

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

February 17, 2023



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

SBL  
 95.03-2-56

MEETING DATE  
 February 27, 2023

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 and replacement of all overhead utilities with new underground utilities.



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. The Applicant should be directed to address the comments identified in this staff report.

<p><u>Procedural Comments</u></p> <ol style="list-style-type: none"> <li>1. The Proposed Action would be classified as an Unlisted Action pursuant to the State Environmental Quality Review Act (SEQRA).</li> <li>2. The Planning Board will need to provide a recommendation with respect to the requested special use permit to the Town Board.</li> <li>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.</li> <li>4. A public hearing regarding the site plan and wetlands permits will need to be scheduled.</li> <li>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.</li> <li>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.</li> </ol>	<p><u>Staff Notes</u></p> <p>The Planning Board declared their intent to act as Lead Agency on October 18, 2022</p> <p>The Planning Board recommended approval of the special use permit to the Planning Board in an October 17, 2022 memo.</p> <p>The Applicant obtained ARB approval on January 18, 2023.</p> <p>In a January 26, 2023 memo to the Planning Board, the Conservation Board noted that the plan preserved much of the open space and unanimously approved the proposed plan</p>
<p><u>General Comments</u></p> <ol style="list-style-type: none"> <li>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.</li> <li>2. 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.</li> <li>3. Pursuant to Section 355-40.D(1) of the Town Code, the facility can't have a commercial component.</li> <li>4. The Applicant should demonstrate to the satisfaction of the Planning Board how horses will be contained to property.</li> </ol>	<p>It is recommended that disturbance within the Mianus River CEA be minimized to the maximum extent practicable.</p> <p>The Applicant has stated that the proposed facility is for the use and enjoyment of the Applicant and their guests and will be strictly for not-for profit. No shows will be permitted, including not-for profit, and no commercial activities, including for payment or by barter, will be permitted.</p> <p>The Applicant has stated that the Applicant is a dedicated Equestrian, and the health and safety of the animals is of the utmost importance. All horses will be confined to fenced paddock areas and monitored on a continuing basis by the professional groom staff.</p>

<p>5. 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.</p> <p>6. 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.</p> <p>7. 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.</p> <p>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.</p> <p>9. The Applicant should confirm that all existing structures proposed to remain have valid Certificates of Occupancy issued by the Building Department.</p> <p>10. 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.</p> <p>11. The proposed stable is in excess of 800 square feet and the Applicant must secure a Planning Board special permit for this structure. In addition, the Planning Board will need to approve the proposed 18' 11" stable height. The proposed stable is 4,656 square feet and exceeds the maximum permitted accessory building size of 2,274 square feet (25% of the GFA of the principal building).</p> <p>12. The proposed riding ring will be reduced in size by 590 square feet.</p> <p>13. The grooms quarters/garage elevations should depict the height of the proposed structure. The Planning Board will need to approve the proposed 19' 5 3/4" building height. Since this structure is over 800 square feet in size, the Planning Board will need to issue an accessory building special permit. The proposed grooms quarters is 2,578 square feet and exceeds the maximum permitted accessory building size of 2,274 square feet (25% of the GFA of the principal building).</p> <p>14. 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.</p> <p>15. The Applicant shall submit gross land coverage and gross floor area backup exhibits for review.</p>	<p>The Applicant has stated that engineering plans have been prepared to address the stability and drainage at the property intersection of Bedford Banksville Road. These plans will be shared and reviewed by the Town Engineering Consultant to ensure that it addresses to the extent practicable the existing deficiencies at the drive intersection</p> <p>The existing paddocks and riding ring do not conform to Section 355-40.D(2) of the Town Code. The Town Board will need to determine whether it is appropriate to decrease the setback.</p> <p>Proposed lighting will only consist of residential type fixtures affixed to the buildings and will be located as to not be visible from off-site locations. The Planning Board should determine whether specific lighting details are warranted.</p> <p>If these areas are proposed to be utilized, the Applicant will need to obtain a variance from the Zoning Board of Appeals.</p> <p>The Applicant has noted that all structures other than the indoor ring are in poor repair and will be removed. The current riding ring is the subject of a Town building permit for repair and presumably a Certificate of Occupancy will be issued when the repairs are completed.</p> <p>The Applicant will need to seek a variance from the Zoning Board of Appeals.</p> <p>The Applicant will need to seek a variance from the Zoning Board of Appeals.</p>
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