

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

November 30, 2021



APPLICATION NAME & NUMBER  
23 Bedford Banksville Road Site Plan #2020-032

SBL  
102.04-1-9

MEETING DATE  
December 13, 2021

PROPERTY ADDRESS/LOCATION  
23 Bedford Banksville Road, Banksville

**BRIEF SUMMARY OF REQUEST**

Proposed site plan for the occupancy of an existing 15,500 square foot multi-tenanted building consisting of office and storage uses. In addition, legalization of an existing contractor's yard is proposed at the rear of the site.



PENDING ACTION:       Plan Review       Town Board Referral       Preliminary Discussion

EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING & LAND USE	SITE IMPROVEMENTS	SIZE OF PROPERTY
CB-B Fronting BBR GB in Rear	Vacant Building	Commercial development along Bedford Banksville Road	None	10.816 acres

PROPERTY HISTORY	COMPATIBILITY with the COMPREHENSIVE PLAN
Old Farmers Market – 1960s – 2000s  Ace Endico  Greenwich Hardware  Pizzeria  Tack Shop/Saddle  George Bridge Nursery	The Comprehensive Plan states the following: <ul style="list-style-type: none"> <li>As demand has been noted for restaurants and grocery stores in the Eastern District – a preference also stated by residents at the Banksville public workshop -- planning efforts should focus on attracting similar food businesses such as neighborhood grocers, restaurants and food delivery services. With limited foot traffic in this area, a small mixed-use site accessible by car along Bedford-Banksville Road with a food store, retailer and other convenience shopping may be desired.</li> </ul>

**STAFF RECOMMENDATIONS**

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

<p><u>Procedural Comments</u></p> <ol style="list-style-type: none"> <li>1. Pursuant to Section 12-18(1) 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.</li> <li>2. 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). This referral is required because the subject site is located within 500 feet of County Route 56.</li> <li>3. The Proposed Action would be classified as an Unlisted Action pursuant to the State Environmental Quality Review Act (SEQRA).</li> <li>4. A Public Hearing for the proposed site plan will need to be scheduled.</li> <li>5. The site plan should 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.</li> <li>6. The Applicant may need to obtain a curb cut permit from the Westchester County Department of Public Works.</li> <li>7. The Applicant will need to obtain a Town Board Special Use Permit for the proposed legalization of the existing Contactor's Yard.</li> <li>8. The Applicant will need to obtain a floodplain development permit from the Building Department.</li> </ol>	<p><u>Staff Notes</u></p> <p>The Applicant should indicate whether any exterior changes to the building are proposed. If so, ARB approval will be required.</p> <p>The Planning Board should determine whether the Board wishes to coordinate the environmental review. If so, the Planning Board should declare their intent to act as Lead Agency.</p>
<p><u>General Comments</u></p> <ol style="list-style-type: none"> <li>1. The Applicant should supply additional information regarding the contractor's yard by describing the specific activity proposed, number of employees, amount of vehicles used on the site, equipment used, traffic generation, etc. The Applicant should provide the Planning Board with any documentation permitting the construction yard on the property or the history of the yard.</li> </ol> <p>The Applicant has stated that the contractor's yard is subject to monitoring by NYSDEC as a result of past violations. The Applicant should provide additional information regarding NYSDEC violations on the site and submit all correspondence with NYSDEC for review.</p> <ol style="list-style-type: none"> <li>2. The Applicant should supply proposed building elevations for review.</li> <li>3. The Applicant should provide more information to the Planning Board regarding the proposed storage use. As identified, it does not appear that the proposed storage use would be permitted in the CB Zoning District. The Applicant should identify on the site plan and with floor plans where the proposed storage use is proposed to occur. The storage use will need to be located in the GB Zoning District or the Applicant will need to demonstrate that any proposed storage is an accessory use customarily incident to a permitted principal use (like office) which is permitted in the CB-B Zoning District.</li> <li>4. The Applicant should confirm that the proposed storage and office uses do not include the parking of any commercial vehicles.</li> </ol>	

5. The site plan depicts a total of 38 off-street parking spaces. However, the Applicant is seeking permission to waive the construction of half the spaces at this time. Pursuant to Section 355-56.C of the Town Code, where the Planning Board determines, in connection with its action on a site plan, less than the required number of parking or loading spaces will satisfy the intent of this chapter, because of variations in the probable time of maximum use by joint users or for any other reason, the Planning Board may waive all or part of the improvement, but not more than 50% of the number of parking spaces required according to § 355-57. In all cases, it shall be expressly demonstrated on the site plan that sufficient space remains for the provision of the total amount of off-street parking required, and the site plan shall bear such designation. All such undeveloped parking space shall be used and maintained as additional landscaped grounds until required for parking. Written guaranties, satisfactory to the Town Attorney, shall be submitted by the applicant for the eventual improvement of any such spaces which may have been waived. Such spaces must be constructed within six months of the date of written notice to the property owner by the Planning Board that such spaces have been determined as necessary.
6. The site plan should be revised to demonstrate that the proposed parking area meets the minimum requirements of Section 355-56 of the Town Code with respects to parking space size, location, access drives and aisles.
7. A site plan should be submitted that depicts the reasonable screening at all seasons of the year from the view of adjacent streets of all parking and loading areas or other features that, in the opinion of the Planning Board, require such screening.
8. A site plan should be submitted that provides for outdoor lighting meeting the requirements of Section 355-45.M of the Town Code.
9. Pursuant to Section 355-56.H of the Town Code, the site plan shall be revised to provide at least one tree, not less than three inches caliper at time of planting, within the parking area for each 10 parking spaces. The site plan should be revised to demonstrate compliance with the Town Code.
10. Pursuant to Section 355-56.H of the Town Code, the site plan shall be revised to depict at least 10% of the interior of the parking area curbed and landscaped with trees, shrubs and other plant material. The site plan should be revised to demonstrate compliance with the Town Code.
11. The site contains NYSDEC and local wetlands. A site plan should be submitted that depicts the location of the wetlands and associated buffer area.
12. The Applicant should submit a landscaping/screening plan for review.
13. The site plan should be revised to include a plan for refuse disposal. The area should be large enough to accommodate all of the proposed uses on site.

The Planning Board will need to determine whether it is appropriate to waive the construction of 19 off-street parking spaces. If so, the Applicant will need to prepare the requisite agreement to provide the parking in the future if determined necessary by the Planning Board.

It appears that the contractor's yard and the proposed parking may require the issuance of state and local wetlands permits.