.F(1) of the Town Code, the proposed outdoor sales and display area adjacent to the main driveway is not permitted as the outdoor sales and display area would interfere with ingress and egress by pedestrian and/or vehicular traffic. 2. Pursuant to Section 355-40.F(2)(a)[2] of the Town Code, outside sales and display areas are limited to a total of 5% of the lot area. The Applicant should calculate the outdoor sales and display area. If larger than 5% of the lot area, the outdoor sales and display area should be reduced in size. 3. Pursuant to Section 355-37.A of the Town Code, 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 and that it complies with all special requirements for such use established in this chapter. 4. Pursuant to Section 355-37.B of the Town Code, 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. 	<p>The Applicant is proposing a significant change in the site operations from a wholesale nursery to a retail nursey engaging directly with the public. In addition, the Applicant is proposing a new house and horse uses.</p> <p>Given the proposed intensity of use of the site, the Town Board will need to determine whether the proposed uses comply with this section of the Town Code.</p> <p>The Applicant will need to submit floor plans and elevations for all proposed buildings for review.</p>

<p>5. Pursuant to Section 355-37.C of the Town Code, 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.</p>	<p>The Applicant is proposing a significant change in the site operations from a wholesale nursery to a retail nursey engaging directly with the public. In addition, the Applicant is proposing a new house and horse uses.</p>
<p>6. Pursuant to Section 355-37.D of the Town Code, 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.</p>	<p>Given the proposed intensity of use of the site, the Town Board will need to determine whether the proposed uses comply with this section of the Town Code.</p> <p>The proposed plant storage and display area adjacent to Bedford Banksville Road should be relocated into an interior area of the site. As proposed, it appears that retail customers will be using and shopping in the main driveway setting up a potentially dangerous situation for conflicts between entering vehicles and shoppers.</p>
<p>7. Pursuant to Section 355-37.E of the Town Code, where required, the provisions of Chapter <u>177</u>, Flood Damage Prevention.</p>	<p>Portions of the property are located in a flood plain. The Applicant will need to obtain a floodplain development permit from the Building Department.</p>
<p>8. Pursuant to Section 355-37.F of the Town Code, the Town Board must find that the proposed special permit use will not have a significant adverse effect on the environment.</p>	<p>The Town Board will need to evaluate the impacts associated with the proposed change including intensity of use, noise and traffic. The Town Board will need to determine whether to amend this provision of the existing special use permit.</p>
<p>9. It is noted that the existing special use permit for the nursery use prohibits the "retail sales of goods, products or services."</p>	<p>It is not clear from the submitted information whether the proposed site plan complies with the existing special use permit condition. It is not recommended that the Town Board modify this requirement.</p>
<p>11. It is noted that the existing special use permit for the nursery use limits nursery operations from 8:00 am until 6:00 pm. The Applicant should indicate whether operations would comply with this existing special use permit requirement.</p>	<p>It is not recommended that the Town Board modify this requirement.</p>
<p>12. It is noted that the existing special use permit for the nursery use prohibits structures within 100 feet of any lot line. The submitted site plan does not comply with this existing special use permit requirement.</p>	<p>It is not recommended that the Town Board modify this requirement.</p>
<p>13. It is noted that the existing special use permit for the nursery use limits the height of nursery structures to 20 feet. The Applicant should indicate whether the proposed structures would comply with this existing special use permit requirement.</p>	<p>It is not recommended that the Town Board modify this requirement.</p>

<p>14. It is noted that the existing special use permit for the nursery use prohibits nursery plantings nearer than 100 feet from any water course. The submitted site plan depicts several planting areas labeled "approved planting areas" that are located within the 100-foot buffer area. It appears that these areas don't comply with the previously approved special permit and should be removed.</p> <p>15. It is noted that the existing special use permit for the nursery use requires a landscaped buffer at least 10 feet in depth located along lot lines deemed necessary by the Planning Board.</p>	<p>It is not recommended that the Town Board modify this requirement.</p> <p>The screening should be required along the side lot lines near proposed activity areas.</p> <p>It is not recommended that the Town Board modify this requirement.</p>
<p><u>General Comments</u></p> <ol style="list-style-type: none"> 1. The Applicant is seeking approval for an expanded nursery that includes the conversion of the previously approved commercial nursery into a proposed retail nursery. A Town Board special use permit for the proposed changes to the Nursery Business is required. Additionally, the Town Board will need to issue a special use permit for the proposed outdoor display and sales. 2. The proposed plant storage and display area adjacent to Bedford Banksville Road should be relocated into an interior area of the site. As proposed, it appears that retail customers will be using and shopping in the main driveway setting up a potentially dangerous situation for conflicts between entering vehicles and shoppers. 3. The Applicant should provide additional information regarding the proposed barn and number of horses proposed on the site. If more than two horses are proposed, the Applicant will need to obtain a special use permit from the Town Board for additional horses. 4. The off-street parking analysis should be revised to include the off-street parking requirements for the proposed residence. 5. The Applicant should submit floor plans and elevations for all proposed buildings. 6. The wetland delineation will need to be confirmed by the Town Engineer. 7. The site plan shall be revised to depict a lighting plan that conforms to the minimum requirements of Section 355-45.M of the Town Code. 8. Portions of the existing driveway and retaining wall were not previously approved by the Town of North Castle. Details will need to be submitted for review and approval. 9. Details of the proposed vegetable stands, plant stands and driveway gate should be submitted for review. 10. The site plan shall be revised to depict 25' wide backup and maneuvering aisles adjacent to off-street parking spaces. Access aisles that are not adjacent to parking can be 24' wide. 11. Pursuant to Section 355-56.H(2) of the Town Code, 10% of the parking area shall be landscaped. 12. The site plan should be revised to depict any tree removal. If no tree removal is proposed, a note stating such should be placed on the site plan. 13. The Applicant should submit a Building Coverage exhibit for review. 	<p>The Applicant will need to address the requirements outlined in Section 355-37 A-F and Section 355-40.F of the Town Code dealing with the special use permit requirements.</p>

14. Pursuant to Section 355-56.B of the Town Code, required off-street parking facilities may be enclosed in a structure or may be open, provided that all required parking facilities shall be graded, surfaced, drained and suitably maintained to the extent deemed necessary by the Town Engineer to avoid nuisances of dust, erosion or excessive water flow across public ways or adjacent lands.
15. Pursuant to Section 355-58 of the Town Code, the plans shall be revised to include a loading space.
16. The Applicant should indicate if any signage is proposed for the project. If so, the location and design of the signage should be included on the plans.
17. Pursuant to Section 355.15.O of the Town Code, the site plan shall be revised to depict details of the proposed refuse and recycling area.
18. The Applicant shall demonstrate that adequate water supply and sewage disposal facilities can be provided in accordance with the requirements of the Town of North Castle, Westchester County Department of Health, and the New York State Departments of Health and Environmental Conservation.

The Applicant will need to demonstrate that adequate water and sewerage supply exist.

The Town Engineer will need to determine whether the parking facilities should be paved.