STAFF REPORT - TOWN OF NORTH CASTLE PLANNING DEPARTMENT

October 4, 2022



APPLICATION NUMBER - NAME #2022-033— 263 Bedford Banksville Road, Site Plan, Special Permit and Tree Removal

Permit Applications

MEETING DATE October 13, 2022 SBL 95.03-2-56

PROPERTY ADDRESS/LOCATION 263 Bedford Banksville Road

BRIEF SUMMARY OF REQUEST

Redevelopment of an existing single-family residence with Additional Horses (20). The Applicant is proposing to replace the existing 2-br house with a new 5,000 s.f. 5-br house with a new pool and pool house; renovation of the existing indoor riding ring; replacement of the existing freestanding stables with a new 10 horse stall barn; replacement of the existing shed with a new 4-br grooms quarters, barn and garage; expansion of the existing outdoor riding ring; renovation of the existing paddock areas; construction of a new 2-br servant's quarters and replacement of all overhead utilities with new underground utilities.



PENDING ACTION:

■ Plan Review

■ Town Board Referral

□ Preliminary Discussion

EXISTING ZONING	EXISTING LAND	SURROUNDING	SITE	SIZE OF PROPERTY
	USE	ZONING & LAND USE	IMPROVEMENTS	
R-4A				
One-Family	Existing lot with	Residential	Site upgrades and	21.62 acres
Residence District (4	home and		private equestrian	
acre)	equestrian facility		facility expansion	
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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. The Applicant should be directed to address the comments identified in this staff report.

Procedural Comments

1. The Proposed Action would be classified as a Type II Action pursuant to the State Environmental Quality Review Act (SEQRA).

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;
- The Planning Board will need to provide a recommendation with respect to the requested special use permit to the Town Board.
- 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. A public hearing regarding the site plan and wetlands permits will need to be scheduled.
- 5. 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.
- 6. 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.

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

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. 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.
- Of the 516 trees located within the area of disturbance, 497 are proposed to be removed.
 In addition, of the 27 Significant Trees located within the area of disturbance, 24 are proposed to be removed. The Applicant has provided a landscape plan that includes 104 trees, 110 shrubs, grasses and perennials.
- All proposed elevations should depict proposed building height (average grade to roof midpoint) and maximum exterior wall height (lowest grade to roof midpoint).
- 4. The submitted principal house elevations indicates that the proposed building height exceeds the maximum permitted amount of 30 feet as measured from average grade to roof mid-point. The elevations should be revised or the Applicant will need to seek a variance from the Zoning Board of Appeals.
- 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.
- 6. It appears that Town-regulated wetland and wetland buffer disturbance is not proposed as all existing paddock areas within the wetland buffer are outside of the proposed area of disturbance. The Applicant shall confirm that a wetland permit is not required.

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

7. Pursuant to Section 355-14.A(2) of the Town Code, the Applicant must demonstrate that the proposed servants' quarters shall be located so that the site upon which it is situated could, in the opinion of the Planning Board, be subdivided in the future from the remainder of the parcel in such a way as to create a separate conforming lot for each dwelling unit, and provided further that each such dwelling unit shall comply with all other applicable requirements of the Town Code.

The Applicant shall submit the required plans demonstrating conformance with Section 355-14.A(2) of the Town Code.

- 8. 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. The Applicant should specifically address whether any commercial activity will occur (including payment, bartering, etc.) and whether all horses are owned by the Applicant.
- 9. The Applicant should demonstrate to the satisfaction of the Planning Board how horses will be contained to property.
- 10. The current main access to the property is in disrepair. In addition, adequate drainage is not provided and is negatively impacting adjacent neighbors and Bedford Banksville Road. The site plan should be revised to address these issues.
- 11. 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.

- 12. The site plan should be revised to depict all existing and proposed lighting. The lighting plan shall be designed to be residential in nature and not create impacts upon adjacent properties.
- 13.A detail of proposed fencing should be included for review.
- 14. 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.
- 15. The Applicant should confirm that all existing structures proposed to remain have valid Certificates of Occupancy issued by the Building Department.
- 16. The Applicant conducted a Phase 1A Archaeological Assessment and a Phase IB Archaeological Investigation. Based upon the investigation, no archaeological site were identified on the property.
- 17. The gross land coverage exhibit does not include the gravel outdoor riding area. If the gravel area is to remain, the gravel area must be counted as gross land coverage.
- 18. The pool house elevations should depict the height of the proposed structure. If over 15 feet, the Planning Board will need to issue an accessory building special permit. In addition, the Applicant must demonstrate that the pool house is less than 25% of the gross floor area of the main house.
- 19. The proposed stable is in excess of 800 square feet and the Applicant must secure a Planning Board special permit for this structure. The elevations should be revised to demonstrate that the stable does not exceed a height of 22 feet (maximum permitted) and is less than 25% of the gross floor area of the main house.

If these areas are proposed to be utilized, the Applicant will need to obtain a variance from the Zoning Board of Appeals.

20.	The proposed addition of the riding ring will increase the size of this accessory structure. The Planning Board will need to issue a special permit for this addition.	
	The elevations should be revised to depict building height. In addition, the Applicant will need to demonstrate that the indoor riding ring is less than 25% of the gross floor area of the main house.	
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21.	The servant's quarters elevations should depict the height of the proposed structure. The structure can't exceed a height of 22 feet. Since this structure is over 800 square	
	feet in size, the Planning Board will need to issue an accessory building special permit. In addition, the Applicant must demonstrate that the pool house is less than	
	25% of the gross floor area of the main house.	
22.	The grooms quarters/garage elevations should depict the height of the proposed structure. The structure can't exceed a height of 22 feet. Since this structure is over	
	800 square feet in size, the Planning Board will need to issue an accessory building special permit. In addition, the Applicant must demonstrate that the garage is less	
	than 25% of the gross floor area of the main house.	
23.	The Applicant has submitted multiple gross floor area calculations worksheets. The worksheets shall be combined and one worksheet shall be submitted for the entire	
	property.	
24.	The Applicant shall submit gross land coverage and gross floor area backup exhibits for review.	