

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

June 21, 2023



APPLICATION NUMBER - NAME  
 #2022-051 – 209 Bedford Banksville Road  
 Site Plan, Oversized Accessory Structure  
 Special Use Permit and Accessory Apartment  
 Special Permit

SBL  
 95.03-2-35

MEETING DATE  
 June 26, 2023

PROPERTY ADDRESS/LOCATION  
 209 Bedford Banksville Road

**BRIEF SUMMARY OF REQUEST**

Proposed new guest house, new pool house, new main addition (porch 1st floor and 2nd floor office), new pool and new garage. The Applicant is seeking to permanently restrict a nearby vacant property and transfer development rights from that vacant property to the subject property.



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 Single-family home	Residential	Addition, Accessory Apt, Pool, Pool House	6.02 acres

**PROPERTY HISTORY**

CO issued for house in 1955.

**COMPATIBILITY with the COMPREHENSIVE PLAN**

- Continue to take neighborhood context into account in approving new single-family homes.
- 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.
- 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 all outstanding staff and consultant's comments.

<u>Procedural Comments</u>	<u>Staff Notes</u>
<ol style="list-style-type: none"> <li>1. The Proposed Action would be classified as a Type II Action pursuant to the State Environmental Quality Review Act (SEQRA).</li> <li>2. A public hearing regarding the proposed site plan and special permits will need to be scheduled.</li> <li>3. The application for special permit approval requires referral to the Westchester County Planning Board pursuant to § 239-m of New York State General Municipal Law (GML) since a special permit is being requested.</li> </ol>	
<p><u>General Comments</u></p> <ol style="list-style-type: none"> <li>1. The Applicant is proposing a Gross Floor area of 23,957 square feet and a Gross Land Coverage of 40,439 square feet.  The maximum permitted amount of Gross Floor Area for the 6.02 acre lot is 16,249 square feet.  The maximum permitted amount of Gross Land Coverage for the 6.02 acre lot is 27,469 square feet.  The Application is premised upon transferring the permitted gross floor area and land coverage from 191 Bedford Banksville Road to 209 Bedford Banksville Road.</li> <li>2. The Applicant has indicated that development at 191 Bedford Banksville Road will be restricted via a filed declaration that additional development on the lot shall be prohibited.</li> <li>3. If the existing shed and garden is proposed to remain at 191 Bedford Road, the Town Attorney at the December 12, 2022 meeting stated that a use variance is not required and that the shed was an existing nonconforming structure.</li> <li>4. The proposed house will have a total GFA of 11,774 square feet. Pursuant to Section 355-21 Permitted Accessory Use 5, accessory structures can't exceed 25% of the gross floor area of the principal building (11,774*0.25= 2,943 sq. ft.).  The proposed accessory apartment is 3,885 sq ft. The Applicant will need to secure 942 square foot variance.  The proposed garage is 3,230 square feet. The Applicant will need to secure a 287 square foot variance.</li> <li>5. The proposed accessory apartment, garage and pool house all exceed 800 square feet in size. The Applicant will need to seek Planning Board special use permit approval for all of the referenced structures/uses.</li> <li>6. Pursuant to Section 355-21 Permitted Accessory Use 5, accessory structures can't exceed a maximum vertical height of 22 feet.  The proposed garage is 23 feet 3 inches in height and exceeds the maximum permitted height of 22 feet. The Applicant will need to seek a variance from the Zoning Board of Appeals.  The accessory apartment is 29 feet 1 inch in height and exceeds the maximum permitted height of 22 feet. The Applicant will need to seek a variance from the Zoning Board of Appeals.</li> <li>7. Pursuant to Section 355-40.K(4)(a) of the Town Code accessory apartments are not permitted to be located in an accessory structure unless the structure was constructed prior to October 11, 1984.</li> </ol>	<p>The Applicant obtained a Gross Floor Area variance of 7,708 square feet on May 25, 2023.</p> <p>The Applicant obtained a Gross Land Coverage variance of 12,970 square feet on May 25, 2023.</p> <p>The required variances were issued by the Zoning Board of Appeals on May 25, 2023.</p> <p>The required variances were issued by the Zoning Board of Appeals on May 25, 2023.</p> <p>The Applicant obtained a variance from Section 355-40.K(4)(a) of the Town Code from the Zoning Board of Appeals on May 25, 2023.</p>

<p>8. Pursuant to Section 355-40.K(4)(b) of the Town Code, the Applicant should provide documentation that the principal dwelling CO was issued more than four years ago and that the Applicant has owned the property for two years.</p> <p>9. Pursuant to Section 355-40.K(11) of the Town Code, where the gross floor area of the dwelling is less than or equal to 2,000 square feet, the accessory apartment shall in no case exceed 33% of such area. Where the gross floor area of the dwelling is greater than 2,000 square feet, the permitted maximum size of the accessory apartment may be increased by 25% of the gross floor area in excess of 2,000 square feet.</p> <p>10. Pursuant to Section 355-40.K(12) of the Town Code, within 30 days of receipt of a completed application which indicates conformance to all dimensional standards, the Building Inspector and the Fire Inspector shall conduct an on-site inspection of the residence and shall report on such inspection to the Planning Board and shall include in these reports the compliance of the proposed accessory unit with the requirements of this subsection, as well as building and fire codes, and other information as may be requested by the Planning Board.</p> <p>11. Pursuant to Section 355-40.K(14) of the Town Code, prior to the issuance of a building permit for the establishment of an accessory apartment, the existing septic disposal system shall be reviewed by the Westchester County Department of Health, except where public sewer is provided. The Building Inspector shall reject all applications for building permits for accessory apartments in those cases where the Health Department report indicates that the septic system is inadequate for the requested use, or contains recommendations for improvements to the system until such time as such recommended improvements are installed. The applicant shall demonstrate to the Building Inspector that the septic disposal system has been cleaned within one year of the date of application. For properties provided with water supply from an on-site well, the applicant shall also collect a sample of well water for microbiological analysis to determine the presence of the coliform group. Such sample shall be analyzed by a state-approved laboratory, and the results shall be reported to the Building Inspector and Health Department.</p> <p>12. Pursuant to Section 355-40.K(15) of the Town Code, 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.</p> <p>13. Pursuant to Section 355-40.K(16) of the Town Code, a special permit uses for accessory apartments shall terminate upon change of ownership.</p>	<p>The principal house is 11,774 square feet.</p> <p>First 2,000 sq. ft = 2,000 * .33 = 660 s.f.</p> <p>House Balance = (11,774 – 2,000) * .25 = 2,443.5 s.f.</p> <p>Max apt size = 660 s.f. + 2,443.5 s.f. = 3,103.5 s.f.</p> <p>The 3,885 s.f. acc apt exceeds the maximum permitted 3,103.5 apt size.</p> <p>The Applicant obtained the required variance from the Zoning Board of Appeals on May 25, 2023.</p>
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14. Pursuant to Section 355-37 of the Town Code, the Planning Board must determine 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 that it will be in harmony with the appropriate and orderly development of the district in which it is located.
- 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.
- Operations in connection with any 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.
- 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.
- Where required, the provisions of the Town Flood Hazard Ordinance.
- The Board finds that the proposed special permit use will not have a significant adverse effect on the environment.