



TOWN OF NORTH CASTLE
WESTCHESTER COUNTY
17 Bedford Road
Armonk, New York 10504-1898

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PLANNING BOARD
Christopher Carthy, Chair

RESOLUTION

Action: Special Use Permit for Accessory Structures, Site Plan and Tree Removal Permit Approvals
Application Name: 263 Bedford Banksville Road [2022-033]
Owner/Applicant: Marengo Farms, LLC
Designation: 95.03-2-56
Zone: R-4A (Residential 4 acre) District
Acreage: 21.62 acres
Location: 263 Bedford Banksville Road
Date of Approval: November 13, 2023
Expiration Date: November 13, 2024

WHEREAS, an application for the replacement of the existing 2-br house with a new 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 was submitted to the Planning Board and the requisite fee was paid; and

WHEREAS, on September 13, 2023 the Applicant obtained special use permit approval for 20 horses from the Town Board; and

WHEREAS, the proposed accessory barn and grooms quarters/garage exceed 800 square feet in size; and

WHEREAS, Planning Board special use permit approval is required for all structures in excess of 800 square feet; and

WHEREAS, the application consists of the following plans:

- Plan labeled "CO," entitled "Cover Sheet," dated June 13, 2022, last revised February 10, 2023, prepared by Jay Fain & Associates, LLC.
- Plan labeled "S.1," entitled "Special Permit – Site Plan," dated June 13, 2022, last revised February 10, 2023, prepared by Jay Fain & Associates, LLC.
- Plan labeled "L.1," entitled "Special Permit – Landscape Plan," dated June 2022, last revised May 5, 2023, prepared by Jay Fain & Associates, LLC.
- Plan labeled "L.2," entitled "Special Permit – Landscape Details," dated June 13, 2022, last revised October 18, 2023, prepared by Jay Fain & Associates, LLC.

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- Plan labeled “TR.1,” entitled “Special Permit – Tree Removals,” dated June 13, 2022, last revised February 10, 2023, prepared by Jay Fain & Associates, LLC.
- Plan labeled “TR.2,” entitled “Special Permit – Tree Removals List,” dated June 13, 2022, last revised February 10, 2023, prepared by Jay Fain & Associates, LLC.
- Plan labeled “C-0,” entitled “Zoning Site Plan,” dated June 10, 2023, last revised October 18, 2023, prepared by Dimarzo & Breczky.
- Plan labeled “C-1,” entitled “Site Development Plan,” dated June 10, 2023, last revised October 18, 2023, prepared by Dimarzo & Breczky.
- Plan labeled “C-2,” entitled “Gross Land Coverage Plan,” dated June 10, 2023, last revised October 18, 2023, prepared by Dimarzo & Breczky.
- Plan labeled “C-3A,” entitled “Site Plan – 3A,” dated February 10, 2023, last revised October 18 2023, prepared by Dimarzo & Breczky.
- Plan labeled “C-3B,” entitled “Site Plan – 3B,” dated February 10, 2023, last revised October 18 2023, prepared by Dimarzo & Breczky.
- Plan labeled “C-4,” entitled “Erosion & Sediment Control Plan,” dated February 10, 2023, last revised October 18, 2023 prepared by Dimarzo & Breczky.
- Plan labeled “C-5,” entitled “Notes & Details,” dated February 10, 2023, last revised October 18, 2023 prepared by Dimarzo & Breczky.
- Plan labeled “C-6,” entitled “Details -1,” dated February 10, 2023, last revised October 18, 2023 prepared by Dimarzo & Breczky.
- Plan labeled “C-7,” entitled “Details -2,” dated February 10, 2023, last revised October 18, 2023 prepared by Dimarzo & Breczky.
- Plan labeled “C-8,” entitled “Turning Templates & Sight Distance Plan,” dated February 10, 2023, last revised October 18, 2023 prepared by Dimarzo & Breczky.
- Plan labeled “A100.00,” entitled “Proposed Basement Plan,” dated February 10, 2023, prepared by Teo Sigüenza Architect.
- Plan labeled “A101.00,” entitled “Proposed First Floor Plan,” dated February 10, 2023, prepared by Teo Sigüenza Architect.
- Plan labeled “A102.00,” entitled “Proposed Second Floor Plan,” dated February 10, 2023, prepared by Teo Sigüenza Architect.
- Plan labeled “A103.00,” entitled “Proposed Roof Plan,” dated February 10, 2023, prepared by Teo Sigüenza Architect.
- Plan labeled “A200.00,” entitled “Proposed Exterior Elevations,” dated February 10, 2023, prepared by Teo Sigüenza Architect.
- Plan labeled “A201.00,” entitled “Proposed Exterior Elevations,” dated February 10, 2023, prepared by Teo Sigüenza Architect.
- Plan labeled “A101.10,” entitled “Floor Area Calculation,” dated February 10, 2023, prepared by Teo Sigüenza Architect.
- Plan entitled “Proposed Section,” undated, prepared by Teo Sigüenza Architect.

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- Plan labeled “P101.00,” entitled “Proposed Floor Plans & Exterior Elevations,” dated February 10, 2023, prepared by Teo Sigüenza Architect.
- Plan entitled “Proposed Stable,” undated, prepared by Old Town Barns.
- Plan labeled “A-100,” entitled “Floor Plans,” dated February 10, 2022, prepared by Old Town Barns.
- Plan labeled “A-200,” entitled “Elevations,” dated February 10, 2022, prepared by Old Town Barns.
- Plan labeled “A-210,” entitled “Elevations,” dated February 10, 2022, prepared by Old Town Barns.
- Plan entitled “Proposed Stable Addition,” undated, prepared by Old Town Barns.
- Plan labeled “A-100,” entitled “Floor Plans,” dated March 10, 2022, prepared by Old Town Barns.
- Plan labeled “A-200,” entitled “Elevations,” dated March 10, 2022, prepared by Old Town Barns.
- Plan entitled “Proposed Garage,” undated, prepared by Old Town Barns.
- Plan labeled “A-100,” entitled “Floor Plans,” dated February 10, 2022, prepared by Old Town Barns.
- Plan labeled “A-200,” entitled “Elevations,” dated February 10, 2022, prepared by Old Town Barns.
- Document entitled “Stormwater Pollution Prevention Plan (SWPPP), dated February 10, 2023, last revised October 18, 2023, prepared by DiMarzo & Bereczky.

WHEREAS, the subject site is a 21.62 acre lot in the R-4A Zoning District with an existing single family residence; and

WHEREAS, the existing paddocks and riding ring do not conform to Section 355-40.D(2) of the Town Code; and

WHEREAS, the Applicant secured the required variance from the Zoning Board of Appeals on May 4, 2023; and

WHEREAS, pursuant to Section 355-40.D(4) of the Town Code, horses are required to be fenced and are not be permitted to graze, exercise or in any way intrude into any areas designated as controlled areas under the Town's Wetlands and Drainage Law; and

WHEREAS, portions of the grazing/exercise areas are located within a Town-regulated wetland buffer; and

WHEREAS, the Applicant secured the required variance from the Zoning Board of Appeals on May 4, 2023; and

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WHEREAS, 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); and

WHEREAS, the Applicant obtained the required variance from the Zoning Board of Appeals on May 4, 2023; and

WHEREAS, 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); and

WHEREAS, the Applicant secured a variance from Section 355-21 Accessory Use #5 from the Zoning Board of Appeals on May 4, 2023; and

WHEREAS, the application for special use permit approval was referred to the Westchester County Planning Board pursuant to Section 239 L, M and N of the New York State General Municipal Law and Section 277.61 of the County Administrative Code; and

WHEREAS, the Westchester County Planning Board noted that the proposed driveway will require approval from the Westchester County Department of Public Works and Transportation and that the Applicant should include green building technology; and

WHEREAS, of the 516 trees located within the area of disturbance, 497 are proposed to be removed; and

WHEREAS, of the 27 Significant Trees located within the area of disturbance, 24 are proposed to be removed; and

WHEREAS, the Applicant has provided a landscape plan that includes 104 trees, 110 shrubs, grasses and perennials; and

WHEREAS, pursuant to Section 355-40.D(1) of the Town Code, the facility can't have a commercial component; and

WHEREAS, 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 and

WHEREAS, a significant portion of the property is located in the Mianus River Critical Environmental Area; and

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WHEREAS, 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; and

WHEREAS, the Applicant has minimized disturbance within the Mianus River CEA to the maximum extent practicable; and

WHEREAS, since this lot is in excess of 10 acres, the project was referred to the Conservation Board, pursuant to Section 239-y.3.a of NY General Municipal Law; and

WHEREAS, 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 recommended approval of the proposed plan; and

WHEREAS, the Applicant conducted a Phase 1A Archaeological Assessment and a Phase IB Archaeological Investigation; and

WHEREAS, based upon the investigation, no archaeological site were identified on the property; and

WHEREAS, the Applicant received Architectural Review Board approval on January 18, 2023; and

WHEREAS, the proposed action is an Unlisted Action under the State Environmental Quality Review Act (SEQRA); and

WHEREAS, as Lead Agency, the Planning Board adopted a Negative Declaration on February 27, 2023; and

WHEREAS, a duly advertised public hearing was conducted on November 13, 2023 at which time all those wishing to be heard were given the opportunity to be heard; and

WHEREAS, the Planning Board has requested, received and considered comments from Town Attorney, the Consulting Town Engineer and the Town Planner regarding the proposed development; and

NOW, THEREFORE, BE IT RESOLVED, that the applications for special use permit and site plan approvals, as described herein, are hereby conditionally approved, subject to the following conditions and modifications; and

BE IT FURTHER RESOLVED, that the Planning Board finds that 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

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that it will be in harmony with the appropriate and orderly development of the district in which it is located.

BE IT FURTHER RESOLVED, that the Planning Board finds that 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.

BE IT FURTHER RESOLVED, that the Planning Board finds that operations in connection with the 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.

BE IT FURTHER RESOLVED, that the Planning Board finds that 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; and

BE IT FURTHER RESOLVED, that the Planning Board finds that the proposed special permit use will not have a significant adverse effect on the environment; and

BE IT FURTHER RESOLVED, that pursuant to Article VII of Chapter 355 of the Town Code, this special use permit and site plan approvals shall be deemed to authorize only the particular use(s) shown on the approved site plan and shall expire if work is not initiated in accordance therewith within one (1) year, or if the use(s) for which site plan approval was granted ceases for more than one (1) year from the date of the issuance of the certificate of occupancy, or if all required improvements are not completed within eighteen (18) months of the date of this approval, or if all such required improvements are not maintained and all conditions and standards of this approval are complied with throughout the duration of the use(s).

Prior to the Signing of the Site Plan:

(The Planning Board Secretary's initials and date shall be placed in the space below to indicate that the condition has been satisfied.)

- _____ 1. The applicant is proposing septic systems and wells to service the proposed facilities. The Applicant shall submit documentation, to the satisfaction of the Town Engineer, confirming Westchester County Department of Health (WCHD) Approval has been obtained for the proposed sanitary and water supply needs of the project.

- _____ 2. Projects with site disturbance in excess of one (1) acre required conformance with New York State Department of Environmental Conservation (NYSDEC) General

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Permit GP-0-20-001 for stormwater quality and quantity. A Notice of Intent (NOI) and MS4 Acceptance Form shall be filed with the NYSDEC to the satisfaction of the Town Engineer.

- _____ 3. Payment of all outstanding fees, including professional review fees.
- _____ 4. The applicant shall submit to the Planning Board Secretary an electronic PDF set of plans (with required signature block located in the lower right corner of all plan sheets) incorporating all required amendments to the plans as identified in this resolution of approval to the satisfaction of the Town Planner, Town Engineer and Town Attorney.

Prior to the Issuance of a Building Permit:

(The Planning Board Secretary's initials and date shall be placed in the space below to indicate that the condition has been satisfied.)

- _____ 1. 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.
- _____ 2. The approved site plan shall be signed by both the Planning Board Chair and Town Engineer.
- _____ 3. The submission of a complete set of building plans for review and approval by the Town Building Inspector prior to the issuance of a building permit.
- _____ 4. Payment of all outstanding fees, including professional review fees.

Prior to the Issuance of a Certificate of Occupancy:

(The Planning Board Secretary's initials and date shall be placed in the space below to indicate that the condition has been satisfied.)

- _____ 1. The submission to the Town Building Inspector of an "As Built" site plan.
- _____ 2. Payment of all outstanding fees, including professional review fees.

Other Conditions:

1. Pursuant to Section 355-40.D(1) of the Town Code, the facility can't have a commercial

- component. The facility is for the use and enjoyment of the Applicant and their guests and will be strictly for not-for profit.
2. No shows shall be permitted, including not-for profit.
 3. No commercial activities, including for payment or by barter, shall be permitted.
 4. All horses shall be confined to fenced paddock areas and monitored on a continuing basis by the professional groom staff.
 5. All initial pool fillings (after construction or repair) and all subsequent pre-season yearly pool fillings (not including water loss during the season) shall be completed using off-site trucked in water. In no circumstance shall the public water supply or a private well be used for initial pool fillings and/or pre-season yearly pool fillings.
 6. The owner of the lot on which the accessory apartment is located is required to occupy either of the dwelling units on the premises. Owner occupancy of one of the units is required to continue for the duration of the special permit. Alternative forms of ownership may include but are not limited to corporate ownership, partnership ownership, an estate or trust ownership, subject to review by the Town Attorney to ensure that the intent of the Town Code are fulfilled.
 7. No more than one accessory apartment per lot is permitted.
 8. No accessory apartment can be permitted on any lot currently utilized as an office of a professional person or home occupation, as defined in § 355-4 and as regulated in § 355-21.
 9. Accessory apartments which have been approved by the Planning Board, following due notice and public hearing, shall be reinspected by the Building Inspector every three years. The purpose of such continuing reinspection of the accessory unit shall be to determine if all required conditions of approval continue to be complied with, and report on such findings to the Planning Board. At the same time of such inspection, the Building Inspector shall also review and report on compliance with off-street parking requirements. If the Building Inspector finds that additional parking is necessary for the lot, he shall report such finding to the Planning Board and recommend the number of additional spaces to be provided. On the recommendation of the Building Inspector, the Planning Board may make a finding that the original conditions of special permit approval continue to be complied with, modify the conditions of special permit approval in accordance with the Building Inspector's recommendations or revoke the accessory apartment special permit approval.
 10. Special permit uses for accessory apartments shall terminate upon change of ownership.

11. Compliance with all applicable local laws and ordinances of the Town of North Castle and any conditions attached to permits issued thereunder.
12. Prior to the start of construction and throughout the construction period, area of disturbance lines shall be clearly delineated in the field with snow fence or another demarcation acceptable to the Building Department and Town Engineer, which shall be placed around the entire proposed construction area. Except as necessary to provide mitigation plantings, no encroachment beyond these limits by workers or machinery shall be permitted.
13. Grading and clearing and other construction-related activities shall take place only within the delineated area of disturbance lines. These area of disturbance lines represent the maximum limits of construction activities. Every attempt shall be made to further reduce grading and clearing activities within the area of disturbance lines by maintaining natural vegetation and topography wherever practicable.
14. Prior to the commencement of any site work, the Applicant shall stake the location of the proposed construction for inspection and approval by the Building Department and Town Engineer.
15. For each phase of construction, soil erosion and sedimentation control measures shown on the plans shall be in place prior to the start of any site work (excluding mechanized tree work) as described in the sequence of construction, to the satisfaction of the Town Engineer. The Town Engineer shall have inspected the installation of all required soil erosion and sedimentation control measures prior to the authorization to proceed with any phase of site work.
16. Throughout the construction period, a qualified professional retained by the Applicant shall, on at least a weekly basis, prior to any predicted rain event and after any runoff-producing rain event, inspect the soil erosion and sedimentation control measures to ensure their proper functioning. Soil shall be removed from the silt fence when bulges develop in the fence in accordance with Westchester County recommendations. Records shall be kept onsite and made available for review by Town personnel. Inspections shall be in accordance with the NYSDEC Phase II regulations.
17. If the Applicant, during the course of construction, encounters such conditions as flood areas, underground water, soft or silty areas, improper drainage, or any other unusual circumstances or conditions that were not foreseen in the original planning, he shall report such conditions immediately to the Building Department and Town Engineer. The Applicant may submit, if he so desires, his recommendations as to the special treatment to be given such areas to secure adequate, permanent and satisfactory construction. The Building Department, without

unnecessary delay, shall investigate the condition or conditions, and shall either approve the Applicant's recommendations to correct the conditions, order a modification thereof, or issue his own specifications for the correction of the conditions. In the event of the Applicant's disagreement with the decision of the Building Department, or in the event of a significant change resulting to the site plan or any change that involves the wetlands regulated areas, the matter shall be decided by the Planning Board. Any such conditions observed by the Planning Board or its agents shall be similarly treated.

18. Compliance with all applicable local laws and ordinances of the Town of North Castle and any conditions attached to permits issued thereunder.
19. The applicant shall provide sedimentation and erosion control measures to the satisfaction of the Town Engineer and in accordance with the measures set forth in the New York State Standards and Specifications for Erosion & Sediment Control.
20. All landscaping shown on this plan shall be maintained in a vigorous growing condition throughout the duration of the use. All plants not so maintained shall be replaced with new plants of comparable size and quality at the beginning of the next immediately following growing season.

Applicant, agreed and understood as to contents and conditions, including expiration, contained herein

Date

Marengo Farms, LLC

NORTH CASTLE PLANNING OFFICE, as to approval by the North Castle Planning Board

Date

Joseline Huerta, Planning Board Secretary
Certified as Approved by the North Castle Planning Board

KSCJ CONSULTING
As to Drainage and Engineering Matters

Date

Joseph M. Cermele, P.E.
Consulting Town Engineer

STEPHENS BARONI REILLY & LEWIS LLP
As to Form and Sufficiency

Date

Roland A. Baroni, Jr. Esq., Town Counsel

NORTH CASTLE PLANNING BOARD

Date

Christopher Carthy, Chairman