

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

September 10, 2021



APPLICATION NUMBER - NAME  
 #2021-013 – 263 Bedford Banksville Road,  
 Site Plan and Tree Removal Permit  
 Applications

SBL  
 95.03-2-56

MEETING DATE  
 September 13, 2021

PROPERTY ADDRESS/LOCATION  
 263 Bedford Banksville Road

**BRIEF SUMMARY OF REQUEST**

Site Plan Approval for the expansion of an existing private equestrian facility. The proposed improvements include the replacement of the existing residence, renovation of the existing indoor riding arena, a new horse barn, conversion of the existing stable into a garage, conversion of an existing shed into a groom’s quarters, expansion of the existing outdoor riding area, installation of a new riding area, a new septic system and new wells.



PENDING ACTION:             Plan Review             Town Board Referral             Preliminary Discussion

EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING & LAND USE	SITE IMPROVEMENTS	SIZE OF PROPERTY
R-4A One-Family Residence District (4 acre)	Existing lot with home and equestrian facility	Residential	Site upgrades and private equestrian facility expansion	21.62 acres

**PROPERTY HISTORY**

1972 Town Board determined that the proposed private indoor horse riding ring was a permitted accessory use to a residential use

**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.
- Continue strong protection of tree cover through the tree removal permitting process.
- Preserve the current overall development pattern of North Castle and its neighborhoods. Be sure new development responds to environmental constraints, particularly for preservation of the New York City watershed.
- Maintain the quality-of-life created by physical and natural attributes, by structuring development that promotes sound conservation measures.
- The Town should encourage residential development that is compatible in scale, density, and character with its neighborhood and natural environment.

**STAFF RECOMMENDATIONS**

1. It is recommended that disturbances to the Mianus River CEA be minimized to the maximum extent practicable.
2. It is recommended that a more robust tree removal mitigation plan be prepared.
3. It is recommended that the site plan be revised to minimize regrading/disturbance.
4. It is recommended that the wetland buffer be delineated with fencing.

Procedural Comments

1. The Proposed Action would be classified as a Type II Action pursuant to the State Environmental Quality Review Act (SEQRA).
2. 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.
3. A public hearing regarding the site plan will need to be scheduled.
4. 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.
5. The property is located within a Flood Zone. A Floodplain Development Permit must be filed with the Building Department prior to the issuance of a Building Permit.

General Comments

1. A significant portion of the property is located in the Mianus River Critical Environmental Area. A Critical Environmental Area (CEA) is a State-, County- or locally designated geographic area with exceptional or unique environmental character that requires a more rigorous review than other areas. The site plan should be revised to depict the CEA boundary. In addition, the Applicant is proposing the stable, outdoor riding rings and paddock establishment in the CEA. The Applicant should quantify the total amount of disturbance within the CEA as well as the amount of disturbance associated with each individual feature. While, construction within the CEA is not prohibited, the Town Board and Planning Board will need to evaluate whether all, or some, of the proposed construction within the CEA should be approved.
2. The project will require the removal of 453 Town-regulated trees, the majority of which are low quality Black Locusts. As mitigation, the Applicant is proposing 47 trees, 14 shrubs and 12 grasses.
3. In general, there is a significant amount of regrading proposed on the site. It is not clear why the paddock and riding areas can't utilize existing topography to a greater extent in an effort to minimize disturbance.
4. All proposed elevations should depict proposed building height (average grade to roof midpoint) and maximum exterior wall height (lowest grade to roof midpoint).
5. The site plans depict one of the outdoor riding areas as having a gravel surface. If the gravel surface is proposed to remain, it will need to be counted as gross land coverage. If the surface is proposed to be removed, the site plan should be revised to state such.

Staff Notes

- (4) agricultural farm management practices, including construction, maintenance and repair of farm buildings and structures, and land use changes consistent with generally accepted principles of farming;
- (11) construction or expansion of a single-family, a two-family or a three-family residence on an approved lot including provision of necessary utility connections as provided in paragraph (13) of this subdivision and the installation, maintenance or upgrade of a drinking water well or a septic system or both, and conveyances of land in connection therewith;

It is recommended that disturbance within the Mianus River CEA be minimized to the maximum extent practicable.

Given the number of trees proposed to be removed, it is recommended that a more robust tree mitigation plan be provided. It is not clear why the proposed paddock and riding areas can't incorporate some new trees. The submitted landscape/planting plan should be revised to contain a proposed planting schedule.

The gross land coverage worksheet and backup information should be updated, if necessary.

Special Use Permit Comments

6. Pursuant to Section 355-40.D(1) of the Town Code, the facility can't have a commercial component. The Applicant should provide the Town Board and Planning Board with a description of the proposed use of the facility and confirm there will not be a commercial component to the proposed use.

7. Pursuant to Section 355-40.D(2) of the Town Code, all buildings and grazing and exercising areas shall be set back from adjacent residential property boundaries at least twice the minimum distance required for residential buildings in said district, except that the Town Board may either increase or decrease this setback requirement because of relationships to neighboring properties, topography or the installation of buffer, landscaping and/or fencing. In no case, however, shall the minimum setback from adjacent residential property boundaries be less than 25 feet.

The Applicant should provide a plan and narrative regarding compliance with this section of the Town Code.

8. Pursuant to Section 355-40.D(4) of the Town Code, horses must be fenced and shall not be permitted to graze, exercise or in any way intrude into any areas designated as controlled areas under Chapter 340, Wetlands and Watercourse Protection, of the Town Code.

9. Pursuant to Section 355-40.D(6)(a) of the Town Code, the site plan should be revised to clearly identify existing and proposed areas for horse activity and which areas will exclude horse activity.

10. Pursuant to Section 355-40.D(6)(c) of the Town Code, the site plan should depict the location of proposed feed storage and include a detail of the proposed container.

11. The Applicant should confirm that all existing structures proposed to remain have valid Certificates of Occupancy issued by the Building Department.

The Applicant states that some grazing and exercising areas exist and the Applicant is exempt from this requirement. Since the Applicant is requesting a special use permit for additional horses, the Applicant is required to comply with this section of the Town Code.

The site plan should be revised to reconfigure the grazing areas adjacent to Bedford Banksville Road to be outside of the wetland and wetland buffer. In addition, the path around the existing pond (wetland) shall also be relocated/modified so as to be outside of the wetland and buffer. It is recommended that the on-site wetland buffer be delineated in the field with fencing so it is clear which areas of the property are excluded from horse activity.